

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

B E T W E E N:

**CHIEF EXECUTIVE OFFICER OF THE FINANCIAL SERVICES
REGULATORY AUTHORITY OF ONTARIO**

Applicant

- and -

**SUSSMAN MORTGAGE FUNDING INC., 2486976 ONTARIO INC.
and 1981361 ONTARIO INC.**

Respondents

**APPLICATION UNDER SUBSECTION 37 OF THE *MORTGAGE BROKERAGES,
LENDERS AND ADMINISTRATORS ACT*, 2006, S.O. 2006, c. 29, AS AMENDED, AND
SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c.C.43, AS AMENDED**

FACTUM OF THE PROPOSED REPRESENTATIVE INVESTORS

May 1, 2025

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Proposed Representative Counsel

PART I – OVERVIEW

1. The Financial Services Regulatory Authority of Ontario (“**FSRA**”) seeks the appointment of B. Riley Farber Inc. (“**Farber**”) as receiver (in such capacity, the “**Receiver**”), without security, of all of the assets, undertakings and properties of the Respondents acquired for, forming part of, or used in relation to a business carried on by the Respondents, any assets or property held by the Respondents in trust for any third party, and all property, rights, interests and proceeds arising from all joint venture or co-tenancy agreements entered into by the Respondents pursuant to Section 37 of the *Mortgage Brokerages, Lenders and Administrators Act, 2006*, (the “**MBLAA**”) and Section 101 of the *Courts of Justice Act* (the “**CJA**”).

2. This factum is filed in respect of a motion brought by a group of investors (the “**Proposed Representative Investors**”) for an Order, among other things:

- (a) appointing Aird & Berlis LLP (“**A&B**”) as representative counsel (in such capacity, “**Representative Counsel**”) for all investors who invested in mortgages brokered and administered by Sussman Mortgage Funding Inc. (“**SMFI**”) pursuant to written, verbal, express or implied investor agreements entered into with SMFI (each an “**Investor**” and collectively, the “**Investors**”) in respect of all claims (“**Claims**”) to be made by the Investors in these proceedings;
- (b) appointing the Proposed Representative Investors as representatives of the Investors (each, a “**Representative Investor**” and collectively, the “**Representative Investors Committee**”) in respect of these proceedings as well as any other Investors who the Representative Investors, acting reasonably, wish to admit to the Representative Investors Committee, in respect of the proposed receivership proceedings; and

- (c) approving the proposed charge attaching to the assets of the Respondents as security for the Proposed Representative Counsel’s professional fees and its standard rates and charges, up to an aggregate maximum amount of \$100,000, exclusive of HST and disbursements (the “**Representative Counsel Charge**”) in respect of the thirty-day period running from the granting of the appointment order appointing the Receiver.
- 3. It is necessary to appoint Representative Counsel to ensure that all Investors who have an interest in the proposed receivership proceedings and have asserted, or may be entitled to assert, Claims have their legal interests protected and advanced in an efficient, timely, and consistent manner under the exclusive jurisdiction of this Court.
- 4. If the proposed Representative Counsel Order is granted, A&B’s mandate as Representative Counsel will include, among other things:¹
 - (a) advising the Investors in respect of all matters arising in these receivership proceedings;
 - (b) convening townhall meetings to provide Investors the opportunity to ask questions and assert positions about these receivership proceedings;
 - (c) representing the Investors in meetings and Court hearings, as necessary;

¹ Affidavit of Harley Zaretsky sworn April 29, 2025 at [para 22](#), Tab 2 of Motion Record of the Proposed Representative Investors dated April 29, 2025 [“**Zaretsky Affidavit**”].

- (d) communicating with the Receiver and any other parties on behalf of the Investors in respect of, among other things, future motions and orders to be sought in these receivership proceedings;
- (e) creating and monitoring a unique email address that Investors can use to communicate with A&B to facilitate the sharing of updates and other information relating to the ongoing proceedings; and
- (f) creating a website to disseminate to Investors updates regarding general information, court filings, legal forms (if applicable), and any other aspects of the proceedings.

