



April 12, 2021

### **Update on Distribution for Non-Registered Investors**

Pursuant to the Order of the Honourable Mr. Justice Hainey of the Ontario Superior Court of Justice (Commercial List) (the “**Court**”) dated March 21, 2019 (the “**Appointment Order**”), Miller Thomson LLP (“**Representative Counsel**”) was appointed to represent all individuals and/or entities (“**Investors**”) that hold an interest in a syndicated mortgage, administered by Hi-Rise Capital Ltd., in respect of the property municipally known as 263 Adelaide Street West, Toronto, Ontario owned by Adelaide Street Lofts Inc. and the proposed development known as the “Adelaide Street Lofts”, in connection with the negotiation and implementation of a settlement with respect to such investments. A copy of the Appointment Order can be found on the ‘Documents’ section of Representative Counsel’s website (the “**Website**”), at <https://www.millerthomson.com/en/hi-rise/>.

Representative Counsel writes this update further to its communication dated March 31, 2021 titled “Update on Distribution for Registered Investors”, a copy of which is posted on the Website, and to provide Investors with the following update:

- As you may be aware, Representative Counsel’s Initial Distribution Motion was heard on March 17, 2021, which resulted in the Order of Justice Hainey (re: Approval of Initial Distribution) dated March 17, 2021 (the “**Initial Distribution Approval Order**”). A copy of the Initial Distribution Approval Order is posted on the Website.
- Pursuant to the Initial Distribution Approval Order, Representative Counsel was authorized and directed to distribute (or cause to be distributed) the Initial Distribution Amount to Investors in accordance with the Revised Claim Index, Investor Claim Notices and the Distribution Plan (as such terms are defined in the Seventh Report of Representative Counsel dated March 10, 2021, a copy of which can be found on the Website).
- In accordance with the Initial Distribution Order, the Distribution Agent (Alvarez & Marsal Canada Inc.) has prepared the Initial Distribution cheques to Non-Registered Investors. Said Initial Distribution cheques have been delivered to all Non-Registered Investors by mail, and have been directed to the Investor mailing addresses that Representative Counsel has on file.
- **You can expect to receive your Initial Distribution cheque in the mail within the next couple of weeks. In the meantime, there is nothing for you to do.**
- In the event you have changed your mailing address, please follow the Address Change Procedure (as outlined below) in order to ensure receipt of the Initial Distribution cheque.

### **Address Change Procedure**

As a reminder to all Investors:

1. Representative Counsel has previously requested that any Investor who has changed his or her address immediately notify Representative Counsel.
2. If you have moved and your address has changed since you made your investment, please notify Representative Counsel immediately by following the Court-approved Address Change Procedure:
  - (a) Email Representative Counsel at [HiRiseCapital@millerthomson.com](mailto:HiRiseCapital@millerthomson.com) to advise of your new address; and
  - (b) Provide proof of your new address. For example, you may email a copy of a utility bill (or any similar mailed document) with your name and new address on it.

### **IMPORTANT Note to Investors Regarding Communications & Investor Inquiries**

Representative Counsel continues to receive inquiries that have been addressed in our Communications. The Communications we deliver to Investors are intended to provide Investors with updates on new developments and new information. Accordingly, Representative Counsel will not be repeating the same information in each of its Communications. Please consult the Website and the Communications, as it is likely that the information you are seeking has already been provided to Investors by Representative Counsel. To the extent you require further information or clarification after you have reviewed the Website and previous Communications, please feel free to contact Representative Counsel.

Representative Counsel continues to receive inquiries directly to this email, as well as to the personal emails and telephone numbers of the lawyers involved. As set out in previous communications and in order to ensure that all inquiries are managed efficiently and cost-effectively, please do not email Representative Counsel's individual lawyers directly. **As a reminder, Representative Counsel will not be communicating with Investors through their personal emails.**

In order to manage the volume of inquiries and to effectively respond, Investors should submit inquiries to Representative Counsel through the dedicated email account at [HiRiseCapital@millerthomson.com](mailto:HiRiseCapital@millerthomson.com). Representative Counsel reviews all emails received through this email address on a daily basis, and will respond to **new** inquiries through further communications to Investors (which will be emailed to all Investors and posted on the Website).

It is crucial at this time that all Investors respect this request. Thank you all for your patience.

Yours Truly,

Miller Thomson LLP,  
solely in its capacity as  
Representative Counsel

