

Court File Number: CY-19-624071

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

RDC

Plaintiff(s)

AND

Greenhouses

CANADA INC

Defendant(s)

Case Management Yes No by Judge: _____

Counsel	Telephone No:	Facsimile No:

- Order Direction for Registrar (No formal order need be taken out)
- Above action transferred to the Commercial List at Toronto (No formal order need be taken out)
- Adjourned to: _____
- Time Table approved (as follows):

① Order to go on the terms
of the attached.
Hansley
September 18, 2020

_____ Date

_____ Judge's Signature

Additional Pages _____

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

THE HONOURABLE MR.) FRIDAY, THE 18th DAY
JUSTICE HAINEY) OF SEPTEMBER, 2020

BUSINESS DEVELOPMENT BANK OF CANADA

Applicant

- and -

GREENHOUSES CANADA INC.

Respondent

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

ORDER

THIS MOTION, made by the Applicant, for an order approving the activities of RSM Canada Limited in its capacity as the Court-appointed receiver and manager (the "**Receiver**") of real property municipally known as 37 & 85 Panache Lake Road, Espanola, Ontario (the "**Real Property**") owned by the Respondent (the "**Debtor**"), discharging RSM Canada Limited, as Receiver, and releasing RSM Canada Limited from any and all liability, was heard this day virtually by Zoom videoconference due to the COVID-19 crisis.

ON READING the report of the Receiver dated September 14, 2020 (the "**Report**") and the Affidavit of Dodie Ballesteros sworn September 9, 2020 and the exhibits thereto, and on hearing the submissions of counsel for the Applicant and the Receiver, no one else appearing

from the service list although served as evidenced by the Affidavit of Lynda Christodoulou sworn September 9, 2020 and the Affidavit of Sam Rappos sworn September 14, 2020, filed;

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

2. **THIS COURT ORDERS** that the activities of the Receiver, as set out in the Report, are hereby approved.

3. **THIS COURT ORDERS** that the requirement for the Receiver and its counsel to pass its accounts pursuant to paragraph 18 of the Order dated July 30, 2019 is hereby dispensed with.

4. **THIS COURT ORDERS** that upon the Receiver filing a certificate certifying that it has completed the Remaining Activities (as defined in the Report), the Receiver shall be discharged as Receiver of the Real Property 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 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 RSM Canada Limited in its capacity as Receiver.

5. **THIS COURT ORDERS AND DECLARES** that RSM Canada Limited is hereby released and discharged from any and all liability that RSM Canada Limited now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of RSM Canada Limited while acting in its capacity as Receiver herein, save and except for any gross negligence or wilful misconduct on the Receiver's part. Without limiting the generality of the foregoing,

RSM Canada 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 the Receiver's part.

6. **THIS COURT ORDERS** that, notwithstanding Rule 59.05, this order is effective from the date it is made, and it is enforceable without any need for entry and filing. In accordance with Rules 77.07(6) and 1.04, no formal order need be entered and filed unless an appeal or motion for leave to appeal is brought to an appellate court. Any party may nonetheless submit a formal order for original, signing, entry and filing, as the case may be, when the Court returns to regular operations.

A handwritten signature in cursive script, appearing to read "Hovav", is written over a horizontal line. The signature is fluid and stylized, with a large loop at the end.

BUSINESS DEVELOPMENT BANK OF CANADA
Applicant

-and-

GREENHOUSES CANADA INC.
Respondent
Court File No. CV-19-624071-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

PROCEEDING COMMENCED AT
TORONTO

ORDER

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