

Court File No. CV-23-00707989-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE) WEDNESDAY, THE 23RD
JUSTICE BLACK) DAY OF OCTOBER, 2024

1180554 ONTARIO LIMITED

Applicant

-and-

CBJ DEVELOPMENTS INC., CBJ – CLEARVIEW GARDEN ESTATES INC. and
CBJ – BRIDLE PARK II INC.

Respondents

ORDER
(ANCILLARY RELIEF ORDER)

THIS MOTION, made by TDB Restructuring Limited, in its capacity as receiver and manager (in such capacity, the “Receiver”) without security, of all present and future property, assets and undertakings of CBJ - Clearview Garden Estates Inc., CBJ Bridle Park II Inc., CBJ Developments Inc. (collectively, the “Debtors”) for an order for ancillary relief in connection with an approval and vesting order, dated October 7, 2024, was heard this day at the courthouse at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion of the Receiver, the Second Report of the Receiver dated September 20, 2024 (the “Second Report”), and on hearing the submissions of counsel for the Receiver and the other parties listed on the counsel slip, no one appearing for any other party although duly served as appears from the affidavit of Beatrice Loschiavo, sworn September 30, 2024:

A. Definitions

1. THIS COURT ORDERS that capitalized terms not otherwise defined herein shall have the meaning given to them in the Second Report.

B. Service

2. THIS COURT ORDERS that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated that this Motion is properly returnable today and hereby dispenses with further service thereof.

C. Fees, Receipts and Disbursements

3. THIS COURT ORDERS that the Receiver's Interim Statement of Receipts and Disbursements for the period from January 26, 2024, to August 31, 2024 be and is hereby approved.

4. THIS COURT ORDERS that the fees and disbursements of the Receiver and its legal counsel as described in the Second Report, the Affidavit of Bryan A. Tannenbaum, sworn September 18, 2024, and the Affidavit of Beatrice Loschiavo, sworn September 17, 2024, and the Affidavit of Marc A. Lean, sworn September 19, 2024, are hereby approved.

D. Sealing Order

5. THIS COURT ORDERS that the APA between the Receiver and 118, dated July 24, 2024, being Confidential Appendix 1 to the Second Report shall be treated as confidential, sealed and not form part of the public court record until all conditions to closing the APA have been satisfied or waived by the Receiver and the Purchaser and the Transaction has been completed to the satisfaction of the Receiver.

E. General

6. THIS COURT ORDERS that the Second Report and the conduct and activities of the Receiver set out therein be and are hereby approved.

7. THIS COURT ORDERS that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way that approval of the Second Report detailed in paragraph 6 above.

8. THIS COURT ORDERS that this Order and all of its provisions are effective as of 12:01 a.m. Toronto Time on the date of this Order and are enforceable without the need for entry and filing.

A handwritten signature in blue ink, appearing to read 'W.D. Black', is written over a horizontal line.

Justice W.D. Black

1180554 ONTARIO LIMITED
Applicant

CBJ DEVELOPMENTS INC., et al.
and Respondents

Court File No. CV-23-00707989-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)
APPLICATION UNDER SUBSECTION 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**
Proceeding commenced at Toronto

**ORDER
(ANCILLARY RELIEF)**

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**Lawyers for the Receiver, TDB Restructuring
Limited**