

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**CAISSE DESJARDINS ONTARIO CREDIT UNION INC.**

Applicant

**- and -**

**12905060 CANADA INC., 1000373090 ONTARIO INC.,  
14611799 CANADA INC., 14833074 CANADA INC.,  
14825641 CANADA INC., 12631521 CANADA INC.,  
1000593693 ONTARIO INC. and NELS MOXNESS**

Respondents

**IN THE MATTER OF AN APPLICATION PURSUANT TO SUBSECTION 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**

**MOTION RECORD  
(Urgent to Vary Order – In Writing)**

March 28, 2026

**SPETTER ZEITZ KLAIMAN PC**  
Barristers & Solicitors  
100 Sheppard Avenue East, Suite 850  
Toronto, Ontario M2N 6N5

**JASON D. SPETTER**  
LSO No. 46105S  
Email: [jspetter@szklaw.ca](mailto:jspetter@szklaw.ca)

**MATTHEW R. HARRIS**  
LSO No. 63135e  
Email: [mharris@szklaw.ca](mailto:mharris@szklaw.ca)

Tel: 416-789-0652  
Fax: 416-789-9015

Lawyers for the Receiver, BDO Canada  
Limited

**TO: THIS HONOURABLE COURT**

**AND TO: THE SERVICE LIST**

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**CAISSE DESJARDINS ONTARIO CREDIT UNION INC.**

Applicant

**- and -**

**12905060 CANADA INC., 1000373090 ONTARIO INC.,  
14611799 CANADA INC., 14833074 CANADA INC.,  
14825641 CANADA INC., 12631521 CANADA INC.,  
1000593693 ONTARIO INC. and NELS MOXNESS**

Respondents

**IN THE MATTER OF AN APPLICATION PURSUANT TO SUBSECTION 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**

**I N D E X**

<b>TAB</b>	<b>DOCUMENT</b>
<b>1.</b>	<b>Notice of Motion</b>
<b>2.</b>	<b>Affidavit of Talia Oshana, sworn March 28<sup>th</sup>, 2026</b>
<b>A.</b>	<b>Exhibit “A” – Order of Madam Justice Ohler, dated March 26<sup>th</sup>, 2026</b>
<b>B.</b>	<b>Exhibit “B” – Parcel Search for 138 Turner Avenue, Sault Ste. Marie, Ontario, Charge and Notice of Assignment of Rents</b>
<b>C.</b>	<b>Exhibit “C” – Parcel Search for 407 Dupont Street, Sudbury, Ontario and Notice of Security Interest</b>
<b>3.</b>	<b>Draft Order</b>

# TAB 1

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

CAISSE DESJARDINS ONTARIO CREDIT UNION INC.

Applicant

- and -

12905060 CANADA INC., 1000373090 ONTARIO INC.,  
14611799 CANADA INC., 14833074 CANADA INC.,  
14825641 CANADA INC., 12631521 CANADA INC.,  
1000593693 ONTARIO INC. and NELS MOXNESS

Respondents

**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**

**NOTICE OF MOTION**

BDO Canada Limited (“**BDO**”), in its capacity as the court-appointed receiver and manager (in such capacities, the “**Receiver**”), without security, of all the assets, undertakings, and properties of 12905060 Canada Inc. (“**129**”), 1000373090 Ontario Inc. (“**10003**”), 14611799 Canada Inc. (“**146**”), 14833074 Canada Inc. (“**1483**”), 14825641 Canada Inc. (“**1482**”), 12631521 Canada Inc. (“**126**”) and 1000593693 Ontario Inc. (“**10005**”) (collectively the “**Debtors**”), acquired for, or used in relation to businesses carried on by the Debtors, including all proceeds thereof, will make a motion to a judge presiding over the Ontario Superior Court of Justice on October 25, 2025 in writing at 10:00 a.m., or as soon after that time as the motion can be read.

**PROPOSED METHOD OF HEARING:** The motion is to be heard:

- In writing under subrule 37.12.1(1) because it is (*insert one of on consent, unopposed or made without notice*);
- In writing as an opposed motion under subrule 37.12.1(4);
- In person;
- By telephone conference;
- By video conference.

**THE MOTION IS FOR:**

1. An Order, if necessary, abridging the time for service and validating service of this Notice of Motion and Motion Record in the manner effected by the Receiver or an Order dispensing with service thereof;
2. An Order, substantially in the form attached hereto as Tab 3 of the Motion Record, for the following relief:
  - (a) An Order varying the description in Schedule “C” of the Order of Madam Justice Ohler dated March 26<sup>th</sup>, 2026,

To Add To Pin List 02179-0057 (LT)

<b>REG NUM.</b>	<b>DATE</b>	<b>INSTRUMENT TYPE</b>	<b>AMOUNT</b>	<b>PARTIES FROM</b>	<b>PARTIES TO</b>
SD117124	2008/06/23	NO SEC INTEREST	\$7,599	2035881 ONTARIO INC.	

And to Amend PIN List 31593-0099 (LT)

<b>REG NUM.</b>	<b>DATE</b>	<b>INSTRUMENT TYPE</b>	<b>AMOUNT</b>	<b>PARTIES FROM</b>	<b>PARTIES TO</b>
<b>AL270362</b>	<b>2023/09/26</b>	<b>CHARGE</b>	<b><u>\$300,000</u></b>	<b>1000593693 ONTARIO INC.</b>	<b>CAISSE DESJARDINS ONTARIO CREDIT UNION INC.</b>
<b>AL270363</b>	<b>2023/09/26</b>	<b>NOTICE OF ASSIGNMENT OF RENT GENERAL</b>		<b>1000593693 ONTARIO INC.</b>	<b>CAISSE DESJARDINS ONTARIO CREDIT UNION INC.</b>

3. Such further and other relief as required in the circumstances and this Honorable Court deems just.

**THE GROUNDS FOR THE MOTION ARE:**

4. Pursuant to the Order of the Honourable Justice Spurgeon dated March 27, 2025 (the “**Appointment Order**”), the Receiver was appointed receiver and manager, without security, of all the assets, undertakings, and properties of the Debtors, including the Real Properties.
5. Caisse Desjardins Ontario Credit Union Inc. (“Desjardins”) brought the application for the Appointment Order. The Debtors were indebted to Desjardins in the aggregate amount of \$8,613,273 as of January 31, 2025, not including professional fees (together with accruing interest and costs, the “Indebtedness”).
6. The Indebtedness is secured by, inter alia, collateral mortgages registered on thirty-two (32)

real properties with municipal addresses in Sault Ste Marie, Sudbury, and St. Catharines, Ontario (collectively, the “**Real Properties**”).

### **The Sale Transactions**

7. Pursuant to the terms of the Appointment Order, the Receiver was empowered and authorized to market the Real Properties, including advertising and soliciting offers and negotiating such terms and conditions of sale as the Receiver, in its discretion, determined to be appropriate.
8. The Receiver has entered into 3 Agreements of Purchase and Sale for 3 separate properties. The terms of the Agreement of Purchase and Sales require the closing of the sales transactions as soon as possible, and at most 10-days from the date of the Court Order being granted.
9. The purchasers lawyers have contacted the lawyer for the receiver multiple times to inquire about the closing of these transactions.
10. On March 26<sup>th</sup>, 2026, counsel for the Receiver appeared before Madam Justice Ohler. Her Honour made the requested Order, and the closing were scheduled to proceed 10-days from the March 26<sup>th</sup>, 2026.
11. It came to counsel for the Receiver’s attention that there were a number of errors listed in Schedule “C” to the Order. This section lists the claims to be deleted and expunged from title to the Real Property, upon the vesting Order’s being registered.
12. The errors were in the identification of the Charge and Notice of Assignment of Rents on

one property, as well as a Notice of Security Interest that was not listed on another.

