



Court File No. CV-18-601159-CL

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

IN THE MATTER OF SECTION 47(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

THE HONOURABLE) THURSDAY, THE 27TH
JUSTICE DIETRICH) DAY OF FEBRUARY, 2020

B E T W E E N:

WEST END MOTORS AND TRAILER PARK LIMITED

Applicant

-and-

189 DUNDAS STREET WEST INC.

Respondent

INTERIM DISTRIBUTION AND ADMINISTRATION ORDER

THIS MOTION, made by Rosen Goldberg Inc. in its capacity as the Court-appointed receiver (the “**Receiver**”) of the lands and premises registered in the name of the Respondent, 189 Dundas Street West Inc. (the “**Debtor**”), municipally known as 189 Dundas Street West, Mississauga, Ontario (the “**Real Property**”) and the remaining assets and undertaking of the

Debtor acquired for or used in relation to the Real Property (together with the Real Property, the “Property”), was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Second Report of the Receiver dated February 19, 2020 (the “Second Report”), the Supplementary Second Report dated February 26, 2020 (the “Supplementary Second Report”), and on hearing the submissions of counsel for the Receiver, counsel for the Debtor, counsel for West End Motors and Trailer Park Limited, and counsel for Quincy Investments Limited, 969592 Ontario Limited and 969593 Ontario Limited, no one appearing for any other person on the service list, although properly served as appears from the affidavit of Janet Nairne sworn February 19, 2020 and the affidavit of Richard Schuett sworn February 26, 2020, filed,

SERVICE

1. THIS COURT ORDERS AND DECLARES that the time for service of the Notice of Motion and Motion Record, including the Second Report and the Supplementary Second Report, is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

RECEIVER’S ACTIVITIES

2. THIS COURT ORDERS AND DECLARES that the activities and proposed activities of the Receiver described in the Second Report, including, without limitation, the steps taken by the Receiver to market and sell the Property, and the Supplementary Second Report are hereby approved.

STATEMENT OF RECEIPTS AND DISBURSEMENTS

3. THIS COURT ORDERS AND DECLARES that Receiver’s Interim Statement of Receipts and Disbursements contained in the Second Report is hereby approved.

SEALING

4. THIS COURT ORDERS AND DECLARES that the Receiver is authorized and directed to redact from the version of the Second Report served on the parties named in the service list Confidential Appendices “A” and “B”.

5. THIS COURT ORDERS AND DECLARES that the unredacted version of the Second Report, including the Confidential Appendices "A" and "B" shall be sealed, kept confidential, and shall not form part of the public record, but shall rather be placed separate and apart from all other contents of the Court file in a separately sealed envelope on which is affixed a notice setting out the title of these proceedings and a statement that the contents are subject to a sealing order and shall only be unsealed after the Transaction (as defined in the Approval and Vesting Order dated February 27, 2020) is completed, or until further Order of this Court.

DISTRIBUTION

6. THIS COURT ORDERS that upon the completion of the Transaction, the Receiver is hereby authorized and directed to make distributions from the net proceeds of the Transaction, as follows:

- (a) first, to the Applicant, West End Motors and Trailer Park Limited, to fully satisfy the amount owing under its first mortgage over the Real Property; and
- (b) second, the Directed Amount (as such term is defined and calculated in the Second Report and the Supplementary Second Report), being the sum of \$3,315,149.74, to Quincy Investments Limited, 969592 Ontario Limited and 969593 Ontario Limited to partially satisfy the amount owing under their second mortgage over the Real Property.



Dimitri J.

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-and-
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PROCEEDING COMMENCED AT
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ADMINISTRATION ORDER**

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as Court-appointed Receiver