

ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)

THE HONOURABLE) THURSDAY, the 29th DAY
JUSTICE *Newbold*) OF JANUARY, 2015

BETWEEN:

ICICI BANK CANADA

Applicant

and

BAYSIDE MALL LIMITED

Respondent



ORDER
(Sixth Report of the Receiver)

THIS MOTION, made by A. John Page & Associates Inc., in its capacity as the Court-appointed Receiver (the "Receiver") of certain of the undertaking, property, and assets of BAYSIDE MALL LIMITED (the "Debtor") for an order approving the Sixth Report of the Receiver dated January 21, 2015 (the "Sixth Report") and approving the conduct and activities of the Receiver as described in that report, approving the Halsall Contract and the SMID Contract, approving the Receiver's Statement of Receipts and Disbursements, sealing Confidential Exhibit

E to the Sixth Report, and approving the fees and expenses of the Receiver and its counsel to December 31, 2014, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Sixth Report and on hearing the submissions of counsel for the Receiver, the Applicant, and other counsel appearing on the motion, no one appearing for any other person on the service list although properly served as appears from the affidavit of Jeffrey Rosekat sworn January 22, 2015, filed:

1. **THIS COURT ORDERS** that Sixth Report and the conduct and activities of the Receiver as described in the Sixth Report are hereby approved, including the Lambton Lease and the Listing Agreement (as those terms are defined in the Notice of Motion).
2. **THIS COURT ORDERS** that the Halsall Contract and the SMID Contract (as those terms are defined in the Notice of Motion) are hereby approved.
3. **THIS COURT ORDERS** that, until further order of this Court, Confidential Exhibit E to the Sixth Report of the Sales Officer 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.
4. **THIS COURT ORDERS** that the Statement of Receipts and Disbursements of the Receiver set out in the Sixth Report is approved.

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5. ~~THIS COURT ORDERS~~ that the fees of the Receiver for the period August 1, 2014 to December 31, 2014 as set forth in the affidavit of A. John Page sworn January 21, 2015, and the exhibits attached thereto are hereby approved and allowed.

6. THIS COURT ORDERS that the fees of the Receiver's counsel for the period August 1, 2014 to December 31, 2014 as set forth in the affidavit of Timothy Duncan sworn January 22, 2015, and the exhibits attached thereto are hereby approved and allowed.

7. ~~THIS COURT ORDERS~~ that the fees of Heath Whiteley for the period ending December 31, 2014 as set forth in the affidavit of Heath Whiteley sworn January __, 2015, and the exhibits attached thereto are hereby approved and allowed.

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JAN 29 2015

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ICICI BANK CANADA
Applicant

-and- BAYSIDE MALL LIMITED
Respondent

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

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED AT
TORONTO

**ORDER
(SIXTH REPORT OF THE RECEIVER)**

GARDINER ROBERTS LLP

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