

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) WEDNESDAY, THE
)
JUSTICE CAVANAGH) 15TH DAY OF DECEMBER, 2021

B E T W E E N:

DUCA FINANCIAL SERVICES CREDIT UNION LTD.

Applicant

-and-

1725859 ONTARIO INC., 1941275 ONTARIO LTD., AND 1941276 ONTARIO INC.

Respondents

APPROVAL ORDER

THIS MOTION made by 1725859 Ontario Inc., 1941275 Ontario Ltd. and 1941276 Ontario Inc. (collectively, the “**Debtors**”) for an Order:

1. Approving certain proposed refinancing activities by the Debtors;
2. Effective upon msi Spergel inc., in its capacity as the Court-appointed receiver of all the assets, undertakings and properties of the Debtors (including, without limitation, the Real Property, as defined in the Order of The Honourable Mr. Justice Cavanagh of the Ontario Superior Court of Justice (Commercial List) made on November 1, 2021 (the “**Appointment Order**”)) (collectively, in such capacity, the “**Receiver**”), filing the Discharge Certificate (as defined in the Discharge Order of this Court dated today), then (and only then) directing the Land Registrar for the applicable Land Registry Offices to delete the Appointment Order from title to the Real Property, as follows:

- a. deleting instrument number AT5902610 from title to the real property municipally known as 629 King Street West, Suite 217, Toronto, Ontario and legally described in PIN 76534-0030 (LT) (the “**859 Property**”);
 - b. deleting instrument number PR3939564 from title to the real property municipally known as 3 Glenmanor Drive, Brampton, Ontario (the “**275 Property**”); and
 - c. deleting instrument number PR3929564 from title to the real property municipally known as 50 Queen Street East, Brampton, Ontario and legally described in PIN 14124-0046 (LT) (the “**276 Property**”);
3. Sealing the confidential Exhibit “E” to the Shaukat Affidavit until completion of the Sale and Refinance, or further order of this Court;
 4. Abridging the time for service of this Motion Record, if required; and
 5. Such further and other relief as counsel may advise and this Court may permit, was heard this day via Zoom at 330 University Avenue, Toronto, Ontario.

ON READING the affidavit of Aneel Jackson Shaukat, sworn December 3rd, 2021 and the First Report of the Receiver dated December 10, 2021, and on hearing the submissions of counsel for the Debtors, counsel for DUCA Financial Services Credit Union Ltd. (“**Duca**”) and counsel for the Receiver, no one appearing for any other person on the service list although duly served as appears from the affidavit of service of Avi Freedland sworn December 7th, 2021,

1. **THIS COURT ORDERS** that the time for service of this Motion Record is hereby abridged and validated, if required, such that it is properly before this Honourable Court.
2. **THIS COURT ORDERS** that the proposed refinancing of the Debtors’ indebtedness owing to Duca and all other stakeholders (including, without limitation, the Receiver,

Canada Revenue Agency and municipalities) by the Debtor, and repayment of same in full by the Debtor to these stakeholders directly, by obtaining proceeds from the sale of the property municipally known as 3 Glenmanor Drive, Brampton, and by securing a new mortgage against the property municipally known as 50 Queen Street East, Brampton, be and is hereby approved, provided that same is completed by the Debtor on or before January 15th, 2022, or such other date as may be agreed upon in writing amongst Duca, the Debtors and the Receiver.

3. **THIS COURT ORDERS** that upon being presented by the Debtors with a copy of the Discharge Certificate executed by the Receiver, the Land Registrar for the applicable Land Registry Offices is hereby directed to delete and expunge from title to the Real Property the Appointment Order registered on title to the Real Property as instrument numbers AT5902610, PR3939564, and PR3929564.
4. **THIS COURT ORDERS** that the confidential Exhibit “E” to the Shaukat Affidavit be sealed until the completion of the Sale and Refinance, or further order of this Court.
5. **THIS COURT ORDERS** that, notwithstanding Rule 59.05, this order is effective from the date it is made, and it 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 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, as the case may be, when the Court returns to regular operations.
6. **THIS COURT ORDERS** that the parties may apply to this Court upon proper notice for further directions if necessary, with respect to any matter set out in this Order.

Dated: December 15, 2021

The Honourable Justice

Court File No. CV-21-00668237-00CL

Duca Financial Services Credit Union Ltd.
Applicant

-and-

1725859 Ontario Inc. et al.
Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED
at TORONTO

APPROVAL ORDER

**ATKINSON LAW
PROFESSIONAL CORPORATION**
100 King Street W., Suite 5700
Toronto, Ontario M5X 1C7

Ryan J. Atkinson (LSO# 51873E)
Tel: 416. 275.9702
Fax: 416.516.2208
Email: ryan@atkinsonlaw.ca

AVI FREEDLAND (LSO# 83035F)
Tel: (416) 900-1252 ext.106
Fax: (416) 516-2208
Email: avi@atkinsonlaw.ca

Lawyers for the Respondents