13. This needs to be corrected as soon as possible, as the Land Registry will reject the Vesting Order if this is not corrected, and will cause additional prejudice to the Desjardins and the Receiver.
14. This motion was not opposed. Rule 59.06 of the Rules of Civil Procedure.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the motion:

- (a) Affidavit of Legal Clerk; and
- (b) Such further and other evidence as the lawyers may advise and this Honourable Court may permit.

*DATE: March 27<sup>th</sup>, 2026*

**SPETTER ZEITZ KLAIMAN PC**  
Barristers & Solicitors  
100 Sheppard Avenue East, Suite 850  
Toronto, Ontario M2N 6N5

**JASON D. SPETTER**  
**LSO No. 46105S**  
**Email: [jspetter@szklaw.ca](mailto:jspetter@szklaw.ca)**

**MATTHEW R. HARRIS**  
**LSO No. 63135e**  
**Email: [mharris@szklaw.ca](mailto:mharris@szklaw.ca)**

Tel: 416-789-0652  
Fax: 416-789-9015

Lawyers for the Receiver, BDO Canada  
Limited

**TO: THIS HONOURABLE COURT**

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

-and-

**12905060 CANADA INC.**

*Respondents*

Court File No.: CV-25-00089291-0000

---

**ONTARIO  
SUPERIOR COURT OF JUSTICE**  
  
PROCEEDING COMMENCED AT  
HAMILTON

---

**NOTICE OF MOTION**

---

**SPETTER ZEITZ KLAIMAN PC**  
Barristers & Solicitors  
100 Sheppard Avenue East, Suite 850  
Toronto, Ontario M2N 6N5

**JASON D. SPETTER**  
LSO No. 46105S  
Email: [jspetter@szklaw.ca](mailto:jspetter@szklaw.ca)

**MATTHEW R. HARRIS**  
LSO No. 63135e  
Email: [mharris@szklaw.ca](mailto:mharris@szklaw.ca)

Tel: 416-789-0652  
Fax: 416-789-9015

Lawyers for the Receiver,  
BDO Canada Limited

# TAB 2

Court File No. CV-25-00089291-0000

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

CAISSE DESJARDINS ONTARIO CREDIT UNION INC.

Applicant

- and -

12905060 CANADA INC., 1000373090 ONTARIO INC.,  
14611799 CANADA INC., 14833074 CANADA INC.,  
14825641 CANADA INC., 12631521 CANADA INC.,  
1000593693 ONTARIO INC. and NELS MOXNESS

Respondents

**AFFIDAVIT OF TALIA OSHANA**

**(sworn March 28, 2026)**

**I, Talia Oshana**, of the City of Toronto, in the Province of Ontario, do make oath and say  
as follows:

1. I am a legal assistant to Matthew R. Harris, at the law firm of Spetter Zeitz Klaiman ('SZK'), counsel for BDO Canada Limited., the court-appointed receiver and manager (in such capacities, the "**Receiver**"), without security, of all the assets, undertakings, and properties of 12905060 Canada Inc. ("**129**"), 1000373090 Ontario Inc. ("**10003**"), 14611799 Canada Inc. ("**146**"), 14833074 Canada Inc. ("**1483**"), 14825641 Canada Inc. ("**1482**"), 12631521 Canada Inc. ("**126**") and 1000593693 Ontario Inc. ("**10005**") (collectively the "**Debtors**"), acquired for, or used in relation to businesses carried on by the Debtors, and as such, I have knowledge of that to which I depose to.
2. On March 26<sup>th</sup>, 2026, the Receiver made a motion before the Honourable Court for *inter alia* approval of its activities, the sale of 3 properties in Sault Ste. Marie, and Sudbury, and a vesting Order to effect the transfer of the properties.

3. The Receiver has entered into 3 Agreements of Purchase and Sale for 3 separate properties. The terms of the Agreement of Purchase and Sales require the closing of the sales transactions as soon as possible, and at most 10-days from the date of the Court Order being granted.
4. The purchaser's lawyers have contacted the lawyer for the receiver multiple times to inquire about the closing of these transactions. Every additional day that the closings do not occur, taxes continue to accrue, the creditor loses money and there is additional liabilities surrounding the properties.
5. On March 26<sup>th</sup>, 2026, counsel for the Receiver appeared before Madam Justice Ohler. Her Honour made the requested Orders, approving the sales and the vesting of titles. As a result, the closings were scheduled to proceed 10-days from the March 26<sup>th</sup>, 2026. Attached and marked to this Affidavit as **Exhibit "A"** is a true copy of the Order and Endorsement of Madam Justice Ohler. Her Honour also made a second order for tertiary relief, which is proper and not subject to the within motion.
6. In preparing for the immediate closings of the transactions, it came to the Receiver's counsel's attention that there were 3 errors on the Order that had to be remedied.
7. The errors were in Schedule "C" of the Order of Madam Justice Ohler, in the identification of the Charge and Notice of Assignment of Rents on PIN 31593-0099, 138 Turner Avenue, Sault Ste. Marie ("138 Turner"), as well as a Notice of Security Interest, Instrument Number SD117124, on PIN 02179-0057, 407 Dupont Street, Sudbury, ("407 Dupont") Ontario, that was not listed on another.

8. 138 Turner on the Order Reads (the double underlined being the errors):

<b>REG NUM.</b>	<b>DATE</b>	<b>INSTRUMENT TYPE</b>	<b>AMOUNT</b>	<b>PARTIES FROM</b>	<b>PARTIES TO</b>
AL270 <u>445</u>	2023/09/ <u>28</u>	CHARGE	<u>\$425,000</u>	1000593693 ONTARIO INC.	CAISSE DESJARDINS ONTARIO CREDIT UNION INC.
AL270 <u>446</u>	2023/09/ <u>28</u>	NOTICE OF ASSIGNMENT OF RENT GENERAL		1000593693 ONTARIO INC.	CAISSE DESJARDINS ONTARIO CREDIT UNION INC.

It should read (the underlined sections being the replacements):

<b>REG NUM.</b>	<b>DATE</b>	<b>INSTRUMENT TYPE</b>	<b>AMOUNT</b>	<b>PARTIES FROM</b>	<b>PARTIES TO</b>
AL270 <u>362</u>	2023/09/ <u>26</u>	CHARGE	<u>\$300,000</u>	1000593693 ONTARIO INC.	CAISSE DESJARDINS ONTARIO CREDIT UNION INC.
AL270 <u>363</u>	2023/09/ <u>26</u>	NOTICE OF ASSIGNMENT OF RENT GENERAL		1000593693 ONTARIO INC.	CAISSE DESJARDINS ONTARIO CREDIT UNION INC.

Attached and marked as **Exhibit “B”** is the parcel search for 138 Turner, the Charge and the Notice of Assignment of Rents General.

9. Additionally, in the listing on Schedule "C" for 407 Dupont, the Notice of Security Interest was inadvertently left off, due to the age (it was registered in 2008). It needs to be vested off so that clean and clear title can be relayed to the purchaser.

10. The Notice of Security Interest is detailed as:

<b>SD117124</b>	<b>2008/06/23</b>	<b>NO SEC INTEREST</b>	<b>\$7,599</b>	<b>2035881 ONTARIO INC.</b>	
-----------------	-------------------	------------------------	----------------	-----------------------------	--

Attached and marked as **Exhibit "C"** is the parcel search for 407 Dupont and the Notice of Security Interest.

11. The Order needs to be changed so that there are no issues with the Land Registry Office allowing for the vesting.

12. Everything else in the Order is correct and nothing needs to varied.

13. I swear this Affidavit in support of an Order varying the Order of Madam Justice Oehler dated March 26<sup>th</sup>, 2026, and for no other improper purpose.

