

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) WEDNESDAY, THE 17TH DAY
JUSTICE HAINEY) OF MARCH, 2021

B E T W E E N:

THE TORONTO-DOMINION BANK

Applicant

- and -

ORBIT FREIGHT LTD.

Respondent

**APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND
INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED AND SECTION 101 OF THE
COURTS OF JUSTICE ACT, R.S.O. 1990, c. C.43, AS AMENDED**

ORDER

THIS MOTION, made by msi Spergel inc. in its capacity as receiver and manager (in such capacity, the “**Receiver**”) of Orbit Freight Ltd. (the “**Debtor**”) was heard this day by judicial videoconference via Zoom, at 330 University Avenue, Toronto, Ontario.

ON READING the notice of motion and the first report of the Receiver dated March 16, 2021 (the “**First Report**”), and on hearing the submissions of counsel for the Receiver, and such other parties as were present,

1. **THIS COURT ORDERS** that the time for service and manner of service of the notice of motion and motion record is hereby abridged and validated such that the motion is properly returnable on this date, and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that 2251760 Ontario Inc. o/a King Towing and/or its representatives (collectively, “**King Towing**”) shall immediately advise the Receiver of the location of the assets described as follows (the “**Truck(s)**”):

Year	Model	Make	VIN
2021	Peterbilt	567	1NPCX4TX8MD736670
2021	Peterbilt	567	1NPCX4TX5MD736674

3. **THIS COURT ORDERS** that any person having possession of the Trucks shall immediately release the Trucks to the Receiver and/or its agents.

4. **THIS COURT ORDERS** that the Receiver shall not be required to make any payment to King Towing, or any other person, to secure the immediate release of the Trucks to the Receiver and/or its agents.

5. **THIS COURT ORDERS AND DECLARES** that the Sheriff, the police, or other law enforcement entity of the Ontario jurisdictions set out in Schedule “A” hereto, including, without limitation, the Peel Regional Police (collectively, the “**Authorities**”) shall assist the Receiver in recovering the Trucks. The within Order shall be sufficient authority for the Receiver to request and receive the cooperation of the Authorities in the applicable jurisdiction and no further order, writ or other document shall be required.

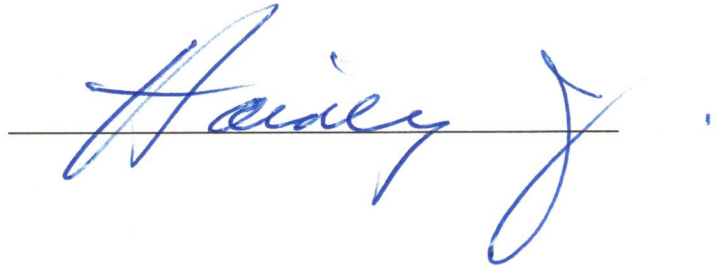
6. **THIS COURT ORDERS** that should any of the Authorities of the applicable jurisdiction locate any of the Trucks, said Authority shall advise the Receiver accordingly and assist the Receiver in seizing the Truck in question and delivering possession of the vehicle to the

Receiver. In such circumstances, notwithstanding paragraph 4 above, the Receiver may be required to pay to the applicable Authority any applicable fee(s).

7. **THIS COURT ORDERS** that the Receiver is empowered and authorized to file a missing vehicles report with the appropriate Authorities and that this Order shall constitute sufficient authority for such report to be filed and accepted by the appropriate authority.

8. **THIS COURT ORDERS** that 2251760 Ontario Inc. o/a King Towing shall pay to the Receiver its costs of this motion in the sum of \$2,500.

9. **THIS COURT ORDERS** that this Order is effective from the date it is made without any need for entry and filing.

A handwritten signature in blue ink, appearing to read "A. J.", is written over a horizontal line. The signature is stylized and cursive.

SCHEDULE "A"

City of Toronto

Regional Municipality of York and/or York Region

Regional Municipality of Peel and/or Peel Region

Applicant

Respondent

Court File No. CV-21-00658361-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)
Proceedings commenced at Toronto**

ORDER

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