

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N:

GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

-and-

SANDY HUTCHENS, also known as SANDY CRAIG HUTCHENS, also known as S. CRAIG HUTCHENS, also known as CRAIG HUTCHENS, also known as MOISHE ALEXANDER BEN AVROHOM, also known as MOISHE ALEXANDER BEN AVRAHAM, also known as MOSHE ALEXANDER BEN AVROHOM, also known as FRED HAYES, also known as FRED MERCHANT, also known as ALEXANDER MACDONALD, also known as MATHEW KOVCE, also known as ED RYAN, and TANYA HUTCHENS, also known as TATIANA HUTCHENS, also known as TATIANA BRIK, also known as TANYA BRIK-HUTCHENS

Respondents

**MOTION RECORD OF THE RECEIVER
(Motion returnable on a date to be set)**

April 22, 2020

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3415 Errington Avenue Inc.,

367-369 Howey Drive Inc.,

3419 Errington Avenue Inc.,

17 Serpentine Street Inc.,

720 Cambrian Heights Inc.,

331 Regent Street Inc.,

789 Lawson Street Inc.,

110-114 Pine Street Inc.,

15-16 Keziah Court Inc.,

193 Mountain Street Inc.,

625 Ash Street Inc. and

364 Morris Street Inc.

146 Whittaker Street Inc.

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TAB A

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N:

GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

-and-

SANDY HUTCHENS, also known as SANDY CRAIG HUTCHENS, also known as S. CRAIG HUTCHENS, also known as CRAIG HUTCHENS, also known as MOISHE ALEXANDER BEN AVROHOM, also known as MOISHE ALEXANDER BEN AVRAHAM, also known as MOSHE ALEXANDER BEN AVROHOM, also known as FRED HAYES, also known as FRED MERCHANT, also known as ALEXANDER MACDONALD, also known as MATHEW KOVCE, also known as ED RYAN, and TANYA HUTCHENS, also known as TATIANA HUTCHENS, also known as TATIANA BRIK, also known as TANYA BRIK-HUTCHENS

Respondents

NOTICE OF MOTION

A. Farber & Partners Inc., as receiver (“**Farber**” or the “**Receiver**”), without security, of all the assets undertakings and properties of Sandy Hutchens, Tanya Hutchens, and certain entities referred to in Schedule “A” of the Order of Justice Penny in this proceeding dated March 18, 2019, will make a Motion to a Judge on a date and through telephonic means to be directed by the Court in accordance with the Chief Justice’s Notice to the Profession, the Public and the Media dated March 15, 2020 and April 2, 2020.

PROPOSED METHOD OF HEARING: The Motion is to be heard (*choose appropriate option*)

[] in writing under subrule 37.12.1(1) because it is *(insert one of on consent, unopposed or made without notice)*;

[] in writing as an opposed motion under subrule 37.12.1(4);

[X] orally.

THE MOTION IS FOR

- (a) An order abridging the time for service of this Motion, if necessary;
- (b) An order authorizing the 110-114 Pine Transaction and the 367-369 Howey Transaction (each defined below), vesting in the purchasers thereunder the right, title and interest of the subject properties and authorizing the Receiver to take all steps required to complete the Transactions;
- (c) An order sealing the Confidential Appendices to the Seventh Report of the Receiver unless and until the Receiver files a certificate confirming that the Transactions have closed;
- (d) An order authorizing the Receiver to distribute \$195,000.00, more or less, from the proceeds of the Transactions to the City of Greater Sudbury, in payment of outstanding municipal property taxes accrued to the respective dates of closing of the Transactions
- (e) An order approving the Seventh Report and the activities of the Receiver described therein unless and until the Receiver files a certificate confirming that the 110-114 Pine and 367-369 Howey Transactions have closed; and

- (f) Such further and other relief as to this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE

