

ONTARIO

SUPERIOR COURT OF JUSTICE

THE HONOURABLE)

THURSDAY, THE

JUSTICE *TAYLOR*)

31ST DAY OF AUGUST, 2017

BETWEEN:

FIRST SOURCE MORTGAGE CORPORATION

Applicant

-and-

DANG VARIETY STORE AND GAS BAR AND LUCKY RESTAURANT INC.

Respondent

**APPLICATION UNDER section 243(1) of the *Bankruptcy and Insolvency Act*,
R.S.C. 1985, c. B-3, and Section 101 of the *Courts of Justice Act*,
R.S.O. 1990, c. C.43**


DISCHARGE ORDER

THIS MOTION made by Collins Barrow Toronto Limited ("CBTL") in its capacity as court-appointed receiver of Dang Variety Store and Gas Bar and Lucky Restaurant Inc. ("Dang Variety") for, among other things, an Order approving the activities of the Receiver as set out in the second report of the Receiver dated August 18, 2017 (the "Second Report") and discharging CBTL as Receiver, was heard this day in Kitchener, Ontario.

ON READING the Second Report, the affidavits of the Receiver and its counsel as to fees (the "Fee Affidavits"), and on hearing the submissions of counsel for the Receiver, no one else appearing although served,

1. THIS COURT ORDERS that the Second Report and the conduct and activities of the Receiver since the date of the Receiver's First Report to date, including the R&D (as defined in the Second Report), are hereby approved.
2. THIS COURT ORDERS that the fees and disbursements of: (i) the Receiver from September 1, 2016 to August 4, 2017, together with the estimated fees and costs to complete the administration of the receivership; (ii) the Receiver's legal counsel, Paliare Roland Rosenberg Rothstein LLP from January 30, 2017 to July 31, 2017, together with the estimated fees and costs to complete the administration of the receivership; and (iii) the Receiver's real estate counsel, Gray & Associates Professional Corporation (collectively, the "**Professional Fees**") are hereby approved;
3. THIS COURT ORDERS that, after payment of all costs remaining in connection with the administration of the receivership and the Professional Fees, the Receiver shall pay the monies remaining in its possession to Daoust Vukovich LLP ("**DV LLP**"), counsel to the Assignee (as defined in the Second Report), on behalf of the Assignee.
4. THIS COURT ORDERS the Receiver to pay to DV LLP any funds received from the Canada Revenue Agency on account of a refund of Harmonized Sales Tax and/or any other funds received in connection with the receivership (the total of which is not to exceed the amounts owing under the first mortgage) and to authorize the Receiver to assist in realizing on these amounts as may be reasonably required.
5. THIS COURT ORDERS that upon the Receiver filing with this court a certificate substantially in the form appended hereto as Schedule 1, certifying that it has completed its Remaining Tasks (as defined in the Second Report) including paying all Professional Fees and the balance of funds on hand to DV LLP, the Receiver shall be discharged as Receiver of Dang Variety 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 and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding.

6. THIS COURT ORDERS AND DECLARES that CBTL, together with its directors, officers, employees and agents are hereby released and discharged from any and all liability that they now have or may hereafter have by reason of, or in any way arising out of, the acts or omissions of CBTL while acting in its capacity as Receiver herein save and except for issues arising from gross negligence or wilful misconduct. Without limiting the generality of the foregoing, CBTL 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 issues arising from gross negligence or wilful misconduct.



Mr. Justice G. Taylor

ENTERED AT KITCHENER
in Book No. 7C
As Document No. 1175
on AUG 31 2017
by Ingrid Peters

Schedule 1 – Form of Receiver's Certificate

Court File No. C-585-16

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SUPERIOR COURT OF JUSTICE**

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FIRST SOURCE MORTGAGE CORPORATION

Applicant

-and-

DANG VARIETY STORE AND GAS BAR AND LUCKY RESTAURANT INC.

Respondent

RECEIVER'S DICHARGE CERTIFICATE

WHEREAS pursuant to the Order dated 31 August 2017, the Ontario Superior Court of Justice Ordered that Collins Barrow Toronto Limited (the "**Receiver**") would be discharged as receiver of Dang Variety Store and Gas Bar and Lucky Restaurant Inc. upon the filing of a Certificate by the Receiver certifying that the Receiver had completed the Remaining Tasks defined in paragraph 36 of the Receiver's Second Report dated 18 August 2017.

Collins Barrow Toronto Limited, in its capacity as Receiver of Dang Variety Store and Gas Bar and Lucky Restaurant Inc., certifies that it has completed the Remaining Tasks.

DATED as Toronto this • day of •, 2017.

COLLINS BARROW TORONTO LIMITED,
in its capacity as Receiver of Dang Variety
Store and Gas Bar and Lucky Restaurant
Inc. and not in its personal capacity

First Source Mortgage Corporation

Applicant

DANG VARIETY STORE AND GAS BAR AND LUCKY
RESTAURANT INC.
Respondent

Court File No. C-585-16

ONTARIO

SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
KITCHENER

DISCHARGE ORDER

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as Receiver of Dang Variety Store and Gas Bar and Lucky
Restaurant Inc.