SWORN BEFORE ME Remotely at the City of )  
TORONTO, in the Province of Ontario, )  
This 28<sup>th</sup> day of MARCH, 2026 )  
*Matthew Harris* )  
\_\_\_\_\_ )  
A Commissioner, Notary etc.

Signed by:  
  
\_\_\_\_\_  
165FD50F46B041B...  
**Talia Oshana**

THIS IS EXHIBIT “ A ”  
TO THE AFFIDAVIT OF  
TALIA OSHANA

SWORN BEFORE ME ON  
THE 28<sup>th</sup> DAY OF MARCH 2026

*Matthew Harris.*

---

Commissioner for Oaths etc.

Court File No. CV-25-00089291-0000

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**THE HONOURABLE** ) **THURSDAY THE 26<sup>TH</sup> DAY**  
 )  
**MADAM JUSTICE OHLER** ) **OF MARCH 2026**

**B E T W E E N:**



**CAISSE DESJARDINS ONTARIO CREDIT UNION INC.**

**Applicant**

**- and -**

**12905060 CANADA INC., 1000373090 ONTARIO INC.,  
14611799 CANADA INC., 14833074 CANADA INC.,  
14825641 CANADA INC., 12631521 CANADA INC.,  
1000593693 ONTARIO INC. and NELS MOXNESS**

**Respondents**

**ORDER**

**THIS MOTION** made by BDO Canada Limited in its capacity as the Court-appointed as Receiver and Manager (in such capacities, the "**Receiver**"), without security, of all the assets, undertakings, and properties of 12905060 Canada Inc. ("**129**"), 1000373090 Ontario Inc. ("**10003**"), 14611799 Canada Inc. ("**146**"), 14833074 Canada Inc. ("**1483**"), 14825641 Canada Inc. ("**1482**"), 12631521 Canada Inc. ("**126**") and 1000593693 Ontario Inc. ("**10005**") (collectively the "**Debtors**") for an Order, amongst other things, approving the terms of the sale transaction described in the Third Report of the Receiver, dated March 17<sup>th</sup> 2026 (the "**Third Report**") was heard this day by judicial video conference, ZOOM, at the Courthouse at 45 Main Street, Hamilton, Ontario.

**ON READING** the Third Report and on hearing the submissions of counsel for the Receiver, no one appearing for any other person on the service list, although served as appears from the Affidavit of Talia Oshana sworn March 19<sup>th</sup> 2026, filed:

1. **THIS COURT ORDERS** that the time for service of the Receiver's Notice of Motion and Motion Record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that the Third Report and the activities and conduct of the Receiver set out in the Third Report be and 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 seven Confidential Appendices referred to in the Third Report shall be sealed, kept confidential, and shall not form part of the public record until the earlier of the closing of all of transactions further order of the Court.
4. **THIS COURT ORDERS** that the Receiver is authorized and directed to make a distribution to Desjardins (the "**Desjardins Distribution**") in the amount sufficient to repay to Desjardins in full and final satisfaction of all amounts owing by the Receiver to Desjardins pursuant to the Receiver's borrowings, all amounts owing by 1483 to Desjardins from the 275 Bloor Sale Transaction, as set out in the Third Report, all amounts owing by 10003 to Desjardins from the Sale of the 407 Dupont Property and all amounts owing to Desjardins from 10005 from the sale of the 138 Turner Property.
5. **THIS COURT ORDERS AND DECLARES** that the 275 Bloor Sale Transaction is hereby approved, and the execution of the 275 Bloor APS by the Receiver is hereby authorized and approved, with such minor amendments as the Receiver may deem

necessary. The Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the 275 Bloor Sale Transaction and for the conveyance of the 275 Bloor Property to the 275 Bloor Purchaser.

6. **THIS COURT ORDERS AND DECLARES** that the 407 Dupont Sale Transaction is hereby approved, and the execution of the 407 Dupont APS by the Receiver is hereby authorized and approved, with such minor amendments as the Receiver may deem necessary. The Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the 407 Dupont Sale Transaction and for the conveyance of the 407 Dupont Property to the 407 Dupont Purchaser.

7. **THIS COURT ORDERS AND DECLARES** that the 138 Turner Sale Transaction is hereby approved, and the execution of the 138 Turner APS by the Receiver is hereby authorized and approved, with such minor amendments as the Receiver may deem necessary. The Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the 138 Turner Sale Transaction and for the conveyance of the 138 Turner Property to the 138 Turner Purchaser.

8. **THIS COURT ORDERS AND DECLARES** that upon the delivery of a Receiver's certificate to the 275 Bloor Purchaser substantially in the form attached as Schedule A hereto (the "**Receiver's Certificate**"), all of 1483's right, title, benefit and interest in and to the 275 Bloor Property described in the 275 Bloor APS, including the

lands legally described in Schedule B hereto, shall vest absolutely in the 275 Bloor Purchaser, free and clear of and from any and all security interests (whether contractual, statutory, or otherwise), hypothecs, mortgages, trusts or deemed trusts (whether contractual, statutory, or otherwise), liens, executions, levies, charges, or other financial or monetary claims, whether or not they have attached or been perfected, registered or filed and whether secured, unsecured or otherwise (collectively, the “**Claims**”) including, without limiting the generality of the foregoing: (i) any encumbrances or charges created by the Receivership Order dated March 27, 2025; (ii) all charges, security interests or claims evidenced by registrations pursuant to the Personal Property Security Act (Ontario) or any other personal property registry system; and (iii) those Claims listed on Schedule C hereto (all of which are collectively referred to as the “**Encumbrances**”, which term shall not include the permitted encumbrances, easements and restrictive covenants listed on Schedule D) and, for greater certainty, this Court orders that all of the Encumbrances affecting or relating to the Purchased Assets are hereby expunged and discharged as against the Purchased Assets.

9. **THIS COURT ORDERS AND DECLARES** that upon the delivery of a Receiver’s certificate to the 407 Dupont Purchaser substantially in the form attached as Schedule A hereto (the “**Receiver’s Certificate**”), all of 10003’s right, title, benefit and interest in and to the 407 Dupont Property described in the 407 Dupont APS, including the lands legally described in Schedule B hereto, shall vest absolutely in the 407 Dupont Purchaser, free and clear of and from any and all security interests (whether contractual, statutory, or otherwise), hypothecs, mortgages, trusts or deemed trusts (whether contractual, statutory, or otherwise), liens, executions, levies, charges, or other financial or

monetary claims, whether or not they have attached or been perfected, registered or filed and whether secured, unsecured or otherwise (collectively, the “**Claims**”) including, without limiting the generality of the foregoing: (i) any encumbrances or charges created by the Receivership Order dated March 27, 2025; (ii) all charges, security interests or claims evidenced by registrations pursuant to the Personal Property Security Act (Ontario) or any other personal property registry system; and (iii) those Claims listed on Schedule C hereto (all of which are collectively referred to as the “**Encumbrances**”, which term shall not include the permitted encumbrances, easements and restrictive covenants listed on Schedule D) and, for greater certainty, this Court orders that all of the Encumbrances affecting or relating to the Purchased Assets are hereby expunged and discharged as against the Purchased Assets.

10. **THIS COURT ORDERS AND DECLARES** that upon the delivery of a Receiver’s certificate to the 138 Turner Purchaser substantially in the form attached as Schedule A hereto (the “**Receiver’s Certificate**”), all of 10005’s right, title, benefit and interest in and to the 138 Turner Property described in the 138 Turner APS, including the lands legally described in Schedule B hereto, shall vest absolutely in the 138 Turner Purchaser, free and clear of and from any and all security interests (whether contractual, statutory, or otherwise), hypothecs, mortgages, trusts or deemed trusts (whether contractual, statutory, or otherwise), liens, executions, levies, charges, or other financial or monetary claims, whether or not they have attached or been perfected, registered or filed and whether secured, unsecured or otherwise (collectively, the “**Claims**”) including, without limiting the generality of the foregoing: (i) any encumbrances or charges created by the Receivership Order dated March 27, 2025; (ii) all charges, security interests or

claims evidenced by registrations pursuant to the Personal Property Security Act (Ontario) or any other personal property registry system; and (iii) those Claims listed on Schedule C hereto (all of which are collectively referred to as the “Encumbrances”, which term shall not include the permitted encumbrances, easements and restrictive covenants listed on Schedule D) and, for greater certainty, this Court orders that all of the Encumbrances affecting or relating to the Purchased Assets are hereby expunged and discharged as against the Purchased Assets.