PART II – SUMMARY OF FACTS

A. Background and Parties

5. SMFI is a company incorporated in Ontario whose business is regulated by FSRA and is licensed as a mortgage brokerage and a mortgage administrator under the MBLAA.²

6. 2486976 Ontario Inc. and 1981361 Ontario Inc. are companies incorporated in Ontario, each of which is a joint venture participant in real estate projects financed by SMFI mortgages.³ Sandford Sussman (“**Sussman**”) is a director and officer of each of the Respondents.⁴

7. Preliminary information about the number of investors, the number of mortgages under administration, and the approximate values of the mortgages are set out in the Affidavits of FSRA’s affiants, Antoinette Leung and Amy Casella, which were affirmed on April 11, 2025 and April 25, 2025, respectively.

² Zaretsky Affidavit at [para 4](#).

³ Zaretsky Affidavit at [para 5](#).

⁴ Zaretsky Affidavit at [para 6](#).

8. Based on representations made by Sussman personally and on behalf of SMFI, Investors entered into investor agreements with SMFI to invest in certain syndicated mortgages with the understanding that SMFI would pool all investor funds and then advance these pooled funds to mortgage borrowers, with funds being secured by mortgages to be held in trust by SMFI on behalf of Investors.⁵ SMFI was tasked with administering the mortgages, collecting interest payments from borrowers and remitting these to Investors in accordance with the Investors' proportionate shares of the underlying mortgage loans.⁶

9. FSRA has recently received a number of complaints from investors, including allegations that loans have not been repaid, interest payments have stopped, mortgages were not registered on title, and mortgages were discharged without investor consent or repayment of their loans.⁷

10. Several civil proceedings have been commenced or are pending against SMFI and its principal, Sussman, some of which involve allegations that certain investors have recently entered into transactions with SMFI that may give them preferential treatment over other investors.⁸

B. Proposed Representative Investors

11. The Proposed Representative Investors include Harley Zaretsky ("**Mr. Zaretsky**"), Stephen Shefsky ("**Mr. Shefsky**"), and Robert Green ("**Mr. Green**").⁹

12. Mr. Zaretsky has not formally retained any law firm to represent his interests in this matter, but has been in dialogue with A&B about the appointment of Representative Counsel to represent

⁵ Zaretsky Affidavit at [paras 12-13](#).

⁶ Zaretsky Affidavit at [para 13](#).

⁷ Zaretsky Affidavit at [para 10](#).

⁸ Zaretsky Affidavit at [para 11](#); ongoing proceedings currently include *Logpin Investments Limited et al. v. Sandford Sussman et al.* (CV-25-00740475-00CL) and *Stephen Shefsky et al. v. Sussman Mortgage Funding Inc. et al.* (CV-24-00734030-0000).

⁹ Zaretsky Affidavit at [para 3](#).

all Investors in these proceedings (excluding the Opt-Out Investors) from the start of this matter. As of April 28, 2025, approximately \$1,135,318.73 of Mr. Zaretsky's initial \$1,500,000 investment in SMFI syndicated mortgages remains in the possession of SMFI.¹⁰

13. As described in the Zaretsky Affidavit, Mr. Zaretsky has also connected with Dr. Sam Barkin ("**Dr. Barkin**") and Jay Teichman ("**Mr. Teichman**"), two other Investors. Like Mr. Zaretsky, Dr. Barkin and Mr. Teichman are not formally represented by legal counsel but have been in dialogue with A&B concerning these matters and fully support the appointment of A&B as Representative Counsel in these proceedings.¹¹

14. Mr. Shefsky (along with Investors Rita Shefsky and Samantha Shefsky) and Mr. Green are currently represented by other counsel—Book Erskine LLP and Ricketts Harris LLP, respectively—but they all support the appointment of A&B as Representative Counsel to act on behalf of all Investors.¹²

15. Between all of the above individuals, their aggregate investment in SMFI amounts to a total of over \$12,000,000.¹³

16. If the Proposed Representative Investors are appointed by the Court to become Representative Investors and form the Representative Investors Committee, the Representative Investors Committee will work with Representative Counsel to carry out the terms of the Representative Counsel Order and perform such other actions as approved by this Court.

¹⁰ Zaretsky Affidavit at [para 14](#).

¹¹ Zaretsky Affidavit at [paras 15-16](#).

¹² Zaretsky Affidavit at [para 18](#).

¹³ Zaretsky Affidavit at [paras 19, 21](#).