Background

- (a) By order dated February 28, 2019, Justice Penny appointed Farber as interim receiver, without security, of all the assets undertakings and properties of Sandy Hutchens, Tanya Hutchens, and certain entities referred to in Schedule “A” of the order (collectively, the “**Debtors**”), including certain properties listed in Schedule “B” of the order (the “**Properties**”);
- (b) By order dated March 18, 2019 (the “**March Order**”), Justice Penny continued the Receiver’s appointment, expanded the list of Properties over which it extended, expanded the Receiver’s powers to include control and management of certain Properties that produce rental income, and granted the Receiver the power to take possession of the 1779 Cross property;
- (c) By judgment dated July 5, 2019, Justice Penny issued a judgment, on consent, recognizing the judgments of the United States District Court for the Eastern District of Pennsylvania, entered on October 11, 2018 and December 19, 2018 in Case Civ. No. 18-692 in favour of the Applicants and against the Respondents Sandy Hutchens and Tanya Hutchens, in the amount of US\$26,774,736.09, owed jointly and severally, temporarily stayed enforcement (which stay has since expired), and continued the Receivership and the terms of the above orders (the “**Judgment**”).

- (d) Justice Penny has made other Orders in this proceeding before and after the Judgment, *inter alia*, approving the sale of certain Properties with corresponding vesting and proceeds distribution orders.
- (e) On December 18, 2019, Justice Penny issued an endorsement that, *inter alia*, authorized the Receiver to sell the remaining Properties subject to the proviso that, if the Respondents' claim that the Properties are held in trust for third parties has not yet been decided, the Receiver will require the consent of the Respondents or the approval of the Court to complete a sale transaction. The Respondents have asserted such a claim, which is the subject of a contested motion currently scheduled to be heard June 18, 2020.

110-114 Pine Transaction to be Approved

- (f) The Receiver has entered into an agreement of purchase and sale in respect of 110-114 Pine Street, Sudbury, Ontario ("**110-114 Pine**"), with a purchaser who is arm's length from the Receiver and the parties (the "**110-114 Pine Transaction**"). The purchase is conditional only on Court approval and is scheduled to close May 28, 2020.
- (g) The Receiver recommends that this Court approve the 110-114 Pine Transaction because, *inter alia*, the Receiver selected a listing brokerage with through a competitive selection process; the realtor publicly marketed 110-114 Pine for sale; the purchase price is higher than the appraised value; the purchase price is sufficient to discharge the outstanding property tax arrears due to the municipality; and, 110-

114 Pine is a rental property with insufficient rental income to cover holding costs and operational costs.

367-369 Howey Transaction to be Approved

- (h) The Receiver has entered into an agreement of purchase and sale in respect of 367-369 Howey Drive, Sudbury, Ontario (“**367-369 Howey**”), with a purchaser who is arm’s length from the Receiver and the parties (the “**367-369 Howey Transaction**”). The purchase is conditional only on Court approval and is scheduled to close 30 days following such approval.
- (i) The Receiver recommends that this Court approve the 367-369 Howey Transaction because, *inter alia*, the Receiver selected a listing brokerage with through a competitive selection process; the realtor publicly marketed 367-369 Howey for sale; the purchase price is higher than the appraised value; the purchase price is sufficient to discharge the outstanding property tax arrears due to the municipality; and, 367-369 Howey is a rental property with insufficient rental income to cover holding costs and operational costs.

Proposed Distributions from Sale Proceeds

- (j) The Receiver proposes to distribute, from the proceeds of the 110-114 Pine and 367-368 Howey Transactions:
 - (i) Amounts due to the City of Greater Sudbury in respect of outstanding property taxes levied against 110-114 Pine, from the proceeds of sale of each, in the amount of \$135,000, more or less, or alternatively to adjust the

purchase price of those Properties, as may be agreed between the Receiver and respective purchasers; and

- (ii) Amounts due to the City of Greater Sudbury in respect of outstanding property taxes levied against 367-369 Howey, from the proceeds of sale of each, in the amount of \$60,000, more or less, or alternatively to adjust the purchase price of those Properties, as may be agreed between the Receiver and respective purchasers.

