

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.) TUESDAY, THE 6th
JUSTICE NEWBOULD)
) DAY OF SEPTEMBER, 2016

BETWEEN:



EMMANUEL VILLAGE RESIDENCE INC.

Applicant

- and -

ATTORNEY GENERAL OF ONTARIO

Applicant

- and -

**1250 WEBER STREET EAST, KITCHENER, ONTARIO OR THE PROCEEDS OF THE
SALE THEREOF (IN REM)**

Respondent

**ORDER
re: broker's commission**

THIS MOTION made by Emmanuel Village Residence Inc. ("EVR") for an order approving a priority charge for the fees of Durham Capital Management O/A Sure Mortgage ("Sure Mortgage") in the aggregate amount equal to the Brokerage Fee due to Sure Mortgage, with the priority set out in more detail below, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Factum of Sure Mortgage Capital, and on hearing the submissions of counsel for Sure Mortgage Capital Inc., the Company, the Receiver, the Purchaser, HMT Holdings Inc., Plaintiffs in Court File No. CV-10-8597-00CL, the Retirement Homes Regulatory Authority, no one appearing for any other person on the service list, although properly served as appears from the affidavit of Jennifer Whincup sworn August 23, 2016 filed,

AND ON THE CONSENT of the Attorney General of Ontario (“AGO”),

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

BROKERAGE CHARGE

2. **THIS COURT ORDERS** that pursuant to s. 4(1) of the *Civil Remedies Act, 2001*, the Receiver shall pay to Sure Mortgage, or, subject to paragraph 3, as Sure Mortgage may direct, an amount representing 2.5% of the sale price, less \$10,000 plus HST (the “**Brokerage Commission**”) upon the successful closing of the transaction contemplated by the agreement between EVR and Revera Inc. dated August 12, 2016, as set out in the agreement between Sure Mortgage and EVR dated March 3, 2016.

3. **THIS COURT ORDERS** that Sure Mortgage shall not pay out any of the Brokerage Commission to Emmanuel Village Residence Inc., Emmanuel Village Homes (Kitchener) Inc., Bryan Hunking, Judy Hunking or any corporation with which they are involved.

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

SEP 06 2016

PER / PAR:



EMMANUEL
VILLAGE
RESIDENCE INC.
Applicant

- and - ATTORNEY GENERAL
OF ONTARIO
Applicant

1250 WEBER STREET EAST, KITCHENER,
ONTARIO OR THE PROCEEDS OF THE SALE
THEREOF (IN REM)
Respondent

Court File No. CV-16-11424-00CL

**SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at Toronto

ORDER
re: broker's commission

(September 6, 2016)

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