Court File No. CV-19-627802-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

THE HONOURABLE	)	MONDAY, THE 27TH
	)	
JUSTICE KOEHNEN	)	DAY OF APRIL, 2020

B E T W E E N :

ROYAL BANK OF CANADA

Plaintiff

- and -

1120044 ONTARIO INC.

Defendant

ORDER
(re: Ancillary Matters)

THIS MOTION, made by msi Spergel inc., in its capacity as the Court-appointed receiver (in such capacity, the "**Receiver**"), without security, of the real property municipally known as 160 Cidermill Avenue, Units 23 and 24, Concord, Ontario [PIN 29265-0023 and PIN 29265-0024] (the "**Real Property**"), including all proceeds thereof (together with the Real Property, the "**Property**"), for an order, amongst other things: (i) approving the First Report of the Receiver dated February 11, 2020 and the supplements to the first report dated March 10 and 16, 2020 (collectively the "**First Report**") and the actions of the Receiver set out therein, including, without

limitation, the Notices (as defined in the First Report), such that, for greater certainty, vacant possession of the Real Property shall be delivered to the Receiver by those in occupation by no later than March 31, 2020; (ii) approving the Sale Process (as defined and described in the First Report), including, without limitation, the right of any purchaser of the Real Property under the Sale Process to be entitled to vacant possession of the Real Property, free and clear of the interests and claims, if any, of all other Persons (as defined in the Receivership Order of The Honourable Mr. Justice Pattillo made October 31, 2019 and entered on January 10, 2020); and (iii) approving the fees and disbursements of the Receiver and its counsel, was heard by video conference by reason of the Covid-19 Pandemic.

ON READING the First Report (including the appendices thereto, including, without limitation, the fee affidavits therein (the "**Fee Affidavits**")), and on hearing the submissions of counsel for the Receiver, the consents of the Plaintiff and the Defendant and the submissions of such other counsel as were present and indicated on the counsel slip, no one appearing for any other person on the service list, although properly served as appears from the affidavits of Eunice Baltkois sworn February 19, 2020 and Christine Doyle sworn February 19, 2020, filed,

1. **THIS COURT ORDERS** that the time for service and filing of the notice of motion and the motion record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that the First Report be and is hereby approved and the actions of the Receiver described therein be and are hereby approved, including, without limitation, the Notices.

3. **THIS COURT ORDERS** that, for greater certainty, and in accordance with the Notices, all Persons occupying the Real Property shall deliver up vacant possession of the Real Property to the Receiver by no later than June 1, 2020, failing which, the Receiver shall have leave to issue an immediate writ of possession in respect to the Property.

4. **THIS COURT ORDERS** that notwithstanding the Order of the Honourable Mr. Justice Morawetz dated March 19, 2020, in *Attorney General v. Persons Unknown*, upon the issuance of a writ of possession hereunder, the Enforcement Office (Sheriff) for the City of Vaughan shall immediately enforce the writ of possession.

5. **THIS COURT ORDERS** that the Sale Process be and is hereby approved but that the Receiver shall take no steps with respect to same until June 1, 2020.

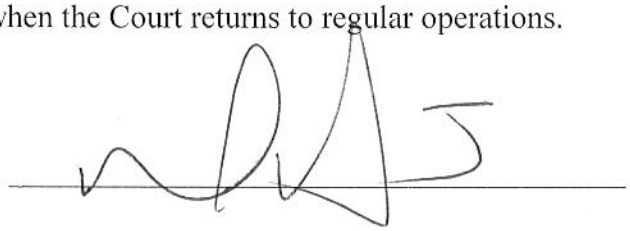
6. **THIS COURT ORDERS** that, for greater certainty, any purchaser of the Real Property under the Sale Process shall be entitled to vacant possession of the Real Property, free and clear of the interests and claims, if any, of all other Persons.

7. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its counsel as set out in the Fee Affidavits be and are hereby approved.

8. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as

may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

9. **THIS COURT ORDERS** that, notwithstanding Rule 59.05, this order is effective from the date that it is made, and is enforceable without any need for entry and filing. In accordance with Rules 77.07(6) and 1.04, no formal order need be entered and filed unless an appeal or a motion for leave to appeal is brought to an appellate court. Any party may nonetheless submit a formal order for original signing, entry and filing when the Court returns to regular operations.



ROYAL BANK OF CANADA -and- **1120044 ONTARIO INC.**

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Proceedings commenced at Toronto

ORDER
(Re Ancillary Matters)

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