11. **THIS COURT ORDERS** that upon the registration in the applicable land registry office or land titles office of a transfer/deed of land or equivalent document, or of an application for registration of this Order in the applicable prescribed form, the applicable land registrar or equivalent official is hereby directed to enter the Purchaser as the owner of the subject real property in fee simple, and is hereby directed to delete and expunge from title to the real property all of the Claims listed in Schedule C hereto.

12. **THIS COURT AUTHORIZES AND DIRECTS** the Receiver and / or its solicitors or its agents to file one or more financing change statements to discharge the Personal Property Security Act (Ontario) registrations set forth in Schedule E.

13. **THIS COURT ORDERS** that for the purposes of determining the nature and priority of Claims, the net proceeds from the sale of the 275 Bloor Property shall stand in the place and stead of the 275 Bloor Property, the net proceed from the sale of the 407 Dupont Property shall stand in the place and stead of the 407 Dupont Property, and the net proceeds of the sale of 138 Turner Property shall stand in the place and stead of the 138 Turner Property and that from and after the delivery of the Receiver’s Certificate all Claims

and Encumbrances shall attach to the net proceeds from the sale of the 275 Bloor Property, 407 Dupont Property and the 138 Turner Property with the same priority as they had with respect to the 275 Bloor Property, 407 Dupont Property and the 138 Turner Property immediately prior to the sale, as if the 275 Bloor Property, 407 Dupont Property and the 138 Turner Property had not been sold and remained in the possession or control of the person having that possession or control immediately prior to the sale.

14. **THIS COURT ORDERS** that, notwithstanding:

- . the pendency of these proceedings;
- . any applications for a bankruptcy order now or hereafter issued pursuant to the Bankruptcy and Insolvency Act (Canada) in respect of 10005, 10003, and 1483 and any bankruptcy order issued pursuant to any such applications; and
- . any assignment in bankruptcy made in respect of 10005, 10003, and 1483

the vesting of the 275 Bloor Property, 407 Dupont Property and the 138 Turner Property in the 275 Bloor Purchaser, the 407 Dupont Purchaser and the 138 Turner Purchaser, respectively, pursuant to this Order shall be binding on any trustee in bankruptcy that may be appointed in respect of 10005, 10003, and 1483 and shall not be void or voidable by creditors of 10005, 10003, and 1483, nor shall it constitute nor be deemed to be a fraudulent preference, assignment, fraudulent conveyance, transfer at undervalue, or other reviewable transaction under the Bankruptcy and Insolvency Act (Canada) or any other applicable federal or provincial legislation, nor shall it constitute oppressive or unfairly prejudicial conduct pursuant to any applicable federal or provincial legislation.

15. **THIS COURT ORDERS AND DECLARES** that each of the 275 Bloor Sale Transaction, the 407 Dupont Sale Transaction and the 138 Turner Sale Transaction are exempt from the application of section 6(3) of the Retail Sales Act (Ontario).

16. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its 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 to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

17. **THIS COURT ORDERS** that this Order and all of its provisions are effective as of 12:01 a.m. Eastern Standard/Daylight Time on the date of this Order without the need for entry or filing.

Issued and entered electronically by

Rhonda Margetts

Digitally signed by  
Rhonda Margetts  
Date: 2026.03.27  
11:20:49 -04'00'

---

Local Registrar  
45 Main St East  
Hamilton, ON  
L8N 2B7

"on behalf of Justice Ohler"

**Schedule "A"****RECEIVER'S CERTIFICATE****RECITALS**

- A. Pursuant to an Order of the Honourable Justice Spurgeon, of the Ontario Superior Court of Justice (the "Court") dated March 27, 2025, BDO Canada Ltd was appointed as the receiver (the "Receiver") of the undertaking, property and assets of 12905060 Canada Inc. ("129"), 1000373090 Ontario Inc. ("10003"), 14611799 Canada Inc. ("146"), 14833074 Canada Inc. ("1483"), 14825641 Canada ("1482"), 12631521 Canada Inc. ("126") and 1000593693 Ontario Inc. ("10005") (collectively the "Debtors").
- B. Pursuant to an Order of the Court dated March 26<sup>th</sup> 2026, the Court approved the 275 Bloor APS, 407 Dupont APS and the 138 Turner APS made between the Receiver BDO Canada Ltd. and 275 Bloor Purchaser, 407 Dupont Purchaser and the 138 Turner Purchaser and provided for the vesting in the 275 Bloor Purchaser, 407 Dupont Purchaser and the 138 Turner Purchaser of the Debtor's right, title and interest in and to the 275 Bloor St, 407 Dupont St and the 138 Turner which vesting is to be effective with respect to the 275 Bloor Property, 407 Dupont Property and the 138 Turner Property upon the delivery by the Receiver to the 275 Bloor Purchaser, 407 Dupont Purchaser and the 138 Turner Purchaser of a certificate confirming (i) the payment by the 275 Bloor Purchaser, 407 Dupont Purchaser and the 138 Turner Purchaser of the Purchase Price for the 275 Bloor Property, 407 Dupont Property and the 138 Turner Property (ii) that the conditions to Closing as set

out in section Schedule A, and A1 of the 275 Bloor APS, 407 Dupont APS and the 138 Turner APS have been satisfied or waived by the Receiver and the 275 Bloor Purchaser, 407 Dupont Purchaser and the 138 Turner Purchaser; and (iii) the 275 Bloor Sale Transaction, 407 Dupont Sale Transaction and the 138 Turner Sale Transaction has been completed to the satisfaction of the Receiver.

- C. Unless otherwise indicated herein, terms with initial capitals have the meanings set out in the 275 Bloor APS, 407 Dupont APS, and the 138 Turner APS.

**THE RECEIVER CERTIFIES** the following:

1. The 275 Bloor Purchaser, 407 Dupont Purchaser, and the 138 Turner Purchaser has paid and the Receiver has received the Purchase Price for the 275 Bloor Property, 407 Dupont Property, and the 138 Turner Property payable on the Closing Date pursuant to the APS;
2. The conditions to Closing as set out in section Schedule A, and A1 of the 275 Bloor APS, 407 Dupont APS, and the 138 Turner APS have been satisfied or waived by the Receiver and the 275 Bloor Purchaser, 407 Dupont Purchaser, and the 138 Turner Purchaser; and
3. The Transaction has been completed to the satisfaction of the Receiver.
4. This Certificate was delivered by the Receiver at 4:55 PM on \_\_\_\_\_, 2026.

BDO CANADA LTD., in its capacity as Receiver of the undertaking, property and assets of the Debtors, and not in its personal capacity

Per:

Name: Peter Crawley  
Title: A.S.O.