C. Retainer and Qualifications of A&B

17. When appointed, Farber's mandate as Receiver will not include providing legal advice to the Investors. The Investors will nevertheless require legal advice and representation regarding issues arising in the context of this proceeding that affect their interests.

18. Due to the distinctive attributes of syndicated mortgage investments and the sizeable nature of investments made by many of the Investors (some of whom refer to their investments as being "financially significant" and representing considerable life savings), these Investors share a common interest in these proceedings.¹⁴ Therefore, it is both efficient and cost effective to retain Representative Counsel to act on their behalf, and doing so will avoid a multiplicity of retainers and facilitate the administration of these proceedings.

19. A&B has extensive experience in mandates of this nature and has acted or is currently acting as court-appointed representative counsel in various proceedings, including Bridging Finance Inc., The Lion's Share Group Inc. and Keele Medical Properties Ltd.¹⁵ As a result, the Proposed Representative Investors are confident that A&B's experience in such matters gives it the know-how to structure its involvement in a cost-efficient and investor-focussed fashion.¹⁶

D. Representative Counsel's Charge

20. The Proposed Representative Investors are of the view that it is fair and reasonable for A&B to be granted the Representative Counsel Charge, since any law firm asked to take on this mandate is likely to require this type of protection. Given the quantum of the Investors' aggregate investment

¹⁴ Zaretsky Affidavit at [paras 17, 23](#).

¹⁵ Zaretsky Affidavit at [para 24](#).

¹⁶ Zaretsky Affidavit at [para 24](#).

in SMFI and the potential legal fees each of them is likely to incur assuming that they each obtain individual legal representation, the quantum of the Representative Counsel Charge is appropriate.

PART III – ISSUES

21. The sole issue on this Motion is whether it is appropriate for this Court to appoint A&B as Representative Counsel to represent the Investors pursuant to the terms of the Draft Order.

PART IV – LAW AND ARGUMENT

22. The Proposed Representative Investors submit that this Court should appoint A&B as Representative Counsel to represent the Investors in these proceedings for the following two reasons:

- (a) the Court has jurisdiction to appoint representative counsel; and
- (b) it is appropriate to appoint A&B as Representative Counsel in the circumstances of these proceedings.

A. Court has Jurisdiction to Appoint Representative Counsel

23. This Court’s jurisdiction to appoint representative counsel is found in Rules 10.01¹⁷ and 12.07¹⁸ of the *Rules of Civil Procedure* (the “**Rules**”) and section 101 of the CJA.¹⁹

24. Under Rule 10.01(1):

10.01 (1) In a proceeding concerning,

(a) the interpretation of a deed, will, contract or other instrument, or the interpretation of a statute, order in council, regulation or municipal by-law or resolution;

¹⁷ *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, [r. 10.01\(1\)](#).

¹⁸ *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, [r. 12.07](#).

¹⁹ *Courts of Justice Act*, R.S.O. 1990, c. C.43, [s. 101](#).

- (b) the determination of a question arising in the administration of an estate or trust;
- (c) the approval of a sale, purchase, settlement or other transaction;
- (d) the approval of an arrangement under the *Variation of Trusts Act*;
- (e) the administration of the estate of a deceased person; or
- (f) any other matter where it appears necessary or desirable to make an order under this subrule.

a judge may by order appoint one or more persons to represent any person or class of persons who are unborn or unascertained or who have a present, future, contingent or unascertained interest in or may be affected by the proceeding and who cannot be readily ascertained, found or served.

[emphasis added]

25. Courts have relied on Rule 10.01(1)(f) of the Rules to appoint representative counsel in insolvency and restructuring proceedings.²⁰ The test under Rule 10.01(1)(f) is whether the balance of convenience favours the granting of a representation order.²¹

26. Rule 12.07 also provides the Court with the authority to appoint a representative defendant where numerous persons have the same interest.²²

27. Finally, section 101 of the CJA states that a receiver may be appointed by the Court where “it is just and convenient to do so” and an order appointing a receiver “may include such terms are considered just.”²³

28. The open-textured language of this provision parallels the language of section 11 of the *Companies’ Creditors Arrangement Act* (R.S.C., 1985, c. C-36) (the “CCAA”)—a well-established

²⁰ *Imperial Tobacco Canada Ltd., Re*, [2020 ONSC 61](#) at para 19; *Urbancorp Inc. (Re)*, [2016 ONSC 5426](#) at [para 10](#); *U.S. Steel Canada Inc. (Re)*, [2014 ONSC 6145](#) at [para 35](#); *Nortel Networks Corporation (Re)*, [2009 CanLII 26603](#) (ONSC) at [para 10](#).

