

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

THE HONOURABLE MR.) TUESDAY, THE 6th
)
JUSTICE KOEHNEN) DAY OF OCTOBER, 2020
)

IN THE MATTER OF SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, C. B-3, AS AMENDED, SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990 C. C.43, AS AMENDED, AND SECTION 68 OF THE *CONSTRUCTION ACT*, R.S.O. 1990, C. 30

B E T W E E N:

(Court Seal)

C & K MORTGAGE SERVICES INC.

Applicant

- and -

CAMILLA COURT HOMES INC. and ELITE HOMES INC.

Respondents

INTERIM ADMINISTRATION AND DISTRIBUTION ORDER

THIS MOTION, made by Rosen Goldberg Inc. in its capacity as the Court-appointed receiver and trustee (in such capacities, the “**Receiver**”), without security, of all the assets, undertakings and properties of the Respondents Camilla Court Homes Inc. and Elite Homes Inc. (collectively, the “**Debtors**”) acquired for, or used in relation to a business carried on by the Debtors, including the lands and premises municipally known as 180 Mateo Place, Mississauga,

Ontario and 2371 Camilla Road, Mississauga, Ontario, and all proceeds thereof, was heard this day by judicial video conference due to the COVID-19 pandemic.

ON READING the First Report of the Receiver dated August 17, 2020 (the “**First Report**”), the Second Report of the Receiver dated October 2, 2020 (the “**Second Report**”) and on hearing the submissions of counsel for the Receiver, independent counsel for the Receiver, counsel for Via Trim & Doors Inc., counsel for Ultra Roofing 1 Inc., counsel for 2078644 Ontario Inc., counsel for Jereemy Tan, no one appearing for any other person on the service list, although served as appears from the affidavit of Janet Nairne sworn October 2, 2020, filed:

SERVICE

1. THIS COURT ORDERS that the time for service of the Notice of Motion and Motion Record, including the 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 that the activities, proposed activities and recommendations of the Receiver described in the First Report and the Second Report are hereby approved.

STATEMENT OF RECEIPTS AND DISBURSEMENTS

3. THIS COURT ORDERS that Receiver’s interim statement of receipts and disbursements for the period July 2, 2020 to September 30, 2020 contained in the Second Report is hereby approved.

SEALING

4. THIS COURT ORDERS AND DECLARES that the Receiver is authorized and directed, *nunc pro tunc*, to redact from the First Report served on the parties named in the service list, Confidential Appendices 1 and 2.

5. THIS COURT ORDERS AND DECLARES that the unredacted version of the First Report, including the Confidential Appendices 1 and 2 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 is 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 closing of the Mateo Transaction (as defined in the Second Report), or further Order of this Court.

6. THIS COURT ORDERS AND DECLARES that the Receiver is authorized and directed, *nunc pro tunc*, to redact from the Second Report served on the parties named in the service list, Confidential Appendices 1 and 2.

7. THIS COURT ORDERS AND DECLARES that the unredacted version of the Second Report, including the Confidential Appendices 1 and 2 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 is 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 closing of the Mateo Transaction (as defined in the Second Report), or further Order of this Court.

DISTRIBUTION OF PROCEEDS

8. THIS COURT ORDERS that upon completion of the Camilla Transaction (as defined in the Second Report), the Receiver shall distribute funds in its hands from the net proceeds of sale to C & K Mortgages Services Inc. in reduction of the indebtedness secured under the First Mortgage (as defined in the Second Report).


9. THIS COURT ORDERS that upon completion of the Mateo Transaction (as defined in the Second Report), the Receiver shall distribute funds in its hands from the net proceeds of sale to C & K Mortgages Services Inc. in reduction of the indebtedness secured under the First Mortgage (as defined in the Second Report).

HOLDBACK

10. THIS COURT ORDERS AND DIRECTS the law firm, Garfinkle Biderman LLP, to pay to the Receiver all funds it is holding in trust on account of holdback under the *Construction Act* from advances made under the First Mortgage (as defined in the Second Report).

GENERAL

11. THIS COURT ORDERS that that notwithstanding Rule 59.05, this Order is effective from the date that it is made, and is enforceable without any need for entry and filing. In accordance with Rule 77.07(6) and 1.04, no formal order need be entered and filed unless an appeal or a motion for leave to appeal is brought to an appellate court. Any party may nonetheless submit a formal order for original signing, entry and filing when the Court returns to regular operations.



C & K MORTGAGE SERVICES INC.
Applicant

-and- **CAMILLA COURT HOMES INC. et al**
Respondents

Court File No. CV-20-00643021-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

PROCEEDING COMMENCED AT TORONTO

**INTERIM ADMINISTRATION AND
DISTRIBUTION ORDER**

DICKINSON WRIGHT LLP

Barristers & Solicitors
199 Bay Street
Suite 2200, P.O. Box 447
Commerce Court Postal Station
Toronto, Ontario, M5L 1G4

DAVID P. PREGER (36870L)

Email: DPreger@dickinsonwright.com
Tel: 416-646-4606

LISA S. CORNE (27974M)

Email: L.Corne@dickinsonwright.com
Tel: 416-646-4608

DAVID Z. SEIFER (77474F)

Email: DSeifer@dickinsonwright.com
Tel: 416-646-6867

Fax: 844-670-6009

Lawyers for the Court-appointed Receiver