## Schedule "B" – Description of Lands

<u>PIN</u>	<u>Municipal Description</u>	<u>Legal Description</u>
02179-0057 (LT)	407 Dupont Street, Sudbury	PCL 13673 SEC SES LOT 111, PLAN M94 CITY OF SUDBURY
02135-0030 (LT)	275 Bloor Street, Sudbury	LOT 22, PLAN 1SC CITY OF SUDBURY
31593-0099 (LT)	138 Turner Avenue, Sault Ste. Marie	LT 35 PL 6541 KORAH; PT LT 34 PL 6541 KORAH PT 1 1R9457; SAULT STE. MARIE

## Schedule "C" - Claims to be deleted and expunged from title to Real Property

PIN 02179-0057 (LT)

REG NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO
SD471300	2023/02/23	CHARGE	\$710,000	1000373090 ONTARIO INC.	CAISSE DESJARDINS ONTARIO CREDIT UNION INC.
SD471301	2023/02/23	NOTICE OF ASSIGNMENT OF RENT GENERAL		1000373090 ONTARIO INC.	CAISSE DESJARDINS ONTARIO CREDIT UNION INC.
SD527724	2025/09/17	CERTIFICATE		CITY OF GREATER SUDBURY	
SD531042	2025/10/31	APPLICATION COURT ORDER		ONTARIO SUPERIOR COURT OF JUSTICE	BDO CANADA LIMITED

02135-0030 (LT)

REG NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO
SD474110	2023/04/20	CHARGE	\$750,000	14833074 CANADA INC.	CAISSE DESJARDINS ONTARIO CREDIT UNION INC.
SD474111	2023/04/20	NOTICE OF ASSIGNMENT OF RENT GENERAL		14833074 CANADA INC.	CAISSE DESJARDINS ONTARIO CREDIT UNION INC.

<b>SD527723</b>	<b>2025/09/17</b>	<b>CERTIFICATE</b>		<b>CITY OF GREATER SUDBURY</b>	
<b>SD531042</b>	<b>2025/10/31</b>	<b>APPLICATION COURT ORDER</b>		<b>ONTARIO SUPERIOR COURT OF JUSTICE</b>	<b>BDO CANADA LIMITED</b>

31593-0099 (LT)

<b>REG NUM.</b>	<b>DATE</b>	<b>INSTRUMENT TYPE</b>	<b>AMOUNT</b>	<b>PARTIES FROM</b>	<b>PARTIES TO</b>
<b>AL270445</b>	<b>2023/09/28</b>	<b>CHARGE</b>	<b>\$425,000</b>	<b>1000593693 ONTARIO INC.</b>	<b>CAISSE DESJARDINS ONTARIO CREDIT UNION INC.</b>
<b>AL270446</b>	<b>2023/09/28</b>	<b>NOTICE OF ASSIGNMENT OF RENT GENERAL</b>		<b>1000593693 ONTARIO INC.</b>	<b>CAISSE DESJARDINS ONTARIO CREDIT UNION INC.</b>
<b>AL301631</b>	<b>2025/10/31</b>	<b>APPLICATION COURT ORDER</b>		<b>ONTARIO SUPERIOR COURT OF JUSTICE</b>	<b>BDO CANADA LIMITED</b>

**Schedule D – Permitted Encumbrances, Easements and Restrictive Covenants related to the Real Property (unaffected by the Vesting Order)**

“Permitted Encumbrances” means the following:

1. The exceptions and qualifications set out in the Land Titles Act (Ontario) and/or on the parcel registers for the Property;
2. The reservations, limitations, provisos and conditions expressed in the original grant from the Crown;
3. Any registered or unregistered easements, servitudes, rights-of-way, licences, restrictions that run with the land and other encumbrances and/or agreements with respect thereto (including, without limiting the generality of the foregoing, easements, rights-of-way and agreements for sewers, drains, gas and water mains or electric light and power or telephone, telecommunications or cable conduits, poles, wires and cables);
4. Inchoate liens for taxes, assessments, public utility charges, governmental charges or levies not at the time due or liens for same which are due but the validity of which are being contested in good faith by the Vendor provided that the Vendor has provided security which in the opinion of the Vendor, acting reasonably, is necessary to avoid any lien, charge or encumbrance arising with respect thereto;
5. Any encroachments, minor defects or irregularities indicated on any survey of the Property or which may be disclosed on an up-to-date survey of the Property;
6. Zoning (including, without limitation, airport zoning regulations), use and building by laws and ordinances, federal, provincial or municipal by-laws and regulations, work orders, deficiency notices and any other non-compliance;
7. Any breaches of any applicable laws, including, without limitation, outstanding building permits, work orders and deficiency notices;

8. Any subdivision agreements, site plan agreements, development agreements and any other agreements with the municipality, region, publicly regulated utilities or other governmental authorities having jurisdiction;
9. Defects or irregularities in title to the Property; and
10. Without in any way limiting the generality of any of the foregoing, the following specific instruments registered on title against the Property:  
  
None.

## Schedule E – PPSA Registrations to be Deleted

PPSA Registration Number	PPSA Registration Date	Debtor	Secured Party	Collateral	Collateral Description	Registration Period
20250326 1026 1590 3456	March 26 2025	14833074 Canada Inc.	Caisse Desjardins Ontario Credit Union Inc.	Accounts and Other	ALL RENTS, INCOME AND OTHER MONIES DUE TO THE DEBTOR UNDER ALL CURRENT AND FUTURE LEASES AND RENTAL AGREEMENTS FROM THE PROPERTIES MUNICIPAL LY KNOWN AS [...]	5 years
20250326 1025 1590 3453	March 26 2025	100037309 0 Ontario Inc.	Caisse Desjardins Ontario Credit Union Inc.	Accounts and Other	ALL RENTS, INCOME AND OTHER MONIES DUE TO THE DEBTOR UNDER ALL CURRENT AND FUTURE LEASES AND RENTAL AGREEMENTS FROM THE PROPERTIES MUNICIPAL	5 years

					LY KNOWN AS [...]	
20250326 1019 1590 3452	March 26 2025	100059369 3 Ontario Inc.	Caisse Desjardins Ontario Credit Union Inc.	Accounts and Other	ALL RENTS, INCOME AND OTHER MONIES DUE TO THE DEBTOR UNDER ALL CURRENT AND FUTURE LEASES AND RENTAL AGREEMEN TS FROM THE PROPERTIES MUNICIPAL LY KNOWN AS [...]	5 years

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

-and-

**12905060 CANADA INC.**  
*Respondents*  
Court File No.: CV-25-00089291-0000

---

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT  
HAMILTON

---

**ORDER**

---

**SPETTER ZEITZ KLAIMAN PC**  
Barristers & Solicitors  
100 Sheppard Avenue East, Suite 850  
Toronto, Ontario M2N 6N5

**JASON D. SPETTER**  
LSO No. 46105S  
Email: [jspetter@szklaw.ca](mailto:jspetter@szklaw.ca)

**MATTHEW R. HARRIS**  
LSO No. 63135e  
Email: [mharris@szklaw.ca](mailto:mharris@szklaw.ca)

Tel: 416-789-0652  
Fax: 416-789-9015

Lawyers for the Receiver,  
BDO Canada Limited

Superior Court of Justice  
HAMILTON

CV-25-00089291-0000  
CAISSE DESJARDINS ONTARIO CREDIT UNION  
INC v. 12905060 CANADA INC. et al

Civil Endorsement Sheet/  
Page d'inscription

DATE: 26/03/2026

---

**Plaintiff(s)/Applicant(s):** CAISSE DESJARDINS ONTARIO CREDIT UNION INC.

**Counsel:** M.R. Harris for the Receiver

**Defendant(s)/Respondent(s):** 12905060 CANADA INC., 1000373090 ONTARIO INC., 14611799 CANADA INC., 14833074 CANADA INC., 14825641 CANADA INC., 12631521 CANADA INC., 1000593693 ONTARIO INC. and NELS MOXNESS

**Counsel:** N/A

---

Third Report of the Receiver approved. I am satisfied that the proposed sales are appropriate and I approve them. The confidential appendices filed will be sealed until the sales have been completed. Order to go per draft filed, Tab 34 of Case Center.

On July 9, 2025, Krawchenko J. ordered CPM Properties and Nels Moxness to comply with the March 27, 2025 appointment of the Receiver and provide satisfactory responses to its inquiries, and made a costs award of \$2,300.00.

