

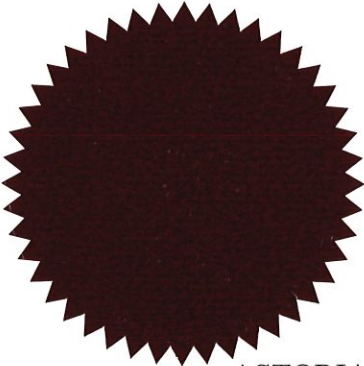
COURT OF APPEAL FOR ONTARIO

THE HONOURABLE
JUSTICE WATT

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)

MONDAY, THE 10TH
DAY OF DECEMBER, 2018

B E T W E E N:



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.



Registrar
Court of Appeal for Ontario

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

FEB 08 2019

PER / PAR: 

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

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File Number: 17987

RCP-E 4C (May 1, 2016)