

**COURT OF APPEAL FOR ONTARIO**

THE HONOURABLE

)

MONDAY, THE 23<sup>RD</sup>

)

JUSTICE TROTTER

)

DAY OF APRIL, 2018

)

CAISSE POPULAIRE POINTE-AUX-ROCHES-TECUMSEH INC.

Plaintiff  
(Respondent)

and

G.I. FARMS INC., VANTEC USA ONTARIO INC., 2287188 ONTARIO INC., 2027512  
ONTARIO INC. and 1690169 ONTARIO INC.

Defendants  
(Appellants)

**ORDER**

**THIS MOTION**, made by the Appellants for various relief including Orders:

1. Extending time for GI Farms Inc. (the "**Appellant**") to serve and file a notice of appeal of the Order of Grace J. dated March 22, 2018 (the "**March 22 Order**");
2. Granting leave to appeal the March 22 Order, if required; and
3. Granting a stay of the March 22 Order pending disposition of the Appellant's appeal;

was heard this day at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

**ON READING** the Motion Record of the Appellant, the submissions of counsel for the Appellant, BDO Canada Limited in its capacity as receiver of the property, assets and undertaking of the Appellant (the "**Receiver**") and Caisse Populaire Pointe-aux-Roches-Tecumseth Inc. (the "**Caisse**"), and on being advised of the consent of the Appellant, the Receiver and the Caisse to the form of Order herein:

1. **THIS COURT ORDERS** that any terms not defined herein shall have the meaning ascribed to them in the March 22 Order.
2. **THIS COURT ORDERS** that the Appellant shall have until April 30, 2018 to serve and file a notice of appeal and/or a motion for leave to appeal the March 22 Order.
3. **THIS COURT ORDERS** that irrespective of whether the Appellant proceeds by way of notice of appeal and/or motion for leave to appeal, there will be no automatic stay of the March 22 Order. For greater certainty, the Receiver is permitted to proceed in accordance with the terms contained in the March 22 Order including, but not limited to, continuing the Sales Process, and obtaining vacant possession of the Porrone Home by no later than 6:00pm on April 23, 2018.
4. **THIS COURT ORDERS** that paragraph 3 above is without prejudice to the Appellant returning its motion for a stay in accordance with paragraph 6 below.
5. **THIS COURT ORDERS** that the relief sought by the Appellant in paragraph 4 of its Notice of Motion is dismissed without costs.

6. **THIS COURT ORDERS** that the balance of the Appellant's motion, inclusive of the Appellant's motion for a stay of the March 22 Order, is adjourned *sine die* returnable on 10 days notice to the Receiver and the Caisse.

7. **THIS COURT ORDERS** that this appeal shall be expedited and shall be case managed as follows:

and it's application for leave to appeal <sup>Ts</sup>

- (a) The Appellant shall perfect its appeal by no later than May 16, 2018;
- (b) The Receiver and the Caisse shall file their responding materials by no later than June 8, 2018; and
- (c) The Court shall hear this Appeal and, if necessary, a motion for leave to appeal concurrently on the first available date to be set by the Court.

8. **THIS COURT ORDERS** that if the Appellant fails to perfect its appeal by May 16, 2018 the Appellant's appeal shall be dismissed.

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

APR 23 2018

PER / PAR: **Ts**



Registrar

COURT OF APPEAL FOR ONTARIO

CAISSE POPULAIRE POINT-AUX-ROCHES-  
TECUMSEH INC.  
Plaintiff  
(Respondent)

and

G.I. FARMS INC. et al.  
Defendant  
(Appellants)

Court File No.: M49068

**COURT OF APPEAL FOR ONTARIO**

Proceeding commenced at **TORONTO**

**ORDER**

LERNERS LLP  
130 Adelaide Street West, Suite 2400  
Toronto, ON M5H 3P5

Domenico Magisano LS#: 45725E  
Tel: 416.601.4121  
Fax: 416.601.4123

Lawyers for BDO Canada Limited, in its  
capacity as Court Appointed Receiver of G.I.  
Farms Inc.