This costs award has not been paid.

As detailed in the third report, Nels Moxness and CPM Properties have collected \$6,230.00 in rent post-appointment of the Receiver. A demand for payment in February 2026 has gone unanswered.

It is appropriate to make a further order for costs, in the amount of \$1,000, including HST.

Order to go per the draft appearing at Tab 23 of Case Center.



OHLER J.

THIS IS EXHIBIT “ B ”  
TO THE AFFIDAVIT OF  
TALIA OSHANA

SWORN BEFORE ME ON  
THE 28<sup>th</sup> DAY OF MARCH 2026

*Matthew Harris.*

---

Commissioner for Oaths etc.

PROPERTY DESCRIPTION: LT 35 PL 6541 KORAH; PT LT 34 PL 6541 KORAH PT 1 1R9457; SAULT STE. MARIE

PROPERTY REMARKS: PLANNING ACT CONSENT AS IN T388570.

ESTATE/QUALIFIER:  
FEE SIMPLE  
LT CONVERSION QUALIFIED

RECENTLY:  
FIRST CONVERSION FROM BOOK

PIN CREATION DATE:  
2005/08/22

OWNERS' NAMES  
1000593693 ONTARIO INC

CAPACITY SHARE  
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2005/08/19 **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:						
** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *						
** AND ESCHEATS OR FORFEITURE TO THE CROWN.						
** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF						
** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY						
** CONVENTION.						
** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.						
**DATE OF CONVERSION TO LAND TITLES: 2005/08/22 **						
J6541	1912/06/11	PLAN SUBDIVISION				C
T379164	1996/09/06	CHARGE		*** COMPLETELY DELETED ***	THE TORONTO-DOMINION BANK	
1R9457	1997/07/29	PLAN REFERENCE				C
T388570	1997/08/01	TRANSFER		*** COMPLETELY DELETED ***	IACHETTA, GINO	
AL21888	2007/08/31	TRANSFER		*** COMPLETELY DELETED *** IACHETTA, GINO	LAVOIE, RITA	
REMARKS: PLANNING ACT STATEMENTS						
AL21889	2007/08/31	CHARGE		*** COMPLETELY DELETED *** LAVOIE, RITA	CIBC MORTGAGES INC., TRADING AS FIRSTLINE MORTGAGES	
AL23079	2007/09/20	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO-DOMINION BANK		
REMARKS: RE: T379164						

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
AL46601	2008/11/21	TRANSFER		*** COMPLETELY DELETED *** LAVOIE, RITA	WARMINGTON, JOAN ADELE	
	REMARKS: PLANNING ACT STATEMENTS					
AL46603	2008/11/21	CHARGE		*** COMPLETELY DELETED *** WARMINGTON, JOAN ADELE	ROYAL BANK OF CANADA	
AL47893	2008/12/17	DISCH OF CHARGE		*** COMPLETELY DELETED *** CIBC MORTGAGES INC., TRADING AS FIRSTLINE MORTGAGES		
	REMARKS: RE: AL21889					
AL77256	2010/10/01	TRANSFER		*** COMPLETELY DELETED *** WARMINGTON, JOAN ADELE	KRYSTYAN, ALYSSA AGNES PISTER, DAVID KENNETH	
	REMARKS: PLANNING ACT STATEMENTS					
AL77257	2010/10/01	CHARGE		*** COMPLETELY DELETED *** KRYSTYAN, ALYSSA AGNES PISTER, DAVID KENNETH	COMMUNITY FIRST CREDIT UNION LIMITED	
AL78988	2010/11/08	DISCH OF CHARGE		*** COMPLETELY DELETED *** ROYAL BANK OF CANADA		
	REMARKS: AL46603.					
AL85931	2011/05/13	TRANSFER		*** COMPLETELY DELETED *** KRYSTYAN, ALYSSA AGNES PISTER, DAVID KENNETH	PISTER, DAVID KENNETH	
AL137462	2014/10/02	CHARGE		*** COMPLETELY DELETED *** PISTER, DAVID KENNETH	COMMUNITY FIRST CREDIT UNION LIMITED	
AL138177	2014/10/22	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** PISTER, DAVID KENNETH	COMMUNITY FIRST CREDIT UNION LIMITED	
	REMARKS: AL137462.					
AL140338	2014/12/09	DISCH OF CHARGE		*** COMPLETELY DELETED *** COMMUNITY FIRST CREDIT UNION LIMITED		
	REMARKS: AL77257.					
AL230923	2021/07/02	TRANSFER		*** COMPLETELY DELETED *** PISTER, DAVID KENNETH	12972344 CANADA INC.	
	REMARKS: PLANNING ACT STATEMENTS.					
AL230924	2021/07/02	CHARGE		*** COMPLETELY DELETED ***		

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.  
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

LAND  
 REGISTRY  
 OFFICE #1

31593-0099 (LT)

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD
AL230925	2021/07/02	NO ASSGN RENT GEN		12972344 CANADA INC. *** COMPLETELY DELETED *** 12972344 CANADA INC.	HILD, BRITTA  HILD, BRITTA	
	REMARKS: AL230924.					
AL237062	2021/10/13	DISCH OF CHARGE		*** COMPLETELY DELETED *** YOUR NEIGHBOURHOOD CREDIT UNION LIMITED		
	REMARKS: AL137462.					
AL270361	2023/09/26	TRANSFER	\$2	12972344 CANADA INC.	1000593693 ONTARIO INC	C
AL270362	2023/09/26	CHARGE	\$300,000	1000593693 ONTARIO INC	CAISSE DESJARDINS ONTARIO CREDIT UNION INC	C
AL270363	2023/09/26	NO ASSGN RENT GEN		1000593693 ONTARIO INC	CAISSE DESJARDINS ONTARIO CREDIT UNION INC	C
	REMARKS: AL270362					
AL270378	2023/09/27	DISCH OF CHARGE		*** COMPLETELY DELETED *** HILD, BRITTA		
	REMARKS: AL230924.					
AL301631	2025/10/31	APL COURT ORDER		ONTARIO SUPERIOR COURT OF JUSTICE	BDO CANADA LIMITED	C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.  
 NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

**Properties**

*PIN* 31593 - 0099 LT *Interest/Estate* Fee Simple  
*Description* LT 35 PL 6541 KORAH; PT LT 34 PL 6541 KORAH PT 1 1R9457; SAULT STE. MARIE  
*Address* 138 TURNER AVENUE  
 SAULT STE. MARIE

**Chargor(s)**

The chargor(s) hereby charges the land to the chargee(s). The chargor(s) acknowledges the receipt of the charge and the standard charge terms, if any.

*Name* 1000593693 ONTARIO INC  
*Address for Service* 1 Hunter St, 100g, Hamilton, Ontario,  
 Canada, L8N3W1

A person or persons with authority to bind the corporation has/have consented to the registration of this document.

This document is not authorized under Power of Attorney by this party.

**Chargee(s)***Capacity**Share*

*Name* CAISSE DESJARDINS ONTARIO CREDIT UNION INC  
*Address for Service* 40 Elm St.  
 Unit 166  
 Sudbury, ON  
 P3C 1S8

**Provisions**

*Principal* \$300,000.00 *Currency* CDN  
*Calculation Period*  
*Balance Due Date*  
*Interest Rate* prime + 10 %  
*Payments*  
*Interest Adjustment Date*  
*Payment Date*  
*First Payment Date*  
*Last Payment Date*  
*Standard Charge Terms* 201909  
*Insurance Amount* Full insurable value  
*Guarantor*

**Signed By**

Milena Cardinal 217 Adolphus street acting for Signed 2023 09 26  
 Cornwall Chargor(s)  
 K6H 3S5

Tel 613-935-5919

Fax 613-935-7420

I have the authority to sign and register the document on behalf of the Chargor(s).

