



Court File No. CV-12-9861-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE) THURSDAY, THE 29TH DAY OF
) JANUARY, 2015 and
MR. JUSTICE NEWBOULD)
) TUESDAY, THE 17TH DAY OF
) MARCH, 2015

BETWEEN:

CANADIAN SOLAR SOLUTIONS INC.

Applicant

- and -

RA SOLAR LEASING INC.

Respondent

ORDER

THIS MOTION, made by Heliene Finance Inc. for an Order granting it permission to institute an action against BDO Canada Limited ("**BDO**") for damages allegedly suffered while BDO acted as receiver over certain assets of the Respondent, was heard on January 29, 2015 at 330 University Avenue, Toronto, Ontario, with submissions as to costs of BDO having been heard in writing with reasons released on March 17, 2015.

ON READING the Motion Record of Heliene Finance Inc., the Responding Motion Record of BDO, the Supplementary Affidavit of Martin Pochtaruk dated January 27, 2015, on hearing the submissions of counsel for the Applicant, counsel for BDO and

counsel for Heliene Finance Inc., on being informed that the costs of the motion as between the Applicant and Heliene Finance Inc. have been agreed, and on reading the costs submissions of BDO and the responding costs submissions of Heliene Finance Inc.,

1. **THIS COURT ORDERS** that the motion is dismissed.
2. **THIS COURT FURTHER ORDERS** that BDO is entitled to its costs of the motion on a substantial indemnity basis in the amount of \$35,000.00, inclusive of disbursements and taxes, which amount shall be paid by Heliene Finance Inc. to BDO within 30 days from March 17, 2015, and for greater certainty, shall be paid on or before April 17, 2015.
3. **THIS COURT FURTHER ORDERS** that the Applicant is entitled to its costs of the motion, which have been agreed to in the amount of \$1,500.00, inclusive of disbursements and taxes, which amount shall be paid by Heliene Finance Inc. to the Applicant within 30 days from March 17, 2015 and for greater certainty, shall be paid on or before April 17, 2015.

THIS ORDER BEARS INTEREST at the rate of 3 per cent per annum commencing on April 17, 2015



G. Argyropoulos, Registrar
Superior Court of Justice

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

APR 8 - 2015

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