Sealing

- (k) The Receiver has filed certain Confidential Appendices with the Seventh Report. The information contained in these appendices discloses the agreed purchase prices and appraised values of 110-114 Pine and 367-369 Howey. This information is commercially sensitive and it would be prejudicial to the receivership estate if the information contained therein is disclosed publicly prior to the closing of these proposed sale transactions in the event they do not later close for any reason. The Receiver therefore requests that the Court grant an Order sealing the Confidential Appendices unless and until the Receiver files a certificate confirming that the 110-114 Pine and 367-369 Howey Transactions have closed.

Activities of the Receiver

- (l) The Receiver has undertaken certain activities since its last report to the Court on its activities, which activities are detailed in its Seventh Report filed in support of this motion.

- (m) Rules 1.04, 1.05, 2.01, 2.03, 3, 37 and 41.05 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 and s. 249 of the BIA.
- (n) Such further and other grounds as the lawyers may advise.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the Motion:

- (a) The Seventh Report of the Receiver, dated April 3, 2020; and
- (b) Such further and other evidence as the lawyers may advise and this Honourable Court may permit.

April 3, 2020

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Lawyers for the Receiver,
A. Farber & Partners Inc.

STEVENS *et al.*
Applicants

-and-

HUTCHENS *et al.*
Respondents

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at TORONTO

NOTICE OF MOTION

NAYMARK LAW
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Lawyers for the Receiver,
A. Farber & Partners Inc.

TAB B

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N:

GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

-and-

SANDY HUTCHENS, also known as SANDY CRAIG HUTCHENS, also known as S. CRAIG HUTCHENS, also known as CRAIG HUTCHENS, also known as MOISHE ALEXANDER BEN AVROHOM, also known as MOISHE ALEXANDER BEN AVRAHAM, also known as MOSHE ALEXANDER BEN AVROHOM, also known as FRED HAYES, also known as FRED MERCHANT, also known as ALEXANDER MACDONALD, also known as MATHEW KOVCE, also known as ED RYAN, and TANYA HUTCHENS, also known as TATIANA HUTCHENS, also known as TATIANA BRIK, also known as TANYA BRIK-HUTCHENS

Respondents

AMENDED NOTICE OF MOTION

A. Farber & Partners Inc., as receiver (“**Farber**” or the “**Receiver**”), without security, of all the assets undertakings and properties of Sandy Hutchens, Tanya Hutchens, and certain entities referred to in Schedule “A” of the Order of Justice Penny in this proceeding dated March 18, 2019, will make a Motion to a Judge on a date and through telephonic means to be directed by the Court in accordance with the Chief Justice’s Notice to the Profession, the Public and the Media dated March 15, 2020 and April 2, 2020.

PROPOSED METHOD OF HEARING: The Motion is to be heard *(choose appropriate option)*

[] in writing under subrule 37.12.1(1) because it is *(insert one of on consent, unopposed or made without notice)*;

[] in writing as an opposed motion under subrule 37.12.1(4);

[X] orally.

THE MOTION IS FOR

- (a) An order abridging the time for service of this Motion, if necessary;
- (b) An order authorizing the 110-114 Pine Transaction, ~~and the 367-369 Howey Transaction,~~ 29 Laren Transaction, 3415 Errington Transaction, and 3419 Errington Transaction (each defined below, collectively the Transactions), vesting in the purchasers thereunder the right, title and interest of the subject properties and authorizing the Receiver to take all steps required to complete the Transactions;
- (c) An order sealing the Confidential Appendices to the Seventh Report of the Receiver and the Eighth Report of the Receiver unless and until the Receiver files a certificate confirming that the Transactions have closed;
- (d) An order authorizing the Receiver to distribute ~~\$195,000.00, more or less,~~ from the proceeds of the Transactions, set out in subparagraph (n) below, to the City of Greater Sudbury, in payment of outstanding municipal property taxes accrued to the respective dates of closing of the Transactions;
- (e) An order approving the Seventh Report and Eight Report and the activities of the Receiver described therein; ~~unless and until the Receiver files a certificate~~

~~confirming that the 110-114 Pine and 367-369 Howey Transactions have closed;~~
and

- (f) Such further and other relief as to this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE

