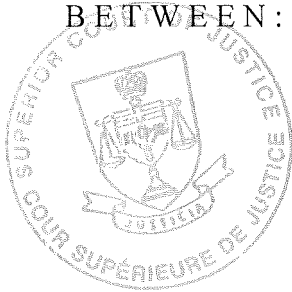


**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) THURSDAY, THE 13TH DAY
)
JUSTICE WILTON-SIEGEL) OF OCTOBER, 2016

BETWEEN :



ROYAL BANK OF CANADA

Applicant

- and -

2292319 ONTARIO INC.

Respondent

ORDER

THIS MOTION, made by Green Island Trading Company ("**Green Island**"), for an order setting aside the Order of the Honourable Justice Wilton-Siegel dated July 28, 2016 (the "**July 28 Order**") as against Green Island in respect of its interest in the premises municipally known as 38 Metropolitan Road, Toronto, Ontario (the "**Premises**"), was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING each of: (i) the First Report of msi Spergel inc. ("**Spergel**"), in its capacity as the Court-appointed receiver (in such capacity, the "**Receiver**"), without security, of all of the assets, undertakings and properties of 2292319 Ontario Inc. (the "**Debtor**"), and the appendices thereto; (ii) the July 28 Order; (iii) the Endorsement of the Honourable Justice Newbould dated August 11, 2016; (iv) the Second Report of the Receiver dated August 30, 2016

and the appendices thereto; (v) the unsworn affidavit of Cuong Tran dated August 2016 and the exhibits thereto; (vi) the amended affidavit of Cuong Tran sworn September 8, 2016 and the exhibits thereto; (vii) the transcript of the cross-examination of Cuong Tran conducted on September 8, 2016 and the exhibits thereto; (viii) the answers to the undertakings from the cross-examination of Cuong Tran conducted on September 8, 2016; (ix) the factum of Green Island dated August 19, 2016; and (x) the responding factum of the Receiver dated October 6, 2016, and on hearing the submissions of counsel for the Receiver and counsel for Green Island, a representative of SK Food Equipment, Cool Ocean Impex and Scrap to Go, no one appearing for any other person on the service list, although properly served as appears from the affidavits of service, filed,

1. **THIS COURT ORDERS** that, provided Green Island delivers a copy of its entire commercial insurance policy in respect to the Premises to the Receiver by no later than October 27, 2016, the July 28 Order shall be varied to set aside the termination of the lease of Green Island at the Premises (the “**Green Island Lease**”).

2. **THIS COURT ORDERS** that, notwithstanding paragraph 1 of this Order, the Receiver may bring a further motion to terminate the Green Island Lease if Green Island fails to respond to any notice of default issued under the Green Island Lease after the date of this Order.

3. **THIS COURT ORDERS** that the Receiver be and is hereby granted exclusive possession of the portion of the first floor of the Premises which is not subject to the a lease of which the Receiver is aware, effective immediately.

4. **THIS COURT ORDERS** that counsel shall schedule a 9:30 a.m. hearing (the “**9:30 Conference**”) to address: (i) the process for determining costs submissions for today’s hearing;

(ii) the issue of an order vesting out the remaining tenants' leasehold interests on the Receiver's sale of the Premises; and, iii) any other issues pertaining to Green Island's Lease.

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PER / PAR: *A*

ROYAL BANK OF CANADA

- and -

2292319 ONTARIO INC.

Applicant

Respondent

Court File No. CV-16-11331-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceedings commenced at Toronto

ORDER

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Lawyers for msi Spergel inc., in its capacity as the Court-appointed receiver of 2292319 Ontario Inc.