

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE

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MONDAY, THE 11TH

JUSTICE McEWEN

)

DAY OF DECEMBER, 2017

)



BUSINESS DEVELOPMENT BANK OF CANADA

Applicant

- and -

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

Respondents

ORDER

THIS MOTION made by Business Development Bank of Canada (“**BDC**”), on consent, for an Order, *inter alia*: (i) amending the Order (Appointing Receiver) granted by Justice Hainey on November 21, 2017 in these proceedings (the “**Receivership Order**”) appointing Raymond Chabot Inc. as receiver (in such capacity, the “**Receiver**”) of all the assets, undertakings and properties of the Debtors (as such term is defined in the Receivership Order) acquired for, or used in relation to a business carried on by the Debtors, and of the Real Property (as such term is defined in the Receivership Order) to include 2362655 Ontario Inc. (“**236**”) as one of the Debtors (as such term is defined in the Receivership Order); and, (ii) adding 236 as a party to the application bearing court file number CV-17-584016-00CL, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the affidavit of Marlène Rodrigue sworn October 12, 2017 and the exhibits thereto, the affidavit of Kanwaljeet Rattan sworn October 25, 2017, and the exhibits thereto, and the affidavit of Danielle Muise sworn December 8, 2017, and the exhibits thereto, and on hearing the submissions of counsel for BDC and such other counsel as were present, no one appearing for any other person on the service list although duly served as appears from the affidavit of service of Miranda Spence sworn December 8, 2017, and on reading the consent of BDC, 730 Holdings Inc., 730 Subway Inc., 730 Roadhouse Inc., and 236,

1. **THIS COURT ORDERS** that the time for service of the notice of motion and the motion record is hereby abridged and validated so that this application is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that the Receivership Order be and is hereby amended to include 236 as one of the Debtors, as such term is defined in the preamble to the Receivership Order.

3. **THIS COURT ORDERS** that the Receivership Order be and is hereby amended to exclude from the definition of Property, 236's interest as plaintiff in the Insurance Action, as such terms are defined at paragraph 2 of the Receivership Order,.

4. **THIS COURT ORDERS** that 236 shall be added as a respondent to this application, and the title of the proceeding in all documents issued, served or filed after the date of this Order in this application shall be as follows:

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

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

BETWEEN:

BUSINESS DEVELOPMENT BANK OF CANADA

Applicant

- and -

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

Respondents



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**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceedings commenced at Toronto

ORDER

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