

COPY OF THE ORIGINAL GIVEN UNDER  
MY HAND AND THE SEAL OF THIS COURT  
COPIE AUTHENTIQUE CERTIFIÉE ET  
CONFORME À L'ORIGINAL  
EN FOI DE QUOI, J'AI SIGNÉ ET APOPOSÉ  
LE SCEAU DE CETTE COUR

THIS 23<sup>rd</sup> DAY OF April 2019

FAIT LE \_\_\_\_\_ 20 \_\_\_\_\_

Court of Appeal File No. M49873/C66166  
Court File No. CV-17-11760-00CL

Betty Kane  
REGISTRAR / GREFFIER  
COURT OF APPEAL FOR ONTARIO  
COUR D'APPEL DE L'ONTARIO

**COURT OF APPEAL FOR ONTARIO**

THE HONOURABLE

JUSTICE WATT

)  
)  
)  
)

MONDAY, THE 10<sup>TH</sup>

DAY OF DECEMBER, 2018

BETWEEN:



BUSINESS DEVELOPMENT BANK OF CANADA

Applicant

and

ASTORIA ORGANIC MATTERS LTD. and ASTORIA ORGANIC MATTERS  
CANADA LP

Respondents

IN THE MATTER OF the Receivership of Astoria Organic Matters Ltd. and Astoria Organic  
Matters Canada LP  
AND IN THE MATTER OF an Application pursuant to Rules 14.05(2), 14.05(3)(d), 14.05(3)(g)  
and 14.05(3)(h) of the *Rules of Civil Procedure*

**ORDER**

THIS MOTION by the moving party (appellant), SusGlobal Energy Belleville Ltd., was  
heard this day at Osgoode Hall, 130 Queen Street West, Toronto, Ontario, M5H 2N5.

ON READING the Motion Record, Factum and Book of Authorities of the moving party  
SusGlobal Energy Belleville Ltd., and the Factum and Book of Authorities of the responding party  
BDO Canada Limited, in its capacity as the Court-appointed receiver of Astoria Organic Matters

Ltd. and Astoria Organic Matters Canada LP (in such capacity, the "Receiver"), and on hearing the submissions of the lawyer(s) for the parties;

1. THIS COURT ORDERS that this appeal is governed by the provisions of the *Bankruptcy and Insolvency Act* ("BIA") in particular its s. 193, and not by s. 6 of the *Courts of Justice Act* ("CJA");
2. THIS COURT ORDERS that the motion for leave to appeal the Decision of Justice McEwen dated November 8, 2018 pursuant to s.193(e) of the BIA is dismissed;
3. THIS COURT ORDERS that costs of this motion and the companion motion in Court File No. M49872 be fixed at \$10,000 inclusive of disbursements and all applicable taxes, payable by SusGlobal Energy Belleville Ltd., to the Receiver;
4. This Order bears interest at the rate of 3% per year commencing on the date of this Order.

*B. H. Hane*  
 Registrar  
 Court of Appeal for Ontario

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 EN FOI DE QUOI, J'AI SIGNÉ ET APOSSÉ LE SCEAU DE CETTE COUR

THIS 23<sup>rd</sup> DAY OF April 2019  
 FAIT LE \_\_\_\_\_ 20\_\_\_\_

*B. H. Hane*  
 REGISTRAR / GREFFIER  
 COURT OF APPEAL FOR ONTARIO  
 COUR D'APPEL DE L'ONTARIO

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

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 LE / DANS LE REGISTRE NO.:

FEB 08 2019

PER / PAR: *JAN*

APR 23 2019

PER / PAR: *W*

BUSINESS DEVELOPMENT BANK OF CANADA  
Applicant

-and- ASTORIA ORGANIC MATTERS LTD. et al.  
Respondents

Court of Appeal File No. M49873/C66166  
Court File No. CV-17-11760-00CL

**COURT OF APPEAL FOR ONTARIO**

PROCEEDING COMMENCED AT  
TORONTO

**ORDER**

**SOLMON ROTHBART GOODMAN LLP**

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Lawyers for the appellant,  
SusGlobal Energy Belleville Ltd.

File Number: 17987

RCP-E 4C (May 1, 2016)