

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

THE HONOURABLE) WEDNESDAY, THE 9th DAY
)
JUSTICE McEWEN) OF SEPTEMBER, 2020

BETWEEN:

**CHOICE PROPERTIES LIMITED PARTNERSHIP, by its
general partner CHOICE PROPERTIES GP INC.**

Applicant

- and -

**PENADY (BARRIE) LTD., PRC BARRIE CORP.
and MADY (BARRIE) INC.**

Respondents

**APPLICATION UNDER SECTION 243 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****

APPROVALS ORDER

THIS MOTION, made by RSM Canada Limited, in its capacity as the Court-appointed receiver and manager (the "**Receiver**") pursuant to section 243(1) of the *Bankruptcy and Insolvency Act* (Canada) and section 101 of the *Courts of Justice Act* of the assets, undertakings and properties of Penady (Barrie) Ltd. ("**PBL**"), and of certain of the assets, undertakings and properties of PRC Barrie Corp. ("**PRC Barrie**") and Mady (Barrie) Inc. ("**MBI**"), for an order, among other things, (i) if necessary, abridging the time for service of the Receiver's Notice of Motion and Motion Record herein, (ii) approving the Second Report of the Receiver dated August 31, 2020 (the "**Second Report**") and the activities described therein, and (iii) approving the Receiver's Interim Statement of Receipts and Disbursements as of August 21, 2020, and the

professional fees of the Receiver and its counsel Blaney McMurtry LLP (“**Blaney**”), was heard this day by judicial videoconference via Zoom at Toronto, Ontario due to the COVID-19 crisis.

ON READING the Second Report, and on hearing the submissions of counsel for the Receiver, the Applicant and the Respondents, no one appearing for any other person on the service list, although properly served as appears from the affidavit of Eric Golden sworn September 8 2020, filed,

1. **THIS COURT ORDERS** that the time for service of the Receiver’s Notice of Motion dated August 31, 2020 (the “**NOM**”), and related motion material filed in support of that NOM, including the Receiver’s Motion Record dated August 31, 2020 (collectively, the “**Motion Material**”), be and is hereby abridged, that service of the NOM and Motion Material is hereby validated, and that further service thereof is hereby dispensed with.

2. **THIS COURT ORDERS** that the Second Report, and the activities of the Receiver described therein, is hereby approved.

3. **THIS COURT ORDERS** that the Receiver’s Interim Statement of Receipts and Disbursements for the period from March 27, 2020 to August 21, 2020, as set out in Appendix “O” to the Second Report, be and is hereby accepted and approved.

4. **THIS COURT ORDERS** that the fees and disbursements of the Receiver from March 2, 2020 to July 31, 2020, and of Blaney from March 6, 2020 to July 23, 2020, be and are hereby approved.

5. **THIS COURT ORDERS** that notwithstanding Rule 59.05, this order is effective from the date that it is made, and is enforceable without any need for entry and filing. In accordance with Rule 77.07(6) and 1.04, no formal order need be entered and filed unless an appeal or a 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 when the Court returns to regular operations.



CHOICE PROPERTIES LIMITED PARTNERSHIP, ET AL.
Applicant

-and-

Court File No. CV-20-00637682-00CL
PENADY (BARRIE) LTD., ET AL.
Respondents

9 Sept 20

The Order shall go as per the draft filed and signed, on an unopposed basis.
I have reviewed the materials and heard submissions of counsel.
The relief sought is fair and reasonable.

McE T.

**ONTARIO
SUPERIOR COURT OF JUSTICE
[COMMERCIAL LIST]**
Proceeding commenced at Toronto

APPROVALS ORDER

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in its capacity as Court-appointed Receiver