

**ONTARIO
SUPERIOR COURT OF JUSTICE
(CIVIL)**

FILE NO.: 22-78521

ENDORSEMENT

The Toronto-Dominion Bank

Applicant

Hogan, Timothy

Counsel

v.

**2580363 Ontario Inc. and
2580361 Ontario Inc.**

Respondents

**Argiropoulos, Chris
Argiropoulos, Chris**

Counsel

June 2, 2022

Application heard via Zoom videoconference pursuant to the Court's COVID-19 protocols.

1. The Applicant, The Toronto-Dominion Bank, commenced this application under s. 243(1) of the *Bankruptcy and Insolvency Act* and s. 101 of the *Courts of Justice Act* seeking an order appointing msi Spergel inc. as Receiver, without security, of all of the assets, undertakings and properties of the Respondents ("the Appointment Order"). In addition to the Appointment Order, before me today, the Applicant also sought an ancillary order which provides, among other related relief, for an adjournment of this application to a date to be set in September 2022 to be spoken to, and that, should the Respondents fulfill all the terms of a forbearance agreement entered into between the Respondents and the Applicant dated May 26, 2022, on or before August 31, 2022, then the Appointment Order will not be effective ("the Ancillary Order").
2. A Consent signed on behalf of the Applicant and the Respondents, dated May 31, 2022, respecting each Order was submitted to the court. (These submitted Consents reflect signed, but undated, Consents that were found in the filed application materials before me.)
3. Based on the record before me, including the affidavit of Jill Lamothe sworn April 7, 2022 and attached exhibits, and on the submissions of counsel for the parties, I was satisfied that it was just and convenient to grant the requested relief.
4. On consent, orders to go in accordance with the draft orders as submitted, amended (to clarify the second preamble paragraph of the Appointment Order regarding the consent of msi Spergel inc.; and to replace "A" with "B" in paragraph 23 of the Appointment Order regarding the attached Receiver's Certificates schedule), and e-signed.



MacNEIL J.