

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.) MONDAY, THE 11th
)
JUSTICE CAVANAGH) DAY OF JANUARY, 2021
)

B E T W E E N:

THE BANK OF NOVA SCOTIA

Applicant

- and -

1854313 ONTARIO LIMITED

Respondent

ORDER

THIS MOTION, made by BDO Canada Limited, in its capacity as the Court-appointed receiver (in such capacities, the "**Receiver**") appointed pursuant to the Order of the Honourable Justice Cavanagh dated October 29, 2020 (the "**Appointment Order**") of the Property (as defined in the Appointment Order) of 1854313 Ontario Limited ("**DCC**"), for an Order:

1. That the time for service, filing and confirmation of the Notice of Motion and the Motion Record be abridged so that this motion is properly returnable today and hereby dispensing with further service and confirmation thereof;
2. Approving the Receiver's First Report to the Court dated December 22, 2020 (the "**First Report**") and the activities and conduct of the Receiver as detailed therein;
3. Approving the Receiver's Interim Statement of Receipts and Disbursements, as detailed in the First Report;
4. Approving the Receiver's Fees and Counsel Fees (all as defined and detailed in the First Report), and payment of same;

5. Approving the Sale Process (as defined and detailed in the First Report);
6. Directing Touchstone Group Inc. ("**Touchstone**"), Matthew Moyal ("**Moyal**"), DCC and Syed Bukahri ("**Bukahri**") to provide to the Receiver a full detailed accounting of receipts received and disbursements in relation to the Property (as defined in the Appointment Order) as well as any books and records of DCC in their possession (collectively, the "**Accounting**");
7. Seeking directions from this Court with respect to the payment to the Receiver of all monies collected or earned from the Property (as defined in the Appointment Order) following October 29, 2020 by Touchstone and Moyal, and directing Touchstone and Moyal pay to the Receiver the sum of all monies collected or earned from the Property following October 29, 2020; and,
8. Such further and other relief as counsel may request and this Honourable Court may permit.

was heard this day by judicial teleconference via Zoom at Toronto, Ontario .

ON READING the Notice of Motion, the First Report, the affidavits of the Receiver and its counsel as to the Receiver Fees and the Counsel Fees (the "**Fee Affidavits**"), and on hearing the submissions of counsel for the Receiver and all other parties present, all parties properly served as evidenced by the affidavits of Lindsay Provost sworn December 23, 2020, and January 5, 2021, filed;

1. **THIS COURT ORDERS** that the time for service, filing and confirmation of the Notice of Motion and the Motion Record be and are hereby abridged so that this motion is properly returnable today.
2. **THIS COURT ORDERS** that the First Report, and the activities and conduct of the Receiver as set out therein, are hereby approved.
3. **THIS COURT ORDERS** that the Statement of Receipts and Disbursements, as detailed in the First Report, is hereby approved.
4. **THIS COURT ORDERS** that the Receiver Fees and the Counsel Fees, as set out in the First Report and the Fee Affidavits, and payment of same, are hereby approved.

5. **THIS COURT ORDERS** that the Sales Process, as defined and detailed in the First Report, is hereby approved.
6. **THIS COURT ORDERS AND DIRECTS** that Touchstone pay to the Receiver the sum of \$57,855.09 forthwith, and thereafter all monies collected or earned from the Property following October 29, 2020, forthwith.

Justice, Ontario Superior Court of Justice
Commercial List

THE BANK OF NOVA SCOTIA

v.

1854313 ONTARIO LIMITED

Applicant

Respondent

Court File No. CV-20-00650239-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED AT TORONTO

ORDER

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