Background

- (a) By order dated February 28, 2019, Justice Penny appointed Farber as interim receiver, without security, of all the assets undertakings and properties of Sandy Hutchens, Tanya Hutchens, and certain entities referred to in Schedule “A” of the order (collectively, the “**Debtors**”), including certain properties listed in Schedule “B” of the order (the “**Properties**”);
- (b) By order dated March 18, 2019 (the “**March Order**”), Justice Penny continued the Receiver’s appointment, expanded the list of Properties over which it extended, expanded the Receiver’s powers to include control and management of certain Properties that produce rental income, and granted the Receiver the power to take possession of the 1779 Cross property;
- (c) By judgment dated July 5, 2019, Justice Penny issued a judgment, on consent, recognizing the judgments of the United States District Court for the Eastern District of Pennsylvania, entered on October 11, 2018 and December 19, 2018 in Case Civ. No. 18-692 in favour of the Applicants and against the Respondents Sandy Hutchens and Tanya Hutchens, in the amount of US\$26,774,736.09, owed jointly and severally, temporarily stayed enforcement (which stay has since

expired), and continued the Receivership and the terms of the above orders (the “**Judgment**”).

- (d) Justice Penny has made other Orders in this proceeding before and after the Judgment, *inter alia*, approving the sale of certain Properties with corresponding vesting and proceeds distribution orders.
- (e) On December 18, 2019, Justice Penny issued an endorsement that, *inter alia*, authorized the Receiver to sell the remaining Properties subject to the proviso that, if the Respondents’ claim that the Properties are held in trust for third parties has not yet been decided, the Receiver will require the consent of the Respondents or the approval of the Court to complete a sale transaction. The Respondents have asserted such a claim, which is the subject of a contested motion currently scheduled to be heard June 18, 2020.

110-114 Pine Transaction to be Approved

- (f) The Receiver has entered into an agreement of purchase and sale in respect of 110-114 Pine Street, Sudbury, Ontario (“**110-114 Pine**”), with a purchaser who is arm’s length from the Receiver and the parties (the “**110-114 Pine Transaction**”). The purchase is conditional only on Court approval and is scheduled to close May 28, 2020.
- (g) The Receiver recommends that this Court approve the 110-114 Pine Transaction because, *inter alia*, the Receiver selected a listing brokerage ~~with~~ through a competitive selection process; the realtor publicly marketed 110-114 Pine for sale; the purchase price is higher than the appraised value; the purchase price is sufficient

to discharge the outstanding property tax arrears due to the municipality; and, 110-114 Pine is a rental property with insufficient rental income to cover holding costs and operational costs.

367-369 Howey Transaction to be Approved

- (h) The Receiver has entered into an agreement of purchase and sale in respect of 367-369 Howey Drive, Sudbury, Ontario (“**367-369 Howey**”), with a purchaser who is arm’s length from the Receiver and the parties (the “**367-369 Howey Transaction**”). The purchase is conditional only on Court approval and is scheduled to close 30 days following such approval.
- (i) The Receiver recommends that this Court approve the 367-369 Howey Transaction because, *inter alia*, the Receiver selected a listing brokerage ~~with~~ through a competitive selection process; the realtor publicly marketed 367-369 Howey for sale; the purchase price is higher than the appraised value; the purchase price is sufficient to discharge the outstanding property tax arrears due to the municipality; and, 367-369 Howey is a rental property with insufficient rental income to cover holding costs and operational costs.

29 Laren Transaction to be Approved

- (j) The Receiver has entered into an agreement of purchase and sale in respect of 29 Laren Street, Whanapitae, Ontario (“**29 Laren**”), with a purchaser who is arm’s length from the Receiver and the parties (the “**29 Laren Transaction**”). The purchase is conditional only on Court approval and is scheduled to close on May 28, 2010 pending such approval.

- (k) The Receiver recommends that this Court approve the 29 Laren Transaction because, *inter alia*, the Receiver selected a listing brokerage through a competitive selection process; the realtor publicly marketed 29 Laren for sale; the purchase price is higher than the appraised value; the purchase price is sufficient to discharge the outstanding property tax arrears due to the municipality; and, 29 Laren is a rental property with insufficient rental income to cover holding costs and operational costs.

