

Court File No. CV-25-00013229-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE) FRIDAY, THE 15TH
)
JUSTICE R.D. CORNELL) DAY OF MAY, 2026
)

B E T W E E N:



CAISSE DESJARDINS ONTARIO CREDIT UNION INC.

Applicant

- and -

**5010980 ONTARIO INC., THE ESTATE OF ROBERT BOUCHER, DIANE BOUCHER
and ANGEL VINCENT**

Respondents

DISTRIBUTION AND DISCHARGE ORDER

THIS MOTION, made by BDO Canada Limited (“**BDO**”) in its capacity as the Court-appointed receiver and manager (in such capacity, the “**Receiver**”), without security, over all property, assets and undertakings of 5010980 Ontario Inc. (the “**Debtor**”) for an order, *inter alia*, approving the Receiver’s conduct and fees, authorizing the Receiver to make distributions and discharging the Receiver, was heard this day by videoconference at 155 Elm Street, Sudbury, Ontario.

ON READING the First Report and the appendices thereto, dated May 6, 2026 (the “**First Report**”), and on hearing the submissions of counsel for the Receiver and other parties listed on the Participant Information Sheet, no one appearing for any other person on the service list, although properly served as appears from the Affidavit of Service of Khadija Waqqas, sworn May 8, 2026, filed:

SERVICE

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

APPROVAL OF ACTIVITIES AND INTERIM STATEMENT

2. **THIS COURT ORDERS** that the First Report and the actions and activities of the Receiver described in the First Report are hereby approved provided, however, that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approval.

3. **THIS COURT ORDERS** that the Receiver's Interim Statement of Receipts and Disbursements for the period January 2, 2026 to May 4, 2026 attached as Appendix "C" to the First Report is hereby approved.

APPROVAL OF FEES

4. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and Blaney McMurtry LLP, as set out in the First Report, the Affidavit of Peter Crawley, dated May 5, 2026 and the Affidavit of Timothy R. Dunn, dated May 6, 2026, are hereby approved.

5. **THIS COURT ORDERS** that the proposed accrual of fees of the Receiver and Blaney McMurtry LLP, as described in the First Report, up to aggregate amount of \$35,000 (plus disbursements and HST) (the "**Fee Accrual**") to complete the Final Activities (as set out in the First Report) is hereby approved, and the Receiver and Blaney McMurtry LLP shall not be required to pass their accounts in respect of any further activities in connection with the administration of the receivership proceeding, provided that the fees of each of the Receiver and Blaney McMurtry LLP do not exceed the Fee Accrual.

RECEIVER AUTHORIZED TO MAKE DISTRIBUTIONS

6. **THIS COURT ORDERS** that, after payment of the fees and disbursement of the Receiver and Blaney McMurtry LLP, the Receiver is hereby authorized and directed to distribute the cash on hand in the receivership from the net proceeds of the sale of the property municipally known

as 309 Old Skead Road, Garson, Ontario to Caisse Desjardins Ontario Credit Union Inc. up to the full amount of the Desjardins Indebtedness (as defined in the First Report), and to the Diane & Robert Boucher Family Trust up to the full amount of the Boucher Indebtedness (as defined in the First Report) (collectively, the “**Distributions**”) in accordance with their respective priorities and security.

7. **THIS COURT ORDERS** that the Distributions shall not constitute a “distribution” for the purposes of section 107 of the *Corporations Tax Act (Ontario)*, section 22 of the *Retail Sales Tax Act (Ontario)*, section 117 of the *Taxation Act, 2007 (Ontario)*, section 159 of the *Income Tax Act*, section 270 of the *Excise Tax Act (Canada)*, section 86 of the *Employment Insurance Act (Canada)*, or any other similar applicable federal, provincial or territorial tax legislation (collectively, the “**Tax Statutes**”). The Receiver, in making the Distributions, is merely a disbursing agent and is not exercising any discretion in making the Distributions, and no person is “distributing” such funds for the purpose of the Tax Statutes, and the Receiver shall not incur any liability under the Tax Statutes in respect of the Distributions and the Receiver is hereby forever released, remised and discharged from any claims against it under or pursuant to the Tax Statutes or otherwise at law, arising in respect or as a result of the Distributions made by it in accordance with this Order and any claims of this nature are hereby forever barred.

