

Applicant

Applicant

Respondent

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

Agenda Sep 25/16

As the sides advise of the  
accounts of FMT Holdings. Please  
to stay will not include payment  
to the side of the same. Please  
Chadwick, the parties are to attend  
at a 3.30 pm in the afternoon  
on Thursday September 29/16 to  
settle the issue.

25/2015

Agenda Sep 29/16

The parties have reviewed the  
issues in the terms of the attached  
order of settlement, which is agreed.  
28/2015

ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST  
Proceedings commenced at Toronto

MOTION RECORD  
(Motion returnable on September 26, 2016)

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Lawyers for BDO Canada Limited



Approved. 2<sup>nd</sup> Dec 16.  
Agenda 29, 2016

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(A) On the consent of the Attorney General for Ontario ("A-G") and Sure Mortgage Capital Inc. ("Sure") the claim of Sure for costs under the security granted to Sure by Emmanuel Village Residence Inc. ("EVR") shall be resolved as follows:

- 1) \$11,970.85 shall be payable pursuant to Sure's security over the assets of EVR; and
- 2) \$8,904.50, representing the portion of Sure's costs in respect of the brokerage fee issue, shall be payable as a costs award against the AG personally, but not from the estate of EVR, being the Property

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within the meaning of the Appointment order and also being the property preserved under the preservation order made under the Civil Remedies Act.

(B) At the request of the A-G, which is unopposed by HMT Holdings Inc. ("HMT"), the costs claim of HMT under the security granted to HMT by EVR shall be removed as follows:

- 1) HMT's fees to August 30 shall be paid pursuant to HMT's security over the assets of EVR to the extent of \$104,112.56 with <sup>a further</sup> \$34,000 of such fees being held and to be paid pursuant to by the receiver, ~~pending~~ further Order of the Court or consent of the parties.

2) HMT's fees after August 30 shall be paid  
 out pursuant to its security over the assets  
 of EVR subject to objection by the A-G,  
 in which case the receiver shall seek further  
 direction of the court, ~~if necessary.~~

(c) The receiver is authorized and directed  
 to pay the amounts referred to in paras.  
 A(1), B(1) and B(2), above, from the sale  
 proceeds.