3415 Errington Transaction and 3419 Errington Transaction to be Approved

- (l) The Receiver has entered into an agreements of purchase and sale in respect of 3415 Errington Avenue, Chelmsford, Ontario (“3415 Errington”) and 3419 Avenue, Chelmsford, Ontario (“3419 Errington”) with a purchaser who is arm’s length from the Receiver and the parties (the “3415 Errington Transaction” and “3419 Errington Transaction”, respectively). Both transactions are conditional only on Court approval and are scheduled to close on May 27, 2010 pending such approval.
- (m) The Receiver recommends that this Court approve both the 3415 Errington Transaction and 3419 Errington Transaction because, *inter alia*, the Receiver selected a listing brokerage through a competitive selection process; the realtor publicly marketed 3415 Errington and 3419 Errington for sale; the purchase price for both properties is higher than their respective appraised value; the purchase price for both properties is sufficient to discharge their respective outstanding property tax arrears due to the municipality; and, both are rental properties with insufficient rental income to cover holding costs and operational costs.

Proposed Distributions from Sale Proceeds

(n) The Receiver proposes to distribute, from the proceeds of the above sale transactions to the City of Greater Sudbury for outstanding property taxes, or alternatively to adjust the purchase price, as may be agreed between the Receiver and respective purchaser, as follows ~~110-114 Pine, and 367-368 Howey~~ Transactions:

- (i) ~~Amounts due to the City of Greater Sudbury in respect of outstanding property taxes levied against 110-114 Pine, from the proceeds of sale of each, in the amount of \$135,000, more or less, or alternatively to adjust the purchase price of those Properties, as may be agreed between the Receiver and respective purchasers; and~~
- (ii) ~~Amounts due to the City of Greater Sudbury in respect of outstanding property taxes levied against 367-369 Howey, from the proceeds of sale of each, in the amount of \$60,000, more or less, or alternatively to adjust the purchase price of those Properties, as may be agreed between the Receiver and respective purchasers; and~~
- (iii) 29 Laren, in the amount of \$120,000, more or less; and
- (iv) 3415 Errington, in the amount of \$40,000, more or less; and
- (v) 3419 Errington, in the amount of \$40,000, more or less.

Sealing

- (o) The Receiver has filed certain Confidential Appendices with the Seventh Report and Eight Report. The information contained in these appendices discloses the agreed purchase prices and appraised values of 110-114 Pine, ~~and 367-369 Howey,~~ 29 Laren, 3415 Errington, and 3416 Errington. This information is commercially sensitive and it would be prejudicial to the receivership estate if the information contained therein is disclosed publicly prior to the closing of these proposed sale transactions in the event they do not later close for any reason. The Receiver therefore requests that the Court grant an Order sealing the Confidential Appendices unless and until the Receiver files a certificate confirming that the Transactions have closed. ~~110-114 Pine and 367-369 Howey Transactions have closed.~~

Activities of the Receiver

- (p) The Receiver has undertaken certain activities since its last report to the Court on its activities, which activities are detailed in its Seventh and Eight Report filed in support of this motion.
- (q) Rules 1.04, 1.05, 2.01, 2.03, 3, 37 and 41.05 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 and s. 249 of the BIA.
- (r) Such further and other grounds as the lawyers may advise.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the Motion:

- (a) The Seventh Report of the Receiver, dated April 3, 2020; ~~and~~

- (b) The Eight Report of the Receiver, dated April 21, 2020; and
- (c) Such further and other evidence as the lawyers may advise and this Honourable Court may permit.

April 21³, 2020

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Lawyers for the Receiver,
A. Farber & Partners Inc.

STEVENS *et al.*
Applicants

-and-

HUTCHENS *et al.*
Respondents

Court File No. CV-18-608271-00CL

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SUPERIOR COURT OF JUSTICE
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Proceeding commenced at TORONTO

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Lawyers for the Receiver,
A. Farber & Partners Inc.

