

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**COMMERCIAL LIST**

THE HONOURABLE MR. ) THURSDAY, THE 25<sup>th</sup> DAY  
 )  
JUSTICE WILTON-SIEGEL ) OF APRIL, 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 Second 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 April 16, 2013 (the "**Second Report**"), and the affidavits of A. John Page sworn April 10, 2013 (the "**Receiver's Fee Affidavit**"), Heath Whiteley sworn April 17, 2013 (the "**Whiteley Fee Affidavit**") and Jonathan Wigley sworn April 12, 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 April 17, 2013.

1. THIS COURT ORDERS that the activities of the Receiver to date as set out in the Second 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 Second Report be and the same are hereby approved.

3. THIS COURT ORDERS that the Receiver is authorized to enter into a two-year lease extension agreement with the County of Lambton on terms that the Receiver deems appropriate.

4. THIS COURT ORDERS that the fees of the Receiver for the period from February 1, 2013 and ending March 31, 2013 in the amount of \$74,064.44 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 February 1, 2013 and ending March 31, 2013 in the amount of \$21,360.00 plus disbursements of \$21.06 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 December 1, 2012 and ending March 31, 2013 in the amount of \$7,883.00 plus disbursements of \$339.50 and applicable GST/HST as set forth in the Wigley Fee Affidavit are hereby approved and allowed.



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



APR 25 2013

**BETWEEN:**  
**ICICI BANK CANADA**  
Applicant

- AND -

**BAYSIDE MALL LIMITED**  
Respondent

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

(PROCEEDING COMMENCED AT TORONTO)

**ORDER**  
(Second Report)

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

Tel: (905) 773-7700  
Fax: (905) 773-7666

Email: [heath@whiteleylitigation.com](mailto:heath@whiteleylitigation.com)

310 Stouffville Road  
Richmond Hill, Ontario  
L4E 3P4

Lawyer for the Receiver