

ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)

THE HONOURABLE)
MADAM JUSTICE CONWAY)

FRIDAY, THE 21ST DAY
OF JULY, 2017)
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)
)

BETWEEN:

DUCA FINANCIAL SERVICES CREDIT LTD.

Applicant

- and -

2203284 ONTARIO INC.

Respondent

ORDER

THIS MOTION, brought by msi Spergel Inc. (the "Receiver" or "Spergel") in its capacity as receiver of the respondent 2203824 Ontario Inc. ("220 Ontario" or "Respondent"), for an order for directions requiring the landlord of certain property to give the Receiver access to the Respondent's office as well as for an order directing certain individuals to provide the Receiver with information as well as access to the Respondent's records, was heard this day at 330 University Avenue, Toronto.

ON READING the motion record, filed, and on hearing submissions of the Receiver's lawyer, *and on consent of the MR Ruggiero, Mr Zimmerman and Mr. Santaguida ✓ Be*

1. THIS COURT ORDERS that service of the notice of motion and accompanying affidavit is abridged and that service is validated.

2. THIS COURT FURTHER ORDERS the tenant, Terrasan 327 Royal York Rd. Limited, the landlord, Desjardins Financial Security, and the property manager, Avison Young Property Management Services Ontario Inc., to provide the Receiver with access to the premises known as 93 Skyway Avenue, Suite 210, Etobicoke (the "Premises"), as well as to any other unit

or area in respect of which the Respondent stores or has property, for the purpose of exercising the powers granted to it under the Receivership Order of June 22, 2017 (“Receivership Order”), including but not restricted to taking possession of and exercising control over the Respondent’s property, of any nature whatsoever and including records but not including deposits as described below (“Property”), as well as to receive, preserve, remove and to protect such Property.

3. THIS COURT FURTHER ORDERS Luigi Santaguida aka Louie Santaguida to comply with the Receivership Order and, in particular, to do the following:

- (a) forthwith to advise the Receiver of the existence and location of Property, and to provide to the Receiver all information he has in respect of the Respondent;
- (b) forthwith to provide full access to Property which is within his possession, power or control; and
- (c) forthwith to permit the Receiver to remove Property or, at its option and where possible, to make copies of Property.

4. THIS COURT FURTHER ORDERS Lawrence Zimmerman aka Larry Zimmerman and Zimmerman Associates (collectively referred to in the singular as “Zimmerman”) to comply with the Receivership Order and, in particular, to do the following:

- (a) forthwith to advise the Receiver of the existence and location of Property, and to provide to the Receiver all information it has in respect of the Respondent;
- (b) forthwith to provide full access to Property which is within Zimmerman’s possession, power or control;
- (c) forthwith to permit the Receiver to remove Property or, at its option and where possible, to make copies of Property; and
- (d) forthwith to provide what contact information it has for Luigi Santaguida aka Louie Santaguida.

5. THIS COURT FURTHER ORDERS George Ruggiero and Schneider Ruggiero LLP (collectively referred to in the singular as “Ruggiero”) to comply with the Receivership Order and, in particular, to do the following, without prejudice to any claims advanced by Ruggiero:

- (a) forthwith to advise the Receiver of the existence and location of Property, and to provide to the Receiver all information it has in respect of the Respondent;
- (b) forthwith to provide full access to Property which is within Ruggiero’s possession, power or control;
- (c) forthwith to permit the Receiver to remove Property or, at its option and where possible, to make copies of Property;
- (d) forthwith to provide the following for deposits which it holds in respect of the condominium project at 98 James Street South, Hamilton, Ontario:
 - i. the name of the individual or individuals who made each deposit;
 - ii. the contact information for each of these individuals;
 - iii. the amount of each deposit;
- (e) notwithstanding the foregoing, forthwith to provide to the Receiver, in digital format, full and complete versions of all agreements of purchase and sale related to the deposits, above; and
- (f) forthwith to provide what contact information it has for Luigi Santaguida aka Louie Santaguida.

6. THIS COURT FURTHER ORDERS that none of what is set out in the present order restricts or otherwise modifies the Receivership Order or the powers and rights provided to the Receiver by it.

7. THIS COURT FURTHER ORDERS Luigi Santaguida aka Louie Santaguida to pay his share of the costs of this motion to the Receiver in the sum of \$1,000.00, inclusive of disbursements and tax, and to do so within 30 days.

8. THIS COURT FURTHER ORDERS Zimmerman to pay its share of the costs of this motion to the Receiver in the sum of \$1,000.00, inclusive of disbursements and tax, and to do so within 30 days.

9. THIS COURT FURTHER ORDERS Ruggiero to pay its share of the costs of this motion to the Receiver in the sum of \$1,000.00, inclusive of disbursements and tax, and to do so within 30 days.

THIS ORDER BEARS INTEREST at the rate of 2.0 % per year.

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

DUCA FINANCIAL SERVICES CREDIT UNION LTD.

and

2203284 ONTARIO INC.

Applicant

Respondent

Court File No. CV-17-11827-00CL

ONTARIO

SUPERIOR COURT OF JUSTICE

Proceeding commenced at
TORONTO

ORDER

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