TAB C

Court File No. CV-18-608271-00CL

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Respondents

SEVENTH REPORT OF THE RECEIVER

April 3, 2020

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I. INTRODUCTION AND PURPOSE OF THE SEVENTH REPORT

1. On February 28, 2019, Justice Penny appointed A. Farber & Partners Inc. as interim receiver (the “**Receiver**”), without security, of all the assets undertakings and properties of Sandy Hutchens, Tanya Hutchens, and certain entities referred to in Schedule “A” of the (collectively, the “**Debtors**”), including certain real property (the “**Properties**”). A copy of Justice Penny’s order dated February 28, 2019, is attached at **Appendix 1**. As detailed below, Justice Penny continued and expanded the Receiver’s appointment through subsequent Orders and a Judgment, and has authorized the Receiver’s marketing and sale of certain of the Properties.

2. The Receiver files this Seventh Report (the “**Seventh Report**”) to advise the Court of its activities since those set out in its Fifth Report dated October 2, 2019 (the “**Fifth Report**”) and to support its request for orders:

- (a) Approving two sale transactions for Properties, the marketing and sale of which this Court previously authorized: the 110-114 Pine Transaction and the 367-369 Howey Transaction (defined below), and vesting in the respective purchasers thereunder the right, title and interest of the subject properties and authorizing the Receiver to take all steps required to complete each sale transaction;
- (b) Authorizing the distribution from the proceeds of the proposed sale transactions of \$195,000.00, more or less, subject to adjustments, to the City of Greater Sudbury, in payment of outstanding municipal property taxes accrued to the respective dates of closing of the Second Sudbury Sale Transactions;
- (c) Sealing Confidential Appendices A, B, C, and D to this Seventh Report; and
- (d) Approving this Seventh Report and the activities and conduct of the Receiver described herein.

II. DISCLAIMER

3. In preparing this Seventh Report, the Receiver has relied upon the unaudited, draft and/or internal financial and other information provided by the Debtors, their advisors, and other third-party sources. The Receiver has not independently reviewed or verified such information. The Receiver has prepared this Seventh Report for the sole use of the Court and of the other stakeholders in these proceedings. The Receiver assumes no responsibility or liability for loss or damage occasioned by any party as a result of the circulation, publication, re-production or use of this Seventh Report. Any use which any party, other than the Court, makes of this Seventh Report or any reliance on or a decision made based upon it is the responsibility of such party.

4. Unless otherwise specifically noted, all dollar amounts referred to in this Seventh Report are in Canadian funds.

III. RELEVANT PRIOR ORDERS

5. On March 18, 2019, Justice Penny continued the Receiver's appointment, expanded the list of Properties over which it extended, and expanded the Receiver's powers to include control and management of certain of the Properties that produced rental income (the "**Managed Properties**"). A copy of the order of Justice Penny, dated March 18, 2019 (the "**March Order**") is attached at **Appendix 2**.

6. On April 25, 2019, Justice Penny authorized and empowered the Receiver to sell five of the Properties (the "**Saleable Properties**"), and ordered a broader freezing of the Debtors' assets subject to provisions for their living expenses and legal fees. A copy of Justice Penny's April 25, 2019 order is attached at **Appendix 3**.

7. On June 7, 2019, Justice Penny further expanded the list of Properties over which the Receiver's appointment is extended, and approved the sale of a Saleable Property with corresponding vesting and partial distribution orders. A copy of Justice Penny's order, dated June 7, 2019 is attached at **Appendix 4**.

8. On July 5, 2019, Justice Penny issued a judgment (the "**Judgment**"), on consent, recognizing the judgments of the United States District Court for the Eastern District of Pennsylvania, entered on October 11, 2018 and December 19, 2018 in Case Civ. No. 18-692 in favour of the Applicants and against the Respondents Sandy Hutchens ("**Sandy**") and Tanya Hutchens ("**Tanya**"), in the amount of US\$26,774,736.09, owed jointly and severally. The Judgment continued the Receivership and the terms of the above orders, and temporarily stayed enforcement (which stay has since expired). A copy of the Judgment is attached at **Appendix 5**.

