

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

IN THE MATTER OF 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

THE HONOURABLE MADAM)

WEDNESDAY, THE 4TH

JUSTICE DIETRICH)

DAY OF, SEPTEMBER 2019

B E T W E E N



WEST END MOTORS AND TRAILER PARK LIMITED

Applicant

-and-

189 DUNDAS STREET WEST INC.

Respondent

ORDER

THESE MOTIONS made by (i) Rosen Goldberg Inc., in its capacity as court-appointed receiver (the “**Receiver**”) of certain real property registered in the name of the Respondent, 189 Dundas Street West Inc. (the “**Debtor**”), for an Order approving the marketing and sale process in respect of the assets under the Receiver’s administration, as proposed in the Receiver’s First Report dated July 11, 2019 (the “**First Report**”), and (ii) by the Respondent for an Order directing the Receiver to accept and sign an Agreement of Purchase and Sale dated as of July 18,

2019 from Helmsbridge Holdings ULC and Plazacorp Investments Limited (the “**Cross-Motion**”), were heard on July 30, 2019 at 330 University Avenue, Toronto, Ontario.

ON READING the First Report and the appendix thereto, the Affidavit of Paul Goldfischer sworn July 23, 2019 and the exhibits thereto, the Confidential Affidavit of Paul Goldfischer sworn July 23, 2019 and the exhibits thereto, the Affidavit of John Gagliano sworn July 25, 2019 and the exhibits thereto, the Supplementary Report to the First Report (the “**Supplementary Report**”) and the appendix thereto, and on hearing submissions of counsel for the Receiver, counsel for the Applicant, counsel for the Debtor, counsel for Helmsbridge Holdings ULC and Plazacorp Investments Limited, counsel for Quincy Investments Limited, 969592 Ontario Limited, and 969593 Ontario Limited, no one else appearing, although served, as appears from the Affidavits of Laura Micoli and Jennifer Samuels,

1. **THIS COURT ORDERS** that service of the Notice of Motion, First Report and Supplementary Report be and are hereby abridged and further service thereof is hereby dispensed with.
2. **THIS COURT ORDERS** that the sale and marketing process for the assets under the Receiver’s administration, as described in the First Report, be and is hereby approved and the Receiver is hereby authorized and directed to carry out the marketing and sale process in respect of the Property in accordance therewith.
3. **THIS COURT ORDERS** that the First Report, Supplementary Report, and the activities of the Receiver described therein are hereby approved.

4. **THIS COURT ORDERS** that Confidential Appendix 1 to the First Report, Confidential Appendix "A" to the Supplementary Report, the Confidential Affidavit of Paul Goldfischer sworn July 23, 2019 and the exhibits thereto be and are hereby sealed pending completion of the sale of the Property.

5. **THIS COURT ORDERS** that the Cross-Motion be and is hereby dismissed.



CM CHIBA, Registrar
Superior Court of Justice

393 UNIVERSITY AVE. 393 AVE. UNIVERSITY
6TH FLOOR 6E ÉTAGE
TORONTO, ONTARIO TORONTO, ONTARIO
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ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

OCT 17 2019

PER / PAR: 

WEST END MOTORS AND TRAILER PARK LIMITED
Applicant

-and- **189 DUNDAS STREET WEST INC.**
Respondent

Court File No. CV-18-601159-CL

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PROCEEDING COMMENCED AT
TORONTO

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