

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

THE HONOURABLE  
JUSTICE PENNY

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TUESDAY, THE 11<sup>TH</sup>  
DAY OF MARCH, 2025

B E T W E E N:

**CANADIAN WESTERN BANK**

Applicant

**and**

**8438048 CANADA INC.**

Respondent

**AND IN THE MATTER OF AN APPLICATION UNDER section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended, and section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended**

**ORDER**  
**(ASSET RECOVERY ORDER)**

**THIS MOTION**, made by BDO Canada Limited, in its capacity as the Court-appointed receiver and manager (the “**Receiver**”) over the assets, undertakings, and properties of 8438048 Canada Inc. (the “**Debtor**”) was heard this day by videoconference.

**ON READING** the Motion Record of the Receiver dated February 28, 2025 and the Supplemental Motion Record of the Receiver dated March 10, 2025, including the First Report of the Receiver dated February 28, 2025 and the Supplemental First Report of the Receiver dated March 10, 2025, the materials filed on this motion, and on hearing the submissions of counsel for the parties and the Receiver and such other counsel as were present, no one appearing for any other person on the Service List, although duly served as appears from the Affidavit of Service of Christopher Maniaci sworn March 4, 2025 and the Lawyer's Certificates of Service of Jennifer L. Caruso dated February 28, 2025, March 6, 2025, and March 10, 2025,

1. **THIS COURT ORDERS** that GFS International Inc. and AMG Warehousing & Distribution Inc. (the parties occupying the property municipally known as 455 Gibraltar Ave, Mississauga, Ontario (the "**Gibraltar Lot**")), any other occupants of the Gibraltar Lot, and any other person in power, possession or control of the Gibraltar Lot shall provide the Receiver or its agents and representatives, or any other party authorized by the Receiver, with immediate access to the Gibraltar Lot.

2. **THIS COURT ORDERS** that any parties occupying the property municipally known as 6950 Kenderry Gate, Mississauga, Ontario (the "**Kenderry Lot**"), any other occupants of the Kenderry Lot, and any other person in power, possession or control of the Kenderry Lot shall provide the Receiver or its agents and representatives, or any other party authorized by the Receiver, with immediate access to the Kenderry Lot.

3. **THIS COURT ORDERS** that AMG Global Forwarding Inc. and 14713737 Canada Inc. (the parties occupying the property municipally known as 7372 Guelph Line and 7388

Guelph Line, Campbellville, Ontario (the “**Guelph Line Lot**”), any other occupants of the Guelph Line Lot, and any other person in power, possession or control of the Guelph Line Lot shall provide the Receiver or its agents and representatives, or any other party authorized by the Receiver, with immediate access to the Guelph Line Lot.

4. **THIS COURT ORDERS** that 1683643 Ontario Ltd. operating as Carry 4 U (the party occupying the property municipally known as 115 East Dr, Brampton, Ontario (the “**East Lot**”, and together with the Gibraltar Lot, the Kenderry Lot, and the Guelph Line Lot, the “**Lots**”)), any other occupants of the East Lot, and any other person in power, possession or control of the East Lot shall provide the Receiver or its agents and representatives, or any other party authorized by the Receiver, with immediate access to the East Lot.

5. **THIS COURT ORDERS** that any person or other entity acting in any capacity whatsoever occupying or in power, possession, or control of (any “**Person**”) any real property, premises, or structures, whether fixed or temporary, upon which any Property of the Debtor is or is reasonably believed to be located (the “**Locations**”) shall provide the Receiver or its agents and representatives or any other party authorized by the Receiver, with immediate access to the Locations.

6. **THIS COURT ORDERS** that the immediate access provided for in paragraphs 1-5 includes allowing and/or facilitating the Receiver or its agents or representatives to enter into any locked premises, garages, and/or gated yards, and to remove any equipment that may be blocking the recovery of Property by the Receiver or its agents or representatives or any other party authorized by the Receiver.

7. **THIS COURT ORDERS** that the Receiver or its agents or representatives, or any other party authorized by the Receiver, are hereby authorized to enter the Lots and Locations and take immediate possession of and remove any Property from the Lots and Locations identified by the Receiver as owned or leased by the Debtor.

8. **THIS COURT ORDERS** that, for greater certainty, the authority under the above paragraph 7 includes taking immediate possession of and removing trailers bearing or reasonably believed to bear Vehicle Identification Numbers 527SR5328PL148827, 5V8VC5323RT401784, 527SR5328PL268207, 527SR5328PL168236, 527SR5328PL236857, 2SHSR5327RS508563, 527SR5328PL148214, 527SR5323PL136855, and 527SR5328PL146852 (the “**Transferred Trailers**”), and, if recovered, will be held by the Receiver pending further order of this Court.

9. **THIS COURT ORDERS** that except as required to comply with any other Order of this Court to deliver Property to the Receiver, no person or entity, other than the Receiver or its agents and representatives, or any other party authorized by the Receiver, may move, relocate, transport, or conceal from the Receiver any Property or Transferred Trailers in any manner whatsoever.

10. **THIS COURT ORDERS** that the Receiver shall not be required to make any payments to GFS International Inc., Lion Force Transport Inc., AMG Global Forwarding Inc., AMG Warehousing & Distribution Inc., 14713737 Canada Inc., 1683643 Ontario Ltd., or any Person, in respect of costs incurred or that may be incurred to facilitate the entry into the Lots and Locations and/or recovery of the Property or the Transferred Trailers by the Receiver or its agents or representatives or any other person authorized by the Receiver.

11. **THIS COURT ORDERS** that any local police or peace officers shall assist the Receiver or its agents or representatives in implementing the Amended and Restated Receivership Order of this Court dated January 16, 2025 and this Order, including by assisting the Receiver or its agents in gaining access to the Lots and Locations and recovering the Property or the Transferred Trailers, as requested by the Receiver or its agents or representatives.

12. **THIS COURT ORDERS** that any interested party may apply to this Court to vary or amend this Order on not less than seven (7) days' notice to the Receiver and to any other party likely to be affected by the order sought or upon such other notice, if any, as this Court may order.

13. **THIS COURT ORDERS** that this Order is effective from the date it is made and it is enforceable without any need for entry and filing, provided that any party may nonetheless submit a formal order for original signing, entry, and filing, as the case may be.

  
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CANADIAN WESTERN BANK

Applicant -and- 8438048 CANADA INC.

Respondent  
Court File No. CV-24-00729834-00CL

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

PROCEEDING COMMENCED AT  
TORONTO

**ORDER  
(ASSET RECOVERY ORDER)**

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