

9911

Court File No. CV-12-~~911~~-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE)
JUSTICE *McEwen*)

MONDAY, THE 16TH
DAY OF JUNE, 2014

BETWEEN:

(Court Seal)



ICICI BANK CANADA

Applicant

and

BAYSIDE MALL LIMITED

Respondent

ORDER
(Advice and Directions)

THIS MOTION, made by the Receiver, A. John Page & Associates Inc., for (a) approval of the actions and activities of the Receiver as set out in the Fourth Report of the Court-Appointed Receiver (the "Fourth Report"); (b) advice and directions; (c) approval of the Statement of Receipts and Disbursements of the Receiver to date; (d) approval of the fees and expenses of the Receiver and its counsel to May 31, 2014; and (e) sealing Confidential Exhibits F and G to the Court Report pending further court order, was heard this day at the court house, 330 University Avenue, 8th Floor, Toronto, Ontario, M5G 1R7.

ON READING the Fourth Report and exhibits thereto and the Fee Affidavits of Tim Duncan sworn June 3, 2014, A. John Page sworn June 5, 2014, and Heath Whiteley sworn June 6, 2014 (the "Fee Affidavits") , and on hearing the submissions of the lawyer(s) for the parties present at the motion,

1. THIS COURT ORDERS AND DIRECTS that the Receiver proceed in accordance with Alternative 1 as set out on page 27 of the Fourth Report, and in parallel Alternative 5 as set out on page 30 of the Fourth Report, and after 30 days from the date of this Order, the Receiver shall be at liberty to bring such further motions to this Court as may be required including a motion for the Receiver's discharge, or a motion for the approval of a sale of the Building or the Building and Land, or a motion for further directions.
2. THIS COURT ORDERS that the Receiver's actions and activities as set out in the Fourth Report are hereby approved.
3. THIS COURT ORDERS that the Statement of Receipts and Disbursements attached as Exhibit H to the Fourth Report is hereby approved.
4. THIS COURT ORDERS that the fees and expenses of the Receiver and its counsel to May 31, 2014 as set out in the Fee Affidavits are hereby approved.
5. THIS COURT ORDERS that, until further order of this Court, Confidential Exhibit F and Confidential Exhibit G to the Fourth Report shall be sealed by this Court, kept confidential and not form part of the public record, but rather shall be placed separate and apart from all other contents of the Court file, in a sealed envelope attached to a notice


that sets out the title of these proceedings and a statement that the contents are subject to a sealing order.



(Signature of Justice)

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

RCP-E 59A (July 1, 2007)



JUN 16 2014

ICICI BANK CANADA
Applicant

-and- BAYSIDE MALL LIMITED
Respondent

TM
cell

Court File No. CV-12-~~9111~~-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED AT
TORONTO

ORDER

GARDINER ROBERTS LLP

Lawyers
Scotia Plaza
40 King Street West, Suite 3100
Toronto ON M5H 3Y2

Jonathan H. Wigley (20120P)
jwigley@gardiner-roberts.com
Tel: (416) 865-6655
Fax: (416) 865-6636

Lawyers for the Receiver,
A. John Page & Associates Inc.

RCP-E 4C (July 1, 2007)