9. On August 19, 2019, Justice Penny issued two Orders. The first Order approved the sales of three Saleable Properties with corresponding vesting and partial distribution orders. The second Order authorized and empowered the Receiver to sell two additional Properties.

10. On October 15, 2019, Justice Penny issued an Order, *inter alia*, approving the sales of the Properties municipally known as 1479 Maple Road, Innisfil, Ontario ("**1479 Maple**") and 1573 Houston Avenue, Innisfil, Ontario ("**1573 Houston**"), to be vested in their respective purchasers on closing, and authorizing a distribution of the sale proceeds to the municipality for outstanding property taxes.

11. The October 15 Order also authorized the Receiver to use the net proceeds of 1479 Maple and 1573 Houston for the purchase and assignment of Meridian Credit Union Limited's

(“**Meridian’s**”) first mortgage charge and indebtedness relating to the Property at 33 Theodore Place, Thornhill, Ontario (“**33 Theodore**”).

12. On December 18, 2019, Justice Penny issued an endorsement that, *inter alia*, authorized the Receiver to sell the remaining Properties subject to the proviso that, if the Respondents’ claim that the Properties are held in trust for third parties has not yet been decided, the Receiver will require the consent of the Respondents or the approval of the Court to complete a sale transaction. The Respondents have asserted such a claim, which is the subject of a contested motion currently scheduled to be heard June 18, 2020.

IV. RECEIVER’S RECENT ACTIVITIES RELATING TO THE PROPERTIES

13. The Receiver’s activities directly relating to the preservation, protection and realization of the Properties since the Fifth Report include:

- (a) Managing the remaining Managed Properties, including:
 - (i) overseeing necessary clean-up;
 - (ii) undertaking and arranging necessary repairs and appliance replacements;
 - (iii) maintaining the premises;
 - (iv) collecting rents and attending to general landlord-tenant matters;
 - (v) liaising with public utilities and other service providers to ensure continued services;
 - (vi) ensuring and maintaining adequate insurance coverage on all Properties;
- and

- (vii) addressing a claim by a tenant of one of the Managed Properties for damages relating to an alleged trip and fall accident which occurred on August 5, 2019;
- (b) Attending to improvements at the multi-unit Managed Properties municipally known as 367-369 Howey Drive, Sudbury, Ontario ("**367-369 Howey**") and 331 Regent Street, Sudbury, Ontario ("**331 Regent**") to address insurance, safety and by-law concerns, including the following:
 - (i) sanding the floors in eight (8) units;
 - (ii) installing kitchen and bathroom floors in ten (10) units;
 - (iii) installing bathroom vanities and tub surrounds in two (2) units;
 - (iv) plumbing repairs and installing new bathroom hardware in six (6) units;
 - (v) repairing and taping drywall in five (5) units;
 - (vi) repairing the ceiling of one (1) unit;
 - (vii) caulking and repair of roof vents; and
 - (viii) performing electrical repairs throughout 367-Howey and 331 Regent;
- (c) Responding to ongoing queries from secured creditors and parties claiming to have interests in the Properties;
- (d) Working with the respective purchasers of 1573 Houston and 1479 Maple to close those sale transactions;
- (e) Liaising with Tanya's legal counsel with respect to Tanya's obligation to vacate the Property municipally known as 1760 Cross Street, Innisfil, Ontario ("**1760 Cross**");
- (f) Working with Meridian to:

