

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE ) MONDAY, THE 10<sup>th</sup>  
 )  
MR. JUSTICE CUMMING ) DAY OF SEPTEMBER, 2012

BETWEEN



THE TORONTO-DOMINION BANK

Applicant

-and-

2026227 ONTARIO INC.

Respondent

**ORDER**

THIS MOTION, made by BDO Canada Limited (the “Fund Advisor”) for, *inter alia*, an order approving the Third Report of the Fund Advisor and for direction and approval as to the actions taken by the Fund Advisor as well as those additional actions proposed to be taken, as set out in the Third Report, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Third Report of the Interpleaded Fund Advisor and on hearing the submissions of the lawyer(s) for the Fund Advisor, Dibrina Sure Benefits Consulting Inc., et al., Carriere Industrial Supply Limited, The Toronto-Dominion Bank and 202,

1. **THIS COURT ORDERS** that service of this Motion has been validly effected on all necessary parties and declares that this Motion is properly returnable today.

2. **THIS COURT FURTHER ORDERS** that Third Report of the Fund Advisor is approved and the actions and activities of the Fund Advisor as set out in the Third Report of the Fund Advisor are approved.

3. **THIS COURT FURTHER ORDERS** that the fees and disbursements of the Fund Advisor and its counsel for the period from March 31, 2012 and prospectively to the completion of its mandate as detailed in the Third Report of the Fund Advisor and the Bill of Costs of counsel for the Fund Advisor, filed, are hereby approved.

4. **THIS COURT FURTHER ORDERS** that the Fund Advisor is authorized to assist and make recommendations to the Canada Revenue Agency ("CRA") in respect of the reallocation of \$445,038.69 in the possession of CRA (the "CRA Funds") which is to be redistributed in a manner consistent with the protocol outlined in the May 28, 2012 decision and reasons of the Honourable Justice Brown (the "Reallocation Protocol"), as discussed in the Third Report of the Fund Advisor.

5. **THIS COURT FURTHER ORDERS** that any Funds which may be ordered to be paid by the Toronto Dominion Bank, exclusive of any costs orders, pursuant to Court File No. CV-12-9838-00CL, are to be paid to the Fund Advisor and distributed by the Fund Advisor in a manner consistent with the Reallocation Protocol.

*Sept. 10, 2012*

*Peter A. Cumming J.*

FILED AT THE COURT OF QUEEN'S BENCH  
OF SASKATCHEWAN  
LE / DANS LE REGISTRE NO.:

SEP 27 2012

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THE TORONTO-DOMINION BANK  
Applicant

-and-

2026227 ONTARIO INC.  
Respondent  
Court File No. CV-11-9336-00-CL

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**IN BANKRUPTCY AND INSOLVENCY**

PROCEEDING COMMENCED AT TORONTO

**ORDER**

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