

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

**THE HONOURABLE MR.
JUSTICE NEWBOULD**

**THURSDAY, THE 25th DAY
OF SEPTEMBER, 2014**

B E T W E E N:



THE TORONTO-DOMINION BANK

Applicant

– and –

FAIRVIEW NURSING HOME LIMITED

Respondent

**APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND
INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED**

ORDER

THIS MOTION, MADE BY BDO CANADA LIMITED, in its capacity as the Court-appointed Receiver (in such capacity, the “**Receiver**”), without security, for the purposes of marketing and selling the assets, undertakings, and properties of Fairview Nursing Home Limited (the “**Debtor**”), for an Order, *inter alia*, (i) approving the First Report to Court of the Receiver dated September 15, 2014 (the “**Report**”) and the Receiver’s conduct activities outlined therein, and the Confidential Supplement to the Report dated September 15, 2014 (the “**Confidential Supplement**”), and the Receiver’s conduct and activities outlined therein; (ii) sealing the Report and the Confidential Supplement and the Appendices thereto, and (iii) approving the professional fees and disbursements of the Receiver and its counsel, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Report and the Confidential Supplement, and on hearing the submissions of counsel for the Receiver and those counsel listed on the Counsel Slip, no one appearing for any other person on the Service List, although properly served as appears from the Affidavit of Laura Taylor, sworn September 15, 2014, filed:

SERVICE

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

APPROVAL OF FIRST REPORT & CONFIDENTIAL SUPPLEMENT

2. **THIS COURT ORDERS** that the First Report, the Confidential Supplement, and the activities of the Receiver outlined therein be and are hereby approved.

FEE APPROVAL

3. **THIS COURT ORDERS** that the fees for professional services and the disbursements of the Receiver, as set out in the Affidavit of Matthew E. Lem, sworn September 12, 2014, and counsel for the Receiver, as set out in the Affidavit of Clifton P. Prophet, sworn September 12, 2014, be and are hereby approved.

4. **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.

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO.:
LE / DANS LE REGISTRE NO.:



SEP 25 2014



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(COMMERCIAL LIST)

(PROCEEDING COMMENCED AT TORONTO)

ORDER

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