

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE JUSTICE)
A.J. GOODMAN)
)

TUESDAY, THE 13TH

DAY OF MAY, 2025

B E T W E E N:

MOTOR CITY COMMUNITY CREDIT UNION LIMITED

Applicant



- and -

2673422 ONTARIO INC.

Respondent

ANCILLARY ORDER

THIS MOTION, made by BDO Canada Limited, in its capacity as the Court-appointed receiver (the "Receiver") of the undertakings, property and assets of 2673422 Ontario Inc. (the "Debtor"), appointed pursuant to the Order of the Honourable Justice L. Sheard dated August 13, 2024, for an Order seeking certain ancillary relief, was heard this day by judicial teleconference via Zoom at 45 Main Street East, Hamilton, Ontario.

ON READING the Notice of Motion dated April 29, 2025, the Second Report of the Receiver dated April 23, 2025 and Appendices thereto (the "Second Report"), and the Confidential Supplement to the Second Report (the "Confidential Supplement"), and on hearing the submissions of counsel for the Receiver and all other counsel and parties present, no one else appearing for any other person on the service list, although properly served as appears from the affidavit of Sydney Inghelbrecht sworn April 29, 2025, filed;

SERVICE

1. **THIS COURT ORDERS** that the time for service, filing and confirmation of the Notice of Motion and the Motion Record be and is abridged so that this motion is properly returnable today and hereby dispenses with further service and confirmation hereof.

REPORT AND ACTIVITIES OF THE RECEIVER

2. **THIS COURT ORDERS** that the Second Report and the activities and conduct of the Receiver as detailed therein, be and are 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.

STATEMENT OF RECEIPTS AND DISBURSEMENTS

3. **THIS COURT ORDERS** that the Receiver's Interim Statement of Receipts and Disbursements as detailed in the Second Report, are hereby approved.

FEE APPROVAL

4. **THIS COURT ORDERS** that the Receiver's fees and disbursements, as detailed in the Second Report and set out in set out in the Affidavit of Robyn Duwyn, sworn April 23, 2025, and attached as Appendix "E" to the Second Report, are hereby approved.
5. **THIS COURT ORDERS** that the Receiver's counsel's fees and disbursements, as detailed in the Second Report and set out in set out in the Affidavit of Thomas Masterson, sworn April 23, 2025, and attached as Appendix "F" to the Second Report, are hereby approved.

SEALING

6. **THIS COURT ORDERS** that the Confidential Supplement be and is hereby sealed, pending the completion of a court-approved sale of the Real Property (as detailed and defined in the Second Report), or until further Order of this Court.

DISTRIBUTION

7. **THIS COURT ORDERS** that the Receiver is authorized to and shall make the following distributions:
- a. Firstly, payment of the fees and disbursements of the Receiver and the Receiver's counsel herein approved;
 - b. Secondly, payment to the City of Hamilton for outstanding taxes in relation to the Real Property, and to Canada Revenue Agency in relation to the Debtor's outstanding harmonized sales tax; and
 - c. Thirdly, to Motor City Community Credit Union Limited, up to the total amount of the Debtor's indebtedness to Motor City Community Credit Union Limited at the time of such distribution.

CREDITOR CLAIMS PROCESS

8. **THIS COURT ORDERS** that the Creditor Claims Process as detailed in the Second Report, is hereby approved.

VACANT POSSESSION

9. **THIS COURT ORDERS** that the Receiver shall deliver a copy of this Order to the Debtor.
10. **THIS COURT ORDERS** that Debtor shall deliver to the Receiver vacant possession of the Real Property (as detailed and defined in the Second Report) on the closing of the Transaction in relation to the Real Property as approved by the Approval and Vesting Order of this Court dated May 13, 2025.

GENERAL

11. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, the United States, or any other jurisdiction, 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, to grant representative status to the Receiver in any foreign proceeding, or to assist the Receiver and its agents in carrying out the terms of this Order

12. **THIS COURT ORDERS** that this Order and all of its provisions are effective from the date of this Order and is enforceable without any need for entry or filing.



Justice, Ontario Superior Court of Justice

Issued and entered electronically by

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

MOTOR CITY COMMUNITY CREDIT UNION LIMITED

v.

2673422 ONTARIO INC.

Applicant

Respondent

Court File No. CV-24-00086270-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
HAMILTON, ONTARIO

ORDER

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