

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE)
JUSTICE *MYERS*)
)

FRIDAY, THE 7TH
DAY OF APRIL, 2017

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



BETWEEN:

DOWNING STREET FINANCIAL INC., IN TRUST,

Applicant

- and -

**HARMONY VILLAGE-SHEPPARD INC., AS GENERAL PARTNER OF
HARMONY VILLAGE-SHEPPARD LP and CITY CORE DEVELOPMENTS INC.**

Respondents

ORDER

THIS MOTION, made by Rosen Goldberg Inc. in its capacity as the Court-appointed receiver (the "Receiver") of the undertaking, property and assets of Harmony Village-Sheppard Inc., as general partner of Harmony Village-Sheppard LP (the "Debtor") and City Core Developments Inc. for an order approving the sale transaction (the "Transaction") contemplated by an agreement of purchase and sale (the "Sale Agreement") between the Receiver and Fortress Sheppard (2016) Inc. ("Fortress") dated January 2017 and appended to the Report of the Receiver dated March 31, 2017 (the "Report"), and vesting in Fortress (the "Purchaser") the

Debtor's right, title and interest in and to the assets described in the Sale Agreement (the "Purchased Assets"), was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Report and the Receiver's Supplementary Report dated April 6, 2017 and on hearing the submissions of counsel for the Receiver, Counsel for Fortress, Counsel for the Applicant and Counsel for Marcus Silbert, no one appearing for any other person on the service list, although properly served as appears from the affidavits of Laura Micoli sworn March 31, 2017 and April 6, 2017 filed:

1. THIS COURT ORDERS AND DECLARES that the time for service of the Notice of Motion is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.
2. THIS COURT ORDERS AND DECLARES that the Agreement be and is hereby terminated and the Deposit (as defined in the Agreement) is forfeited to the Receiver.



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

APR 07 2017

PER / PAR: 

DOWNING STREET FINANCIAL INC., IN TRUST
Applicant

-and- **HARMONY VILLAGE-SHEPPARD INC. et al.**
Respondents

Court File No. CV-17-11669-00CL

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PROCEEDING COMMENCED AT
TORONTO

ORDER

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