**Submitted By**

CARDINAL LAW PROFESSIONAL CORPORATION 217 Adolphus street 2023 09 26  
 Cornwall  
 K6H 3S5

Tel 613-935-5919

Fax 613-935-7420

**Fees/Taxes/Payment**

*Statutory Registration Fee* \$69.00  
*Total Paid* \$69.00

**File Number**

Chargor Client File Number : 5487

Chargee Client File Number : 725721

**Properties**

*PIN* 31593 - 0099 LT  
*Description* LT 35 PL 6541 KORAH; PT LT 34 PL 6541 KORAH PT 1 1R9457; SAULT STE. MARIE  
*Address* 138 TURNER AVENUE  
 SAULT STE. MARIE

**Applicant(s)**

The assignor(s) hereby assigns their interest in the rents of the above described land. The notice is based on or affects a valid and existing estate, right, interest or equity in land.

*Name* 1000593693 ONTARIO INC  
*Address for Service* 1 Hunter St, 100g, Hamilton, Ontario,  
 Canada, L8N3W1

A person or persons with authority to bind the corporation has/have consented to the registration of this document.

This document is not authorized under Power of Attorney by this party.

**Party To(s)***Capacity**Share*

*Name* CAISSE DESJARDINS ONTARIO CREDIT UNION INC  
*Address for Service* 40 Elm St.  
 Unit 166  
 Sudbury, ON  
 P3C 1S8

**Statements**

The applicant applies for the entry of a notice of general assignment of rents.

This notice may be deleted by the Land Registrar when the registered instrument, AL270362 registered on 2023/09/26 to which this notice relates is deleted

**Signed By**

Milena Cardinal 217 Adolphus street acting for Signed 2023 09 26  
 Cornwall Applicant(s)  
 K6H 3S5

Tel 613-935-5919

Fax 613-935-7420

I have the authority to sign and register the document on behalf of all parties to the document.

Milena Cardinal 217 Adolphus street acting for Signed 2023 09 26  
 Cornwall Party To(s)  
 K6H 3S5

Tel 613-935-5919

Fax 613-935-7420

I have the authority to sign and register the document on behalf of all parties to the document.

**Submitted By**

CARDINAL LAW PROFESSIONAL CORPORATION 217 Adolphus street 2023 09 26  
 Cornwall  
 K6H 3S5

Tel 613-935-5919

Fax 613-935-7420

**Fees/Taxes/Payment**

*Statutory Registration Fee* \$69.00

*Total Paid* \$69.00

**File Number**

*Applicant Client File Number :* 5487

*Party To Client File Number :* 725721

THIS IS EXHIBIT " C "
TO THE AFFIDAVIT OF
TALIA OSHANA

SWORN BEFORE ME ON
THE 28th DAY OF MARCH 2026

Matthew Harris

Commissioner for Oaths etc.

PROPERTY DESCRIPTION: PCL 13673 SEC SES LOT 111, PLAN M94 CITY OF SUDBURY

PROPERTY REMARKS:

ESTATE/QUALIFIER:

FEE SIMPLE  
ABSOLUTE

RECENTLY:

FIRST CONVERSION FROM BOOK

PIN CREATION DATE:

1993/04/05

OWNERS' NAMES

1000373090 ONTARIO INC.

CAPACITY SHARE

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
<p><b>**EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1993/04/05 ON THIS PIN**</b>  <b>**WAS REPLACED WITH THE "PIN CREATION DATE" OF 1993/04/05**</b>  <b>** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1993/02/22 **</b></p>						
LT594041	1987/03/10	TRANSFER		*** COMPLETELY DELETED ***	HILL, EDWIN JOHN	
LT595042	1987/03/10	CHARGE		*** COMPLETELY DELETED ***	NATIONAL BANK OF CANADA	
LT595043	1987/03/10	NOTICE		*** COMPLETELY DELETED ***		
REMARKS: 595042						
LT841381	1997/02/26	CHARGE		*** COMPLETELY DELETED *** HILL, EDWIN JOHN	THE BANK OF NOVA SCOTIA	
LT841989	1997/03/07	DISCH OF CHARGE		*** COMPLETELY DELETED *** NATIONAL BANK OF CANADA		
REMARKS: RE: LT595042						
SD117124	2008/06/23	NO SEC INTEREST	\$7,599	2035881 ONTARIO INC.		C
SD220584	2012/02/29	TRANSFER		*** COMPLETELY DELETED *** HILL, EDWIN JOHN	ST. JEAN, JAMES ST. JEAN, ELIZABETH	
REMARKS: PLANNING ACT STATEMENTS						
SD220585	2012/02/29	CHARGE		*** COMPLETELY DELETED *** ST. JEAN, JAMES ST. JEAN, ELIZABETH	INVESTORS GROUP TRUST CO. LTD.	
SD222033	2012/03/26	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE BANK OF NOVA SCOTIA		
REMARKS: LT841381.						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.

NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD255281	2013/07/22	CHARGE		*** COMPLETELY DELETED *** ST. JEAN, ELIZABETH ST. JEAN, JAMES	INVESTORS GROUP TRUST CO. LTD.	
SD257095	2013/08/15	DISCH OF CHARGE		*** COMPLETELY DELETED *** INVESTORS GROUP TRUST CO. LTD.		
	<i>REMARKS: SD220585.</i>					
SD416882	2021/03/11	TRANSFER		*** COMPLETELY DELETED *** ST. JEAN, JAMES ST. JEAN, ELIZABETH	12682184 CANADA INC.	
	<i>REMARKS: PLANNING ACT STATEMENTS.</i>					
SD416883	2021/03/11	CHARGE		*** COMPLETELY DELETED *** 12682184 CANADA INC.	GIANNATSELIS, PETER	
SD416884	2021/03/11	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** 12682184 CANADA INC.	GIANNATSELIS, PETER	
	<i>REMARKS: SD416883.</i>					
SD419354	2021/04/19	DISCH OF CHARGE		*** COMPLETELY DELETED *** INVESTORS GROUP TRUST CO. LTD.		
	<i>REMARKS: SD255281.</i>					
SD466218	2022/11/25	CHARGE		*** COMPLETELY DELETED *** 12682184 CANADA INC.	LIFT CAPITAL INCORPORATED BOLIS, RAFIK	
SD466219	2022/11/25	NO ASSGN RENT GEN		*** COMPLETELY DELETED *** 12682184 CANADA INC.	LIFT CAPITAL INCORPORATED BOLIS, RAFIK	
	<i>REMARKS: SD466218.</i>					
SD466222	2022/11/25	TRANSFER		12682184 CANADA INC.	1000373090 ONTARIO INC.	C
SD471300	2023/02/23	CHARGE	\$710,000	1000373090 ONTARIO INC.	CAISSE DESJARDINS ONTARIO CREDIT UNION INC.	C
SD471301	2023/02/23	NO ASSGN RENT GEN		1000373090 ONTARIO INC.	CAISSE DESJARDINS ONTARIO CREDIT UNION INC.	C
	<i>REMARKS: SD471300</i>					
SD471366	2023/02/24	DISCH OF CHARGE		*** COMPLETELY DELETED *** GIANNATSELIS, PETER		
	<i>REMARKS: SD416883.</i>					

LAND  
 REGISTRY  
 OFFICE #53

02179-0057 (LT)

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
SD471373	2023/02/24	DISCH OF CHARGE		*** COMPLETELY DELETED *** LIFT CAPITAL INCORPORATED BOLIS, RAFIK		
	<i>REMARKS: SD466218.</i>					
SD527724	2025/09/17	CERTIFICATE	\$27,562	CITY OF GREATER SUDBURY		C
	<i>REMARKS: TAX ARREARS</i>					
SD531042	2025/10/31	APL COURT ORDER		ONTARIO SUPERIOR COURT OF JUSTICE	BDO CANADA LIMITED	C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.  
 NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

**Properties**

*PIN* 02179 – 0057 LT  
*Description* PCL 13673 SEC SES LOT 111, PLAN M94 CITY OF SUDBURY  
*Address* 00407 DUPONT STREET  
 SUDBURY

**Consideration**

*Consideration* \$7,599.00

**Applicant(s)**

*Name* 2035881 ONTARIO INC.  
*Address for Service* 2 Lansing Square  
 Toronto, ON M2J 4P8

Under a notice of security agreement made between Edwin John Hill of 407 Dupont Street, Sudbury, Ontario, P3C 2T8, the debtor and the applicant, the secured party a security interest has been created in One Viessman ECDS155 Boiler and attachments. The collateral is located or affixed or is to be affixed to the selected PIN

I, Catherine David Nolan, Chief Financial Officer, have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

**Statements**

Schedule: The expiry date of this document is June 22, 2013.

