

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE )  
JUSTICE DUNPHY ) THURSDAY, THE 16<sup>TH</sup>  
DAY OF AUGUST, 2018

BETWEEN:

**COMFORT CAPITAL INC., THE BANK OF NOVA SCOTIA TRUST COMPANY,  
E. MANSON INVESTMENTS LTD., FENFAM HOLDINGS INC., 593651 ONTARIO  
LTD., 1031436 ONTARIO INC., ALRAE INVESTMENTS INC., BARRY SPIEGEL,  
SHARON NIGHTINGALE, DAVID SUGAR, PHYLLIS SUGAR, NATIONAL TIRE LTD.,  
1119778 ONTARIO LIMITED, 1415976 ONTARIO LIMITED, ALRAE INVESTMENTS  
INC., BAMBURGH HOLDINGS LTD., BEVERLEY GORDON, DIANE GRAFSTEIN,  
RICHARD GRUNEIR, B. & M. HANDELMAN INVESTMENTS LTD., RIDGEWAY  
OCCUPATIONAL CONSULTANTS INC., YERUSHA INVESTMENTS INC., MIHAL  
TYLMAN, A. ELIEZER KIRSHBLUM, 593651 ONTARIO LIMITED, THE BANK OF  
NOVA SCOTIA TRUST COMPANY IN TRUST FOR BAILEY LEVENSON, THE BANK  
OF NOVA SCOTIA TRUST COMPANY IN TRUST FOR ROSEMONDE KELLY, ANNE  
HANDELMAN, YERUSHA INVESTMENTS INC., CELMAR INVESTMENTS CORP.,  
BEVERLEY GORDON, PHILGOR INVESTMENTS LTD., BRILLIANT INVESTCORP  
INC., MAXOREN INVESTMENTS, 2227046 ONTARIO LIMITED, DAST PROPERTIES  
LIMITED, TOVA MARKOVZKI, JOSEPH SUCKONIC and B. & M. HANDELMAN  
INVESTMENTS LIMITED**

Applicants

- and -

**ANNIE YERETSIAN, TERRY WILSON, 2457674 ONTARIO INC.,  
2399029 ONTARIO INC. and MOSS DEVELOPMENT LTD.**

Respondents

**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**

**APPROVAL AND SEALING ORDER  
(MALMO)**

**THIS MOTION**, made by Rosen Goldberg Inc., in its capacity as receiver and manager (in such capacity, the “**Receiver**”) of certain assets, undertakings and properties of the Respondents (each Respondent individually hereinafter being referred to as a “**Debtor**” and

collectively, the “**Debtors**”) for, among other things, an Order (i) abridging the time for service of the Receiver’s Motion Record, validating service of the Motion Record, and dispensing with further service thereof, (ii) approving of the activities and proposed activities described in the Receiver’s Second Report dated May 17, 2018 (the “**Second Report**”) and the Receiver’s Fourth Report dated August 10, 2018 (the “**Fourth Report**”), (iii) approving an agreement of purchase of sale (the “**Malmo APS**”) dated July 30, 2018, in respect of the property municipally known as 65 Malmo Court, Vaughan (“**Malmo**”), (iv) sealing the two appraisals that the Receiver commissioned in respect of Malmo pending the completion of the transaction contemplated under the Malmo APS, or until further Order of the Court; and (v) upon completion of the transaction contemplated under the APS, distributing funds from the net proceeds of sale of Malmo, to the first mortgagees over Malmo in full satisfaction of their loan, was heard this day at Toronto.

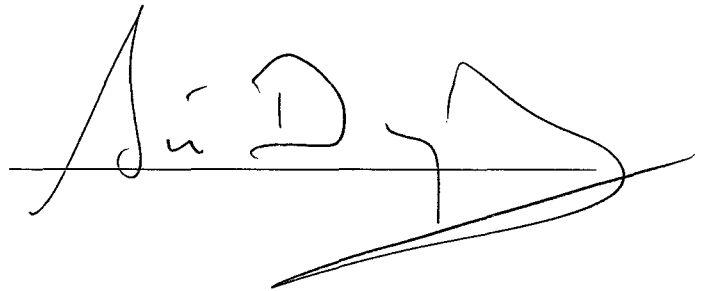
**ON READING** the Second Report and the Fourth Report, and on hearing the submissions of counsel for (i) the Receiver, (ii) the Applicants, (iii) 2399029 Ontario Inc., 2457674 Ontario Inc., Terry Wilson, Canada Investment Corporation and Canada Capital Corporation, (iv) Morteza (Ben) Katebian, (v) HJLJ Investments Limited, 527540 Ontario Limited and Dast Properties Limited, (vi) Stanbarr Services Limited, Janodee Investments Ltd., Meadowshire Investments Ltd., Regard Investments Ltd., 1563503 Ontario Limited, Beaver Pond Investments Ltd., The Canada Trust Company, Rita Rosenberg and 527540 Ontario Limited, and (vii) 2369020 Ontario Inc., no one appearing for any other person on the service list, although properly served as appears from the affidavit of Eric Golden sworn August 13, 2018, filed,

1. **THIS COURT ORDERS** that the time for service of the Receiver’s Notice of Motion dated August 10, 2018 (the “**NOM**”), and the related motion material filed in support of that NOM, including the Second Report, the Motion Record dated August 10, 2018, and the Fourth Report (collectively, the “**Motion Material**”), be and is hereby abridged, that service of the NOM and Motion Material is hereby validated, and that further service thereof is hereby dispensed with.

2. **THIS COURT ORDERS** that the Second Report and the Fourth Report, and the actions of the Receiver described therein, be and are hereby approved.

3. **THIS COURT ORDERS** that the appraisals of Hendren Real Estate Appraisals Ltd. dated April 4, 2018, and Appraisals 2000 Realty Group Ltd. dated April 16, 2018, shall be sealed, kept confidential and not form part of the public record, but rather shall be placed, separate and apart from all other contents of the Court file, in a sealed envelope attached to a notice that sets out the title of these proceedings and a statement that the contents are subject to a sealing order, and remain under seal until the completion of the transaction contemplated under the Malmo APS or until further Order of the Court.

4. **THIS COURT ORDERS** that upon completion of the transaction contemplated under the Malmo APS, funds from the net proceeds of sale of Malmo shall be distributed to the first mortgagees over Malmo in respect of the principal and interest owing under their loan (excluding the three month interest claim), with all other amounts owing (including the three months interest claim) to be dealt by further Order of the Court.

A handwritten signature in black ink, appearing to read "A. D. R.", is written over a horizontal line. The signature is stylized and includes a large, sweeping flourish that extends to the right and then curves back under the line.

**COMFORT CAPITAL INC., ET AL.**

Applicants

Court File N CV-18-592103-00CL  
and **ANNIE YERETSJIAN, TERRY WILSON, ET AL.**

Respondents

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

Proceeding commenced at Toronto

**APPROVAL AND SEALING ORDER  
(MALMO)**

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