²¹ *Police Retirees of Ontario Inc. v. Ontario Municipal Employees’ Retirement Board*, [\[1997\] O.J. No. 3086](#) at [para 18](#) (Ont Gen Div).

²² Rule 12.07; see also *Nortel Networks Corporation (Re)*, [2009 CanLII 26603](#) (ONSC) at [para 11](#).

²³ *Courts of Justice Act*, R.S.O. 1990, c. C.43, [s. 101](#).

provision pursuant to which Canadian courts have repeatedly exercised the jurisdiction to appoint representative counsel.

29. Similar to section 101 of the CJA, section 11 of the CCAA provides the court with broad powers to make “any order that it considers appropriate in the circumstances”.²⁴ Courts have acknowledged their wide discretion to appoint representative counsel under that section of the CCAA. Such appointment is usually done where:

the affected group of stakeholders is large and, without representation, most members would be unable to effectively participate in the CCAA proceeding. Representative counsel can make the proceeding more efficient and cost effective for all parties by providing a clear mechanism for communicating with the stakeholders and avoiding a multiplicity of potentially conflicting retainers.²⁵

30. There is no juridical basis preventing such order from being equally available in receivership proceedings where similar concerns regarding efficiency and access to justice are at issue.

31. This Court has previously exercised its discretion in receivership proceedings to appoint representative counsel on behalf of vulnerable stakeholders and order that their legal and other professional fees be paid by the debtor’s estate.²⁶

²⁴ *Companies’ Creditors Arrangement Act*, R.S.C., 1985, c. C-36, [s. 11](#).

²⁵ *Quadriga Fintech Solutions Corp. (Re)*, [2019 NSSC 65](#) at [para 6](#).

²⁶ *WestLB AG, Toronto Branch v. The Rosseau Resort Developments Inc.*, Court File No. CV-09-8201-00CL, [Endorsement of the Honourable Madam Justice Pepall dated August 20, 2009](#); *Ontario Securities Commission v. Portus Alternative Asset Management Inc.*, [2006 CanLII 8882 \(ON SC\)](#); *Ontario Securities Commission v. Norshield Asset Management (Canada) Ltd.*, Court File No. 05-CL-5965, [Order of the Honourable Mr. Justice C.L. Campbell dated February 7, 2006](#); *Grosvenor Park Media Fund LP v. Arc Productions Ltd. et al.*, Court File No. 16-CV-11472-00CL, [Order of the Honourable Justice Newbould dated August 19, 2016](#); *In the Matter of Hi-Rise Capital Ltd. et al.*, Court File No. CV-19-616261-00CL, [Order of the Honourable Mr. Justice Hainey dated March 21, 2019](#).

B. It is Appropriate to Appoint Representative Counsel

32. In the context of *Companies' Creditors Arrangement Act* ("CCAA") proceedings, there are typically two rationales given for the appointment of representative counsel. First, to provide effective communication with stakeholders and to ensure that their interests are brought to the attention of the Court and other participants in the proceedings. Second, to bring increased efficiency and cost effectiveness to the proceedings as a whole.²⁷

33. These rationales are equally true in this receivership proceeding despite not falling under the ambit of the CCAA. This is not a typical receivership proceeding commenced by a secured creditor seeking to enforce its security. This proceeding was commenced by FSRA in its capacity as a public regulator. Complex issues may arise, requiring the Receiver to navigate potential conflicting interests, and deal with a large group of diverse investors who are facing the loss of many millions of dollars that they have invested in SMFI.

34. Courts have also considered the factors set out in *Canwest Publishing Inc.* to appoint representative counsel:

- (a) the vulnerability and resources of the group sought to be represented;
- (b) any benefit to the companies;
- (c) any social benefit to be derived from representation of the group;
- (d) the facilitation of the administration of the proceedings and efficiency;
- (e) the avoidance of a multiplicity of legal retainers;
- (f) the balance of convenience and whether it is fair and just including to the creditors of the Estate;

²⁷ *Quadriga Fintech Solutions Corp. (Re)*, [2019 NSSC 65](#) at para 9.

