

ONTARIO  
SUPERIOR COURT OF JUSTICE

THE HONOURABLE MADAM

)

FRIDAY, THE 18<sup>TH</sup>

JUSTICE GORMAN

)

DAY OF FEBRUARY 2022

)

B E T W E E N:

**ROYAL BANK OF CANADA**

**Applicant**

**- and -**

**2660807 ONTARIO INC.**

**Respondent**

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

**DISCHARGE ORDER**

THIS MOTION, made by BDO Canada Limited in its capacity as the Court-appointed receiver (the "Receiver") of the undertaking, property and assets of 2660807 Ontario Inc. (the "Debtor"), for an order:

1. approving the report of the Receiver dated January 25, 2022 (the "Report") and the activities set out therein;

2. approving the Receiver abandoning and releasing its interest in the real property known as 12219 Riverside Dr. in Tecumseh, ON, and described in Schedule "A" to this Order (the "Real Property") and deleting the registration of the order appointing the Receiver from title to the Real Property;
3. approving the fees and disbursements of the Receiver and its counsel and the payment of same;
4. approving the Receiver's statement of receipts and disbursements and approving the distribution of the remaining proceeds available in the estate of the Debtor;
5. discharging BDO Canada Limited as Receiver of the undertaking, property and assets of the Debtor; and
6. releasing BDO Canada Limited from any and all liability, as set out in paragraph 6 of this Order,

was heard this day by videoconference at London, Ontario.

ON READING the Report, the affidavits of the Receiver and its counsel as to fees (the "Fee Affidavits"), and on hearing the submissions of counsel for the Receiver and Royal Bank of Canada, no one else appearing although served as evidenced by the Affidavit of Charlotte Walton sworn January 31, 2022, filed;

1. THIS COURT ORDERS that the Report and the activities of the Receiver, as set out therein, are hereby approved.
2. THIS COURT ORDERS that the abandonment of and release of its interest in the Real Property by the Receiver is hereby approved, and that upon registration of a copy of this order upon title to the Real Property, the land registrar for the Land Titles Division of Essex (No. 12) is hereby directed to delete the registration of the order of the Honourable Justice George dated February 12, 2021, being Instrument Number CE991738 from the lands described in Schedule "A".
3. THIS COURT ORDERS that the fees and disbursements of the Receiver and its counsel, as set out in the Report and the Fee Affidavits, and the payment of same, are hereby approved.

4. THIS COURT ORDERS that the Receiver's statement of receipts and disbursements (attached as Appendix L to the Report) is hereby approved and that, after payment of the fees and disbursements herein approved, the Receiver shall pay the monies remaining in its hands if any, to Royal Bank of Canada.

5. THIS COURT ORDERS that upon payment of the amounts set out in paragraph 4 hereof and upon the Receiver filing a certificate substantially in the form attached as Appendix M to the Report certifying that it has completed the other activities described in the Report, the Receiver shall be discharged as Receiver of the undertaking, property and assets of the Debtor, provided however that notwithstanding its discharge herein (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of BDO Canada Limited in its capacity as Receiver.

6. THIS COURT ORDERS AND DECLARES that BDO Canada Limited is hereby released and discharged from any and all liability that BDO Canada Limited now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of BDO Canada Limited while acting in its capacity as Receiver herein, save and except for any gross negligence or wilful misconduct on the Receiver's part. Without limiting the generality of the foregoing, BDO Canada Limited is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within receivership proceedings, save and except for any gross negligence or wilful misconduct on the Receiver's part.

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per The Honourable Madam Justice Gorman

**London Courthouse**  
80 Dundas Street  
London, ON N6A 6A3

**Schedule "A"**

**Real Property**

PT LT 151 CON 1, SANDWICH EAST, PTS 2,3,4, PL 12R19008, EXCEPT THE EASEMENT THEREIN; TECUMSEH (PIN 01589-0859 LT)

PT LT 151 CON 1 SANDWICH EAST PT 1 12R19008; TECUMSEH (PIN 01589-0860 LT)