



ONTARIO SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)

**COUNSEL/ENDORSEMENT SLIP**

**COURT FILE NO.:** CV-24-00728653-00CL      **DATE:** 24 October 2024  
**NO. ON LIST:** 2

**TITLE OF PROCEEDING:** EQUITABLE BANK v. MALEKI IN HIS CAPACITY AS ESTATE TRUSTEE OF THE ESTATE OF NGA TU TRUONG

**BEFORE:** JUSTICE CONWAY

**PARTICIPANT INFORMATION**

**For Plaintiff, Applicant, Moving Party:**

Name of Person Appearing	Name of Party	Contact Info
Catherine Francis	Equitable Bank	Cfrancis@foglers.com

**For Defendant, Respondent, Responding Party:**

Name of Person Appearing	Name of Party	Contact Info
Ali Maleki	In His Capacity as Estate Trustee of the Estate of Nga Tu Truong	Beepal13@gmail.com
Wojtek Jaskiewicz	Counsel for Receiver	Wjaskiewicz@weirfoulds.com
Peter Naumis	Receiver	Pnaumis@bdo.ca

**ENDORSEMENT OF JUSTICE CONWAY:**

- [1] This an application by Equitable Bank for the appointment of BDO Canada Limited as a receiver over the real property located at 1201 St Clair Avenue West and all property related thereto (the “**Property**”). The Property consists of a commercial unit and three residential units.
- [2] The owner of the Property passed away in 2023. Her former husband, Alireza Maleki, was appointed as estate trustee of her estate. Mr. Maleki attending the hearing today. He advised the court that he was not opposing the application or any terms of the draft order.

- [3] Equitable Bank is the first mortgagee of the Property. The mortgage has been in default since 2023. The Standard Charge Terms under the mortgage and the GSA provide for the appointment of a receiver on default.
- [4] There is no question that it is just and convenient to appoint a receiver in this case. There are issues with the tenant, who is not paying rent and is apparently illegally breeding pit bull dogs. The Property is otherwise vacant and in disrepair. The appointment of a receiver will enable liability insurance to be placed on the Property. There are CRA tax liens to be addressed.
- [5] I have reviewed the draft order and it is satisfactory to me. Order to go as signed by me and attached to this Endorsement. This order is effective from today's date and is enforceable without the need for entry and filing.

A handwritten signature in blue ink that reads "Conway J." with a stylized flourish at the end.