

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE MADAME)
JUSTICE CONWAY)
MONDAY, THE 29TH DAY OF
JULY, 2019)



BANK OF MONTREAL

Applicant

- and -

2495087 ONTARIO INC., 2496800 ONTARIO INC., 1527020 ONTARIO INC.,
1651033 ONTARIO INC. LTD., 1496765 ONTARIO INC. LTD. and
SUNSHINE PROPANE INC.

Respondents

APPLICATION UNDER s. 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985 c-
B-3, s. 101 of the *Courts of Justice Act*, R.S.O. 1990, c.C-43, and
Rules 14.05(2), (3) (d), (g) and (h) of the *Rules of Civil Procedure*

ORDER

THIS MOTION, made by **RSM Canada Limited** in its capacity as the Court-appointed receiver and manager (the "**Receiver**") of all of the assets, undertakings and properties of 2495087 Ontario Inc., 2496800 Ontario Inc., 1527020 Ontario Inc., 1651033 Ontario Ltd., 1496765 Ontario Ltd. and Sunshine Propane Inc. (the "**Debtors**") for, among other things, an order approving the Receiver's fees and those of its counsel and authorizing the Receiver to, among other things, release the holdback of \$254,948.40 held from the proceeds of sale of the real property municipally known as

5223 Dundas Street, Burlington, Ontario (the "**Burlington Property**"), and to distribute these holdback funds to the Bank of Montreal ("**BMO**"), as described further in the Third Report of the Receiver dated July 23, 2019 (the "**Third Report**"), was heard this day at Toronto, Ontario.

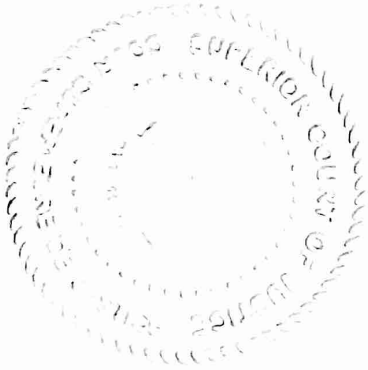
ON READING the Third Report and the Appendices attached thereto, and on hearing the submissions of respective counsel for the Receiver and the Applicant, and no one else appearing, although properly served as appears from the affidavit of Sarita Sanasie, sworn July 23, 2019, filed:

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS AND DECLARES** that the Third Report and the conduct and activities of the Receiver to July 23, 2019 set out therein be and are hereby approved.
3. **THIS COURT ORDERS AND DECLARES** that the Supplemental Report to the First Report dated April 24, 2019 and the conduct and activities of the Receiver set out therein be and are hereby approved.
4. **THIS COURT ORDERS** that the fees and disbursements of the Receiver for the period ended May 31, 2019 as set out in the Third Report be and are hereby approved.
5. **THIS COURT ORDERS** that the Receiver's statement of receipts and disbursements as of July 12, 2019 as set out in the Third Report, be and are hereby approved.
6. **THIS COURT ORDERS** that the fees and disbursements of the Receiver's counsel, Paliare Roland Rosenberg Rothstein LLP, for the period ended April 30, 2019, as set out in the Third Report, be and are hereby approved.
7. **THIS COURT ORDERS** that the fees and disbursements of Torkin Manes LLP incurred in respect of the closings of the sales of the Etobicoke Property, the Burlington

Property, the Port Colborne Property and the Port Elgin Property, as set out in the Third Report, be and are hereby approved.

8. **THIS COURT ORDERS** that the Receiver is authorized to release the holdback of \$254,948.40 held from the proceeds of sale of the Burlington Property and to distribute these funds to BMO.





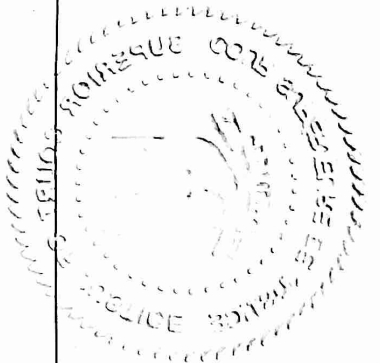
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BANK OF MONTREAL

Applicant



-and-

Court File No. CV-18-00602537-00CL
2495087 ONTARIO INC. et al.

Respondents

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SUPERIOR COURT OF JUSTICE
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PROCEEDING COMMENCED AT
TORONTO**

ORDER

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Lawyers for the Receiver



COUNSEL SLIP

COURT FILE NO CV-18-602537-00CL DATE: July 29/2019

BANK OF MONTREAL vs. 2495087 ONTARIO INC. No. ON LIST 4

TITLE OF PROCEEDING

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July 29/19

DTG as signed by me, approving R's 3rd report, fees, etc. SDM, the lien claimant, has now confirmed that it is not opposing distribution of the hold back to BMO or ~~to~~ BMO's priority over the lien.

Conway J