

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE MADAM) WEDNESDAY, THE 29th
)
JUSTICE GILMORE) DAY OF JULY, 2020
)

BETWEEN:

ROYNAT INC.

Applicant

- and -

TAMTAN INC. and 1308963 ONTARIO LIMITED (o/a EZ FOOD GROUP)

Respondents

ORDER

THIS MOTION, made by msi Spergel Inc., in its capacity as the Court-appointed receiver (the "**Receiver**") of the undertaking, property and assets of the Respondents, was heard this day virtually via Zoom videoconference as a result of the COVID-19 crisis.

ON READING the Notice of Motion, the Third Report of the Receiver dated July 15, 2020 (the "**Third Report**") and the Supplement to the Third Report of the Receiver dated July 18, 2020 (collectively, the "**Reports**"), the affidavit of Philip H. Gennis sworn July 15, 2020 and the affidavit of Sam Rappos sworn July 15, 2020 (collectively, the "**Fee Affidavits**"), and on hearing

the submissions of counsel for the Receiver and such other counsel listed on the Counsel Slip, no one else from the service list appearing although served as evidenced by the Affidavit of Lynda Christodoulou sworn July 17, 2020 and the Affidavit of Lucy Caterina sworn July 23, 2020, filed,

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion, the Motion Record and the Reports is hereby abridged and validated, and the manner of service of the Notice of Motion, the Motion Record and the Reports is hereby validated, so that this motion is properly returnable today and hereby dispenses with further service thereof.

DISTRIBUTIONS

2. **THIS COURT ORDERS** that the Receiver is hereby authorized and directed to make the following distributions from the net sale proceeds of 1405 Morningside Avenue, Toronto, Ontario (the “**Morningside Property**”) owned by the Respondent, TamTan Inc. (“**TamTan**”):

- (a) \$2,620,975.97 plus interest accrued to date of payment to Roynat Inc. (“**Roynat**”) on account of its mortgage over the Morningside Property; and
- (b) \$150,000 plus interest accrued to date of payment to Roynat on account of the funds borrowed by the Receiver from Roynat in accordance with paragraph 22 of the Order of The Honourable Mr. Justice McEwen dated October 16, 2019.

APPROVAL OF TAMTAN FEES AND DISBURSEMENTS

3. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its counsel in connection with the TamTan receivership proceeding, as set out in the Reports and the Fee Affidavits, including the estimated accruals to be incurred to the completion of the TamTan

proceeding as described in the Third Report, are hereby approved. The Receiver is authorized to make payment of the fees and disbursements and accruals with respect to the TamTan receivership proceeding to the extent that they have otherwise not been paid to date.

GENERAL

4. **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.

Justice C. Gilmore

ROYNAT INC.

- and -

**TAMTAN INC. and 1308963 ONTARIO LIMITED (o/a
EZ FOOD GROUP)**

Applicant

Respondents

Court File No. CV-19-00628569-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

Proceedings commenced at TORONTO

ORDER

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