The secured party is 2035881 Ontario Inc. as trustee of GP Waterheater Trust as general partner of Reliance Comfort Limited Partnership.

**Signed By**

Diane Jacqueline Santos 2 Lansing Square 12th Floor acting for Signed 2008 06 23  
 Toronto Applicant(s)  
 M2J 4P8

Tel 4164995475

Fax 4167565306

**Submitted By**

RELiance HOME COMFORT 2 Lansing Square 12th Floor 2008 06 23  
 Toronto  
 M2J 4P8

Tel 4164995475

Fax 4167565306

**Fees/Taxes/Payment**

*Statutory Registration Fee* \$60.00

*Total Paid* \$60.00

**File Number**

*Applicant Client File Number :* 3078561-3180038

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

-and-

**12905060 CANADA INC.**

*Respondents*

Court File No.: CV-25-00089291-0000

---

**ONTARIO  
SUPERIOR COURT OF JUSTICE**  
  
PROCEEDING COMMENCED AT  
HAMILTON

---

**AFFIDAVIT OF LEGAL CLERK**

---

**SPETTER ZEITZ KLAIMAN PC**  
Barristers & Solicitors  
100 Sheppard Avenue East, Suite 850  
Toronto, Ontario M2N 6N5

**JASON D. SPETTER**  
LSO No. 46105S  
Email: [jspetter@szklaw.ca](mailto:jspetter@szklaw.ca)

**MATTHEW R. HARRIS**  
LSO No. 63135e  
Email: [mharris@szklaw.ca](mailto:mharris@szklaw.ca)

Tel: 416-789-0652  
Fax: 416-789-9015

Lawyers for the Receiver,  
BDO Canada Limited

# TAB 3

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**THE HONOURABLE** )  
 )  
**M\_\_\_\_\_ JUSTICE** ) **\_\_\_\_\_ THE \_\_\_\_<sup>H</sup> DAY**  
 ) **OF MARCH 2026**

**B E T W E E N:**

**CAISSE DESJARDINS ONTARIO CREDIT UNION INC.**

**Applicant**

**- and -**

**12905060 CANADA INC., 1000373090 ONTARIO INC.,  
14611799 CANADA INC., 14833074 CANADA INC.,  
14825641 CANADA INC., 12631521 CANADA INC.,  
1000593693 ONTARIO INC. and NELS MOXNESS**

**Respondents**

**ORDER**

**THIS MOTION** made by BDO Canada Limited in its capacity as the Court-appointed as Receiver and Manager (in such capacities, the "**Receiver**"), without security, of all the assets, undertakings, and properties of 12905060 Canada Inc. ("**129**"), 1000373090 Ontario Inc. ("**10003**"), 14611799 Canada Inc. ("**146**"), 14833074 Canada Inc. ("**1483**"), 14825641 Canada Inc. ("**1482**"), 12631521 Canada Inc. ("**126**") and 1000593693 Ontario Inc. ("**10005**") (collectively the "**Debtors**") for an Order, varying the Order of Madam Justice Ohler, dated March 26<sup>th</sup>, 2026, in writing, at the Courthouse at 45 Main Street, Hamilton, Ontario.

**ON READING** the Affidavit of Talia Oshana sworn March 28<sup>th</sup>, 2026 no one appearing for any other person on the service list, although served as appears from the Affidavit of Talia Oshana sworn March 28<sup>th</sup> 2026, filed:

1. **THIS COURT ORDERS** that the time for service of the Receiver’s Notice of Motion and Motion Record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that the Order of Madam Justice Ohler dated March 26<sup>th</sup>, 2026, is varied so that in Schedule “C”:

The list of instruments to be vested off for title PIN 02179-0057 (LT) adds:

<b>REG NUM.</b>	<b>DATE</b>	<b>INSTRUMENT TYPE</b>	<b>AMOUNT</b>	<b>PARTIES FROM</b>	<b>PARTIES TO</b>
SD117124	2008/06/23	NO SEC INTEREST	\$7,599	2035881 ONTARIO INC.	

3. **THIS COURT FURTHER ORDERS** that the Order of Madam Justice Ohler is varied so that Schedule “C” is amended to:

PIN 31593-0099 (LT)

<b>REG NUM.</b>	<b>DATE</b>	<b>INSTRUMENT TYPE</b>	<b>AMOUNT</b>	<b>PARTIES FROM</b>	<b>PARTIES TO</b>
<u>AL270362</u>	<u>2023/09/26</u>	<b>CHARGE</b>	<u>\$300,000</u>	<b>1000593693 ONTARIO INC.</b>	<b>CAISSE DESJARDINS ONTARIO</b>

					<b>CREDIT UNION INC.</b>
<b><u>AL270363</u></b>	<b><u>2023/09/26</u></b>	<b>NOTICE OF ASSIGNMENT OF RENT GENERAL</b>		<b>1000593693 ONTARIO INC.</b>	<b>CAISSE DESJARDINS ONTARIO CREDIT UNION INC.</b>

4. **THIS COURT ORDERS** that all other portions of the Order of Madam Justice Ohler dated March 26<sup>th</sup>, 2026, remains the same.

---

**CAISSE DESJARDINS ONTARIO CREDIT UNION INC.**

Applicant

-and-

**12905060 CANADA INC.**

Respondents

Court File No.: CV-25-00089291-0000

---

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT  
HAMILTON

---

**ORDER**

---

**SPETTER ZEITZ KLAIMAN PC**  
Barristers & Solicitors  
100 Sheppard Avenue East, Suite 850  
Toronto, Ontario M2N 6N5

**JASON D. SPETTER**  
LSO No. 46105S  
Email: [jspetter@szklaw.ca](mailto:jspetter@szklaw.ca)

**MATTHEW R. HARRIS**  
LSO No. 63135e  
Email: [mharris@szklaw.ca](mailto:mharris@szklaw.ca)

Tel: 416-789-0652  
Fax: 416-789-9015

Lawyers for the Receiver,  
BDO Canada Limited

**CAISSE DESJARDINS ONTARIO CREDIT UNION INC.**

Applicant

-and-

**12905060 CANADA INC.**

Respondents

Court File No.: CV-25-00089291-0000

---

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT  
HAMILTON

---

**MOTION RECORD**

---

**SPETTER ZEITZ KLAIMAN PC**  
Barristers & Solicitors  
100 Sheppard Avenue East, Suite 850  
Toronto, Ontario M2N 6N5

**JASON D. SPETTER**  
LSO No. 46105S  
Email: [jspetter@szklaw.ca](mailto:jspetter@szklaw.ca)

**MATTHEW R. HARRIS**  
LSO No. 63135e  
Email: [mharris@szklaw.ca](mailto:mharris@szklaw.ca)

Tel: 416-789-0652  
Fax: 416-789-9015

Lawyers for the Receiver,  
BDO Canada Limited