DISCHARGE OF RECEIVER

8. **THIS COURT ORDERS** that upon the Receiver’s completion of its remaining duties and administration of the receivership proceedings of the Debtor, and effective upon the filing of the Receiver of a certificate (the “**Discharge Certificate**”) in the form attached hereto as Schedule “A”, certifying that, to its knowledge, all matters to be attended to in connection with the Debtor’s receivership proceedings, as determined by the Receiver, have been completed to the satisfaction of the Receiver, the Receiver shall be discharged as receiver of all property, assets and undertakings of the Debtor, provided, however, that notwithstanding its discharge herein (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stay of proceedings in favour of BDO in its capacity as Receiver.

9. **THIS COURT ORDERS** that effective upon the Receiver filing the Discharge Certificate, BDO and its affiliates, officers, directors, partners, employees, legal counsel, including Blaney McMurtry LLP, and agents (collectively, the “**Released Parties**”) are hereby released and discharged from any and all liability that the Released Parties now have or may hereafter have by reason of, or in any way arising out of, the acts or omissions of BDO while acting in its capacity as Receiver herein or the within receivership proceedings, whether known or unknown, matured or unmatured, foreseen or unforeseen, save and except for any gross negligence or willful misconduct on a Released Parties’ part. Without limiting the generality of the foregoing, the Released Parties are hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within receivership proceeding, save and except from any gross negligence or willful misconduct on the Released Parties’ part.

GENERAL

10. **THIS COURT ORDERS** that, notwithstanding Rule 59.05, this Order is effective from the date that it is made, and is enforceable without any need for entry and filing.

11. **THIS COURT ORDERS** that this Order shall have full force and effect in all provinces and territories in Canada.

12. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, the United States or in any other foreign jurisdiction to give effect to this Order and to assist the Debtor, the Receiver and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance the Debtor, and the Receiver, as an officer of this Court, as may be necessary or desirable to recognize and give effect to this Order and to assist the Debtor, the Receiver and their respective agents in carrying out the terms of this Order.

Date of Issuance: 19 MAY 2026



Schedule A – Form of Receiver’s Discharge Certificate

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ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:

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Applicant

- and -

**5010980 ONTARIO INC., THE ESTATE OF ROBERT BOUCHER, DIANE BOUCHER
and ANGEL VINCENT**

Respondents

RECEIVER’S CERTIFICATE

RECITALS

A. Pursuant to an Order of the Honourable Justice Kurke of the Ontario Superior Court of Justice (the “**Court**”) dated January 2, 2026, BDO Canada Limited (“**BDO**”) was appointed as the receiver and manager (the “**Receiver**”), without security, of the property, assets and undertakings of 5010980 Ontario Inc. (the “**Debtor**”).

B. Pursuant to a Distribution and Discharge Order of the Court dated May 15, 2026, the Court ordered the discharge of BDO as the Receiver, to become effective, and conditional, upon the filing with the Court by the Receiver of a certificate confirming that all matters to be attended to in connection with the Debtor’s receivership proceedings have been completed to the satisfaction of the Receiver.

THE RECEIVER CERTIFIES the following:

1. To its knowledge, all matters to be attended to in connection with the Debtor’s receivership proceedings, as determined by the Receiver, have been completed to the satisfaction of the Receiver.

4. This Certificate was delivered by the Receiver at _____ [TIME] on _____ [DATE].

BDO CANADA LIMITED, in its capacity as Receiver of the property, undertaking and assets of the Debtor, and not in its personal capacity

Per: _____
Name:
Title:

**CAISSE DESJARDINS ONTARIO CREDIT UNION and
INC.**

Applicant

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**5010980 ONTARIO INC., THE ESTATE OF ROBERT
BOUCHER, DIANE BOUCHER and ANGEL VINCENT**

Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at **Sudbury**

DISTRIBUTION AND DISCHARGE ORDER

BLANEY MCMURTRY LLP

Barristers & Solicitors
2 Queen Street East, Suite 1500
Toronto ON M5C 3G5

Timothy R. Dunn (LSO #34249I)

Tel: (416) 597-4880

Fax: (416) 593-5148

Email: tdunn@blaney.com

Alexandra Teodorescu (LSO #63889D)

Tel: (416) 596-4279

Fax: (416) 594-2506

Email: ateodorescu@blaney.com

Lawyers for Court-appointed Receiver,
BDO Canada Limited