

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE ) THURSDAY, THE 28TH  
JUSTICE *NEWBOULD* ) DAY OF APRIL, 2016

BETWEEN:



**DBDC SPADINA LTD.  
and THOSE CORPORATIONS LISTED ON SCHEDULE "A" HERETO**

Applicants

and

**NORMA WALTON, RONAULD WALTON, THE ROSE & THISTLE  
GROUP LTD. and THOSE CORPORATIONS LISTED ON SCHEDULE  
"B" HERETO**

Respondents

and

**THOSE CORPORATIONS LISTED IN SCHEDULE "C" HERETO, TO BE  
BOUND BY THE RESULT**

**ORDER**

**THIS MOTION**, made by Collins Barrow Toronto Limited ("CBTL"), in its capacity as court appointed Receiver (the "Receiver") of the assets, undertakings and properties of West Mall Holdings Ltd. (the "Debtor"), for an order approving the Receiver's statement of receipts and disbursements attached as Exhibit "J" to the Third Report, approving the Receiver's activities, fees and disbursements and those of its counsel as set out in the Third Report, discharging Collins Barrow Toronto Limited as the Receiver of the undertaking, property and assets of the Debtor, and

releasing the Receiver from any and all liability as set out in paragraph 6 of this order was heard this day at the court house, 330 University Avenue, 8th Floor, Toronto, Ontario.

**ON READING** the Third Report and the appendices attached thereto, the Affidavit of Daniel Weisz sworn April 21, 2016 (the "Weisz Fee Affidavit") and the Affidavit of Michael Cass sworn April 21, 2016 (the "Cass Fee Affidavit") and on hearing the submissions of the lawyer for the Receiver, *and for the Applicants* and on hearing the submissions of the lawyer for *2 T* the Receiver, no other person appearing for any other party although properly served as appears from the affidavit of service filed herein,

#### **Service**

1. **THIS COURT ORDERS** that the time for service of the Receiver's notice of motion and motion record dated April 21, 2016 is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

#### **Approval of Activities**

2. **THIS COURT ORDERS** that the (i) Third Report of the Receiver, (ii) the activities of the Receiver described therein, (iii) the statement of receipts and disbursements contained therein and (iv) the fees and disbursements of the Receiver described therein and in the Weisz Fee Affidavit and the Cass Fee Affidavit be and are hereby approved.

#### **Final Distribution**

3. **THIS COURT ORDERS** that the Receiver is hereby authorized to distribute to 295 The West Mall Portfolio Inc. ("Portfolio") the amount of \$55,106.72, representing the Final Distribution as set out in the Third Report.

### **Vacancy Rebates and HST Refunds**

4. **THIS COURT ORDERS** that notwithstanding the discharge of the Receiver, CBTL is authorized to endorse any cheques it may receive on account of the Vacancy Rebates and the HST Refunds as defined in the Third Report to Portfolio or to otherwise deposit said cheques and remit the amounts thereof to Portfolio.

### **Discharge and Release**

5. **THIS COURT ORDERS** that upon completion of the Remaining Duties as set out in the Third Report (and upon the Receiver filing a certificate certifying that it has completed the Remaining Duties, the Receiver shall be discharged as receiver of the undertaking, property and assets of the Debtor, provided however that notwithstanding its discharge herein (a) the Receiver shall remain receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver and Collins Barrow Toronto Limited shall continue to have the benefit of the provisions of all orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of Collins Barrow Toronto Limited in its capacity as receiver.

6. **THIS COURT ORDERS AND DECLARES** that Collins Barrow Toronto Limited is hereby released and discharged from any and all liability that it now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Collins Barrow Toronto Limited while acting in its capacity as receiver herein, save and except for any gross negligence or wilful misconduct on its part. Without limiting the generality of the foregoing, Collins Barrow Toronto Limited is hereby forever released and discharged from any and all liability relating to matters that

were raised, or which could have been raised, in the within receivership proceedings, save and except for any gross negligence or wilful misconduct on its part.



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(Signature of Judge)

RCP-E 59A (July 1, 2007)

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

APR 28 2016

PER / PAR: *RW*

**DBDC SPADINA LTD. et al.**  
Applicants

-and-

**NORMA WALTON et al.**  
Respondents

Court File No. CV-13-10280-00CL

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

**PROCEEDING COMMENCED AT**  
**TORONTO**

**ORDER**

**STEINBERG TITLE HOPE & ISRAEL LLP**  
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Lawyers for Collins Barrow Toronto Limited  
court appointed Receiver for West Mall Holdings Ltd.

RCP-E 4C (July 1, 2007)

April 28/16  
This motion is appropriate to be heard  
is appropriate. Order to go.  
D. J.

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
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PROCEEDING COMMENCED AT  
TORONTO

**MOTION RECORD OF COLLINS BARROW TORONTO  
LIMITED, COURT APPOINTED RECEIVER OF WEST  
MALL HOLDINGS LTD.**

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