

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE) THURSDAY, THE 7th DAY
)
JUSTICE THORBURN) OF NOVEMBER, 2013

ICICI BANK CANADA

Applicant

- and -

BAYSIDE MALL LIMITED

Respondent

ORDER

THIS MOTION, made by the court-appointed Receiver, A. John Page & Associates Inc., for an Order approving the activities of the Receiver to date (as detailed in the Third Report of the Receiver) and the fees and expenses of the Receiver and its counsel, and such further and other relief as to this Honourable Court may seem just, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion, the Second Report of the Receiver dated October 23, 2013 (the "**Third Report**"), and the affidavits of A. John Page sworn 17, 2013 (the "**Receiver's Fee Affidavit**"), Heath Whiteley sworn 24, 2013 (the "**Whiteley Fee Affidavit**") and Jonathan Wigley sworn 18, 2013 (the "**Wigley Fee Affidavit**"), and on hearing the submissions of the lawyer(s) present on the motion, all parties per the service list on the notice of motion having been served as appears from the affidavit of Heath Whiteley sworn October 30, 2013.

1. **THIS COURT ORDERS** that the activities of the Receiver to date as set out in the Third Report are hereby approved.

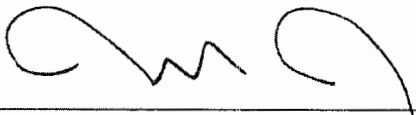
2. THIS COURT ORDERS that the receipts and disbursements of the Receiver as set forth in the Statement of Receipts and Disbursements contained in the Third Report be and the same are hereby approved.

3. THIS COURT ORDERS that until further Order of this Court, Confidential Exhibits D and E to the Third Report in these proceedings be sealed, 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(s) 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 fees of the Receiver for the period from April 1, 2013 and ending September 30, 2013 in the amount of \$155,414.68 plus applicable GST/HST as set forth in the Receiver's Fee Affidavit are hereby approved and allowed.

5. THIS COURT ORDERS that the fees of the Receiver's counsel for the period from April 1, 2013 and ending September 30, 2013 in the amount of \$31,600 plus disbursements of \$167.42 and applicable GST/HST as set forth in the Whiteley Fee Affidavit are hereby approved and allowed.

6. THIS COURT ORDERS that the fees of the Receiver's independent counsel for the period from April 1, 2013 and ending September 30, 2013 in the amount of \$28,799.50 plus disbursements of \$1,377.68 and applicable GST/HST as set forth in the Wigley Fee Affidavit are hereby approved and allowed.



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B E T W E E N:

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ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

(PROCEEDING COMMENCED AT TORONTO)

ORDER re THIRD REPORT
(November 7, 2013)

Heath P.L. Whiteley
(L.S.U.C. No. 38528P)

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Lawyer for the Receiver

Court File No. CV-12-9911-00CL

BETWEEN:

ICICI BANK CANADA
Applicant

- AND -

9.11.13

AW 7/13

BAYSIDE MALL LIMITED

Respondent

Order to go on per the draft order signed by me and attached.

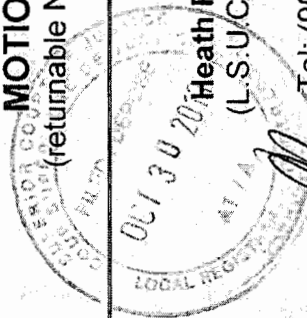
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**ONTARIO
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(PROCEEDING COMMENCED AT TORONTO)

MOTION RECORD

(returnable November 7, 2013)



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