



Court File No.: CV-19-00632077-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

BEFORE THE HONOURABLE)
)
MADAM JUSTICE C. GILMORE)

Thursday, the 7th day of May, 2020

B E T W E E N:

FIRSTONTARIO CREDIT UNION LIMITED

Applicant

-and-

1393382 ONTARIO LIMITED

Respondent

APPLICATION UNDER Subsection 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985 c. B-3, as amended, Section 101 of the *Courts of Justice Act*, R.S.O. 1990 c. C.43, as amended, and Rule 14.05(3)(g) and (h) of the *Rules of Civil Procedure*

ORDER

THIS MOTION, made by msi Spergel Inc., in its capacity as court-appointed receiver of certain property of 1393382 Ontario Limited (the "Receiver") was heard this day via Zoom conference at Toronto, Ontario.

ON READING the First Report of the Receiver dated April 24, 2020, and the appendices thereto (the "Report"), the affidavits of the Receiver and its counsel as to fees (the "Fee Affidavits"), and the confidential appendices "A" through "C" to the Report (the "Confidential Appendices"), and on hearing the submissions of the lawyers for the Receiver, Canadian

Imperial Bank of Commerce, BDO Canada Limited, and the respondent, no one appearing for any other person on the service list contained in the Motion Record dated April 29, 2020 although properly served as appears from the affidavit of service of Colleen Balint sworn April 30, 2020, filed,

1. **THIS COURT ORDERS** that the time for service 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 Report and the actions of the Receiver described therein are hereby approved
3. **THIS COURT ORDERS** that the Receiver's proposed sales process with respect to the respondent's property located at 22216 Bloomfield Road, Chatham, Ontario (the "**Bloomfield Property**"), as referenced at paragraphs 26-28 of the Report and described in Appendix E to the Report, is hereby approved.
4. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its counsel as set out in the Report and the Fee Affidavits, are approved;
5. **THIS COURT ORDERS** that the Receiver's Statement of Receipts and Disbursements as at March 31, 2020 is hereby approved.
6. **THIS COURT ORDERS** that the unredacted version of the motion record and the Confidential Appendices are hereby sealed pending the completion of a sale of the Bloomfield Property or further order of this court.



C. Amos J.

FIRST ONTARIO CREDIT UNION LIMITED
Applicant

-and-

1393382 ONTARIO LIMITED
Respondent

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PROCEEDING COMMENCED AT
TORONTO

ORDER

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appointed Receiver of certain property of 1393382 Ontario
Limited