

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) **FRIDAY, the 7TH DAY**
)
MR. JUSTICE CHARLES HACKLAND) **OF DECEMBER, 2018.**

BETWEEN:

BUSINESS DEVELOPMENT BANK OF CANADA

- and -

**730 HOLDINGS INC., 730 SUBWAY INC.,
730 ROADHOUSE INC. and 2362655 ONTARIO INC.**

Applicant

Respondents

ORDER

THIS MOTION, made by Raymond Chabot Inc. as Court-Appointed Receiver (the "Receiver") of the Respondents for, amongst other relief, an Order approving the activities and conduct of the Receiver, was heard this day at the Courthouse, 161 Elgin Street, Ottawa, Ontario.

ON READING the Motion Record filed on behalf of the Receiver, including the second report of the Receiver dated November 29, 2018 (the "Second Report"), and upon hearing the submissions of counsel for the Receiver, no one appearing for any of the other interested parties although duly served as appears from the Affidavits of Service of André Ducasse and Roxanne Chapman, both sworn on December 3, 2018, filed,

SERVICE

1. **THIS COURT ORDERS AND DECLARES** that the method of service of the Notice of Motion and the Receiver's Second Report is hereby validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

RECEIVER'S SECOND REPORT

2. **THIS COURT ORDERS AND DECLARES** that the Receiver's Second Report is hereby approved and that the activities and conduct of the Receiver and that of its counsel as set forth in its Second Report are hereby ratified and approved.
3. **THIS COURT ORDERS AND DECLARES** that the Receiver's Interim Statement of Receipts and Disbursements, as set forth in the Second Report, is hereby ratified and approved.

SECURED/PRIORITY CLAIMS AND DISTRIBUTIONS

4. **THIS COURT ORDERS AND DIRECTS** the Receiver to pay a distribution in the amount of \$993,227.51 to Business Development Bank of Canada ("BDC") on account of BDC's first-ranking security in respect of the Property and Real Property (as these terms are defined in the Second Report).
5. **THIS COURT ORDERS AND DIRECTS** the Receiver to pay a distribution in the amount of \$143,824.80 to the Township of Edwardsburgh/Cardinal (the "Township") on account of the Township's statutory priority claim pursuant to section 349 of the *Municipal Act*, 2001, S.O. 2001, C. 25 in respect of tax arrears relating to the Real Property.
6. **THIS COURT ORDERS AND DIRECTS** the Receiver to reimburse to BDC the amount of \$50,000.00, which was advanced by BDC to the Receiver to initially fund the receivership.

PROFESSIONAL FEES AND DISBURSEMENTS

7. **THIS COURT ORDERS AND DECLARES** that the fees and disbursements of the Receiver and of its legal counsel, all as particularized in the Second Report, are hereby ratified and approved.

Hackland J.

THE HONOURABLE MR. JUSTICE CHARLES HACKLAND

ENTERED AT OTTAWA INSCRIT A OTTAWA	
ON/LE	DEC 07 2018
DOCUMENT NO.	<i>0411</i>
IN BOOK NO. 73-13 AU REGISTRE NO. 73-13	

BUSINESS DEVELOPMENT BANK OF CANADA
Applicant

- and -

730 HOLDINGS INC. et al.
Respondents

Court File No. CV-17-584016-00CL

**ONTARIO SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding Commenced at Toronto

ORDER

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