



Court File No. CV-22-00678808-00CL

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

THE HONOURABLE) FRIDAY, THE 12th
JUSTICE PENNY) DAY OF MAY, 2023

B E T W E E N:

CANADIAN EQUIPMENT FINANCE AND LEASING INC.

Applicant

- and -

THE HYPPOINT COMPANY LIMITED, 2618905 ONTARIO LIMITED, 2618909 ONTARIO LIMITED, BEVERLEY ROCKLIFFE, and CHANTAL BOCK

Respondents

**ORDER
(Re Ancillary Matters)**

THIS MOTION made by **msi SPERGEL INC.**, in its capacity as the Court-appointed receiver (the “**Receiver**”) without security, of the undertaking, property and assets of the Hypoint Company Limited and 2618909 Ontario Limited (collectively, the “**Debtors**”), for the relief set out in the Notice of Motion dated May 5, 2023, including the approval of the sale transaction (the “**Transaction**”) contemplated by an Asset Purchase Agreement between the Receiver and Giampaolo Investments Limited (the “**Purchaser**”) dated April 14, 2023 (the “**Sale Agreement**”), vesting in the Purchaser the Debtors’ right, title, benefit and interest in the assets described in the Sale Agreement regarding the sale of the property municipally known as 59 Roy Blvd., Brantford, Ontario (the “**Property**”) was heard by judicial videoconference.

ON READING the Motion Record of the Receiver, and the First Report of the Receiver dated May 5, 2023 (the “**First Report**”), the affidavit of Philip Gennis sworn May 2, 2023 (the “**msi Fee Affidavit**”), the Affidavit of Levi Rivers dated sworn May 5, 2023 (the “**RECON Fee Affidavit**”), and on hearing the submissions of counsel for the Receiver, counsel for the Purchaser and any such other party as was present, no one appearing for any other person on the service list, although properly served as evidenced by the affidavit of Shaun Parsons sworn May 8, 2023, filed.

SERVICE

1. **THIS COURT ORDERS** that the time and method 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 hereof.

APPROVAL OF ACTIVITIES

2. **THIS COURT ORDERS** that the First Report and the actions and activities of the Receiver and the Statement of Receipts and Disbursements of the Receiver as described in the First Report are hereby approved provided, however, that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approval.

APPROVAL OF FEES

3. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and Reconstruct LLP, as set out in the First Report, the msi Fee Affidavit, and the RECON Fee Affidavit are hereby approved.

SEALING

4. **THIS COURT ORDERS** that the Confidential Appendices to the First Report are hereby sealed until the earlier of:

- (a) the closing of the Transaction; or
- (b) upon further order of the Court.

GENERAL

5. **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.

6. **THIS COURT ORDERS** that this Order shall have full force and effect in all provinces and territories in Canada.

A handwritten signature in blue ink, appearing to read "Page 3.", is positioned above a horizontal line.

**CANADIAN EQUIPMENT FINANCE AND
LEASING INC.**

and

THE HYPOINT COMPANY LIMITED et al.

Applicants

Respondents

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

Proceedings commenced at Toronto

**ORDER
(Ancillary Matters)**

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**Lawyers for the Receiver, msi Spergel, in its
capacity as the court appointed Receiver of
The Hypoint Company Limited and 2618909
Ontario Limited.**