- (g) whether representative counsel has already been appointed for those who have similar interests to the group seeking representation and who is also prepared to act for the group seeking the order; and
- (h) the position of other stakeholders and the court-appointed officer.²⁸

35. In these proceedings, there are nearly one hundred Investors who invested in mortgages brokered and administered by SMFI pursuant to terms and conditions of various investor agreements, with dozens of Investors alleging that SMFI has breached or is currently breaching those agreements. These investors are directly exposed to losses on their investments in SMFI, many at the cost of their life savings.

36. Many may lack the necessary financial means and legal sophistication to assess their legal positions and options without the benefit of legal advice and representation. Requiring each Investor to obtain their own counsel to ensure that their interests are protected in respect of these proceedings would lead to inefficiency, over-lawyering, and increased costs (costs that for many may simply be unaffordable). The appointment of Representative Counsel will almost certainly avoid a multiplicity of legal retainers.

37. Investors who have invested hundreds of thousands of dollars in SMFI are no less worthy of representation than those who have invested multi millions of dollars and are able to individually afford independent legal representation. By representing the Investors as a group, Representative Counsel will be more effectively able to advocate for the Investors' collective interests and work with the Receiver and other stakeholders to ensure that the Investors' interests are fairly protected.

38. The appointment of Representative Counsel will also make this proceeding more efficient, by reducing the overall cost of the receivership. Representative Counsel will become the point of

²⁸ *Canwest Publishing Inc.*, [2010 ONSC 1328](#) at [para 21](#).

contact for all Investors who opt in, and can assist the Receiver with the task of communicating with nearly 100 Investors.

39. It is not premature to appoint Representative Counsel. In fact, stakeholders ought to seek the appointment of representative counsel in the early stages of any proceeding, lest they later be denied for moving too late.²⁹

40. In *Canwest*, the Court was asked to appoint representative counsel for salaried employees and retirees. The CCAA debtors objected to the appointment on the basis that it was premature, since the employees and retirees could simply “keep an eye on the Monitor’s website and depend on the Monitor in the event unsecured creditors have any entitlement.”³⁰ The CCAA debtors urged the Court to dismiss the motion without prejudice to the employees’ ability to bring it back on.

41. Notably, the Court reasoned:

In my view, this watch and wait suggestion is unhelpful to the needs of the Salaried Employees and Retirees and to the interests of the Applicants. I accept that the individuals in issue may be unsecured creditors whose recovery expectation may prove to be non-existent and that ultimately there may be no claims process for them. I also accept that some of them were in the executive ranks of the LP Entities and continue to benefit from payment of some pension benefits. That said, these are all individuals who find themselves in uncertain times facing legal proceedings of significant complexity. The evidence is also to the effect that members of the group have little means to pursue representation and are unable to afford proper legal representation at this time. The Monitor already has very extensive responsibilities as reflected in paragraph 30 and following of the Initial Order and the CCAA itself and it is unrealistic to expect that it can be fully responsive to the needs and demands of all of these many individuals and do so in an efficient and timely manner. Desirably in my view, Canadian courts have not typically appointed an Unsecured Creditors Committee to address the needs of unsecured creditors in large restructurings. It would be of considerable benefit to both the Applicants and the Salaried Employees and Retirees to have Representatives and representative counsel who could interact with the Applicants and represent the interests of the Salaried Employees and Retirees. In that regard, I accept their evidence that they are a vulnerable group and there is no other counsel available to represent

²⁹ *Mountain Equipment Co-Operative (Re)*, [2020 BCSC 2037](#) at [paras 28, 33](#).

³⁰ *Canwest Publishing Inc.*, [2010 ONSC 1328](#) at [para 23](#).

their interests. Furthermore, a multiplicity of legal retainers is to be discouraged. In my view, it is a false economy to watch and wait. Indeed the time taken by counsel preparing for and arguing this motion is just one such example. The appointment of the Representatives and representative counsel would facilitate the administration of the proceedings and information flow and provide for efficiency.³¹

[emphasis added]

42. It is imperative that Representative Counsel be appointed in tandem with the Receiver. The Receiver is an officer of the Court with general duties to all stakeholders. A receiver does not act at the behest of investors. It does not assume an advocacy-forward role on behalf of a select group of stakeholders. The Investors need a zealous, fearless, and, most importantly, independent advocate to represent their legal interests vis-à-vis other stakeholders in these proceedings.

PART V – RELIEF REQUESTED

43. For the reasons set out above, the Proposed Representative Investors respectfully request the relief described in the Notice of Motion.

I certify the authenticity of every authority cited in this Factum.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 1st day of May, 2025.



AIRD & BERLIS LLP

³¹ *Canwest Publishing Inc.*, [2010 ONSC 1328](#) at [para 24](#).

**SCHEDULE “A”
LIST OF AUTHORITIES**

1. *Canwest Publishing Inc.*, [2010 ONSC 1328](#)
2. *Imperial Tobacco Canada Ltd., Re*, [2020 ONSC 61](#)
3. *Mountain Equipment Co-Operative (Re)*, [2020 BCSC 2037](#)
4. *Nortel Networks Corporation (Re)* (2009), [2009 CanLII 26603](#) (ONSC)
5. *Police Retirees of Ontario Inc. v. Ontario Municipal Employees' Retirement Board* (1997), [\[1997\] O.J. No. 3086](#) (Ont Gen Div)
6. *Quadriga Fintech Solutions Corp. (Re)*, [2019 NSSC 65](#)
7. *Urbancorp Inc. (Re)*, [2016 ONSC 5426](#)
8. *U.S. Steel Canada Inc. (Re)*, [2014 ONSC 6145](#)

SCHEDULE “B” RELEVANT STATUTES

Courts of Justice Act, RSO 1990, c C.43

Injunctions and receivers

101 (1) In the Superior Court of Justice, an interlocutory injunction or mandatory order may be granted or a receiver or receiver and manager may be appointed by an interlocutory order, where it appears to a judge of the court to be just or convenient to do so. R.S.O. 1990, c. C.43, s. 101 (1); 1994, c. 12, s. 40; 1996, c. 25, s. 9 (17).

Mortgage Brokerages, Lenders and Administrators Act, 2006, SO 2006, c 29

Appointment of receiver, etc.

37 (1) The Chief Executive Officer may apply to the Superior Court of Justice for an order appointing a receiver, receiver and manager, trustee or liquidator of property that is in the possession or under the control of a licensee or person or entity who the Chief Executive Officer believes, on reasonable grounds, is or was required to have a licence (the “designated person”). 2006, c. 29, s. 37 (1); 2018, c. 8, Sched. 17, s. 2.

Rules of Civil Procedure, RRO 1990, Reg 194

Representation of an Interested Person Who Cannot Be Ascertained

Proceedings in which Order may be Made

10.01 (1) In a proceeding concerning,

- (a) the interpretation of a deed, will, contract or other instrument, or the interpretation of a statute, order in council, regulation or municipal by-law or resolution;
- (b) the determination of a question arising in the administration of an estate or trust;
- (c) the approval of a sale, purchase, settlement or other transaction;
- (d) the approval of an arrangement under the *Variation of Trusts Act*;
- (e) the administration of the estate of a deceased person; or
- (f) any other matter where it appears necessary or desirable to make an order under this subrule,

a judge may by order appoint one or more persons to represent any person or class of persons who are unborn or unascertained or who have a present, future, contingent or unascertained interest in or may be affected by the proceeding and who cannot be readily ascertained, found or served. R.R.O. 1990, Reg. 194, r. 10.01 (1).

...

Proceeding against Representative Defendant

12.07 Where numerous persons have the same interest, one or more of them may defend a proceeding on behalf or for the benefit of all, or may be authorized by the court to do so. O. Reg. 465/93, s. 2 (3).

Companies' Creditors Arrangement Act, R.S.C., 1985, c. C-36

General power of court

11 Despite anything in the Bankruptcy and Insolvency Act or the Winding-up and Restructuring Act, if an application is made under this Act in respect of a debtor company, the court, on the application of any person interested in the matter, may, subject to the restrictions set out in this Act, on notice to any other person or without notice as it may see fit, make any order that it considers appropriate in the circumstances.

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Court File No. CV-25-00741044-00CL

ONTARIO
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Proceedings commenced at Toronto

**FACTUM OF THE PROPOSED REPRESENTATIVE
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