- (i) complete the distribution of sale proceeds from the sale of 1779 Cross Street, Innisfil, Ontario, on which Meridian held a first mortgage, pursuant to the Order of Justice Penny, dated August 19, 2019; and
 - (ii) negotiate and complete the transaction relating to the assignment of Meridian's mortgage security and indebtedness on 33 Theodore in favour of the Receiver, as set out in the Receiver's Fifth Report, in accordance with Justice Penny's October 15, 2019 Order;
- (g) Selecting real estate brokerages to handle the sales of the remaining Properties;
- (h) Working with Royal LePage Your Community Realty Inc., Brokerage, to prepare and list the following real properties for sale:
 - (i) 1760 Cross; and
 - (ii) 175 Hilda Avenue, Suite 1015, Toronto, Ontario;
- (i) Working with Re/Max Crown Realty (1989) Inc., Brokerage (the "**Sudbury Brokerage**"), to prepare and list the following real properties for sale:
 - (i) 110-114 Pine Street, Sudbury, Ontario ("**110-114 Pine**");
 - (ii) 17 Serpentine Street, Copper Cliff, Ontario;
 - (iii) 29 Laren Street, Whanapitae, Ontario;
 - (iv) 331 Regent;
 - (v) 367-369 Howey;
 - (vi) 3415 Errington Avenue, Chelmsford, Ontario; and
 - (vii) 3419 Errington Avenue, Chelmsford, Ontario;
- (j) Negotiating terms of sale for the Properties;

- (k) Working with conditional purchasers of certain additional Properties to finalize conditional agreements of purchase and sale (which will be the subject of a further motion(s) for approval and vesting if finalized);
- (l) Maintaining and updating the Receiver's case website, including the posting of court Orders and endorsements, Receiver's reports, motion materials, and updating the service list;
- (m) Working with interested parties to provide monthly living expenses to Sandy and Tanya based on an agreed upon budget and to consider and approve legal expenses; and
- (n) Conducting ongoing investigations and monitoring of cash flow of the Respondents.

V. SALES TO BE APPROVED

14. The Receiver has entered into agreements of purchase and sale for two Properties located in Sudbury, at 110-114 Pine and 367-369 Howey. The agreements are conditional only on Court approval. The Receiver recommends that this Court approve both sales.

15. The process the Receiver followed leading to these two purchase and sale agreements and the basis for the Receiver's recommendation that the Court approve the corresponding sales are set out below.

A. The 110-114 Pine Transaction

16. 110-114 Pine is a fifteen (15) unit multi-residential apartment building located in Sudbury, Ontario. Title is registered to the corporate Debtor 110-114 Pine Street Inc., of which Tanya is the

sole director and officer. The building has been partially occupied since before the Receiver was authorized to control and manage the Managed Properties pursuant to the March Order.

17. 110-114 Pine was in a state of disrepair when the Receiver took possession. Accordingly, the Receiver and its property manager undertook significant work to bring 110-114 Pine to a state of good repair, including the following:

- (a) Removing garbage from the general areas and vacant units;
- (b) Repairing and maintaining walls, ceilings, floors, appliances;
- (c) Removing pests;
- (d) Conducting fire code compliance work;
- (e) Performing electrical work; and
- (f) Performing plumbing work.

18. Currently, seven (7) of the fifteen (15) units are occupied. The city of Greater Sudbury has advised the Receiver that property taxes are significantly in arrears. The Receiver estimates that total arrears will be approximately \$135,000 at the time of closing (as described in greater detail below).

19. The Receiver engaged Charles Bell Real Estate Appraisals Ltd. (the “**Charles Bell REAL**”), a commercial and multi-residential property appraiser with expertise in the Sudbury region, to appraise 110-114 Pine. Charles Bell REAL appraised the property as of February 24, 2020 (the “**110-114 Pine Appraisal**”). A copy of the 110-114 Pine Appraisal is attached at **Confidential Appendix A**.

20. The Receiver engaged in a competitive process to select a real estate brokerage to market and sell Managed Properties in the Sudbury area. It requested listing proposals and marketing

outlines from three Sudbury real estate brokerages. Each brokerage's proposal included suggested listing prices and commission rates for each of the Managed Properties in the Greater Sudbury Area.

21. Following this process, the Receiver selected the Sudbury Brokerage because:

- (a) the brokerage is a reputable Re/Max franchisee that has been operating for 20 years;
- (b) the agent running the sale process has been a Sudbury realtor since 1988 and handles multi-residential and commercial properties;
- (c) the brokerage agreed to commission terms (including general commission payable of 4%) that are reasonable in the Receiver's opinion; and
- (d) the Sudbury Brokerage suggested the highest aggregate total of listing prices of the Managed Properties in Sudbury.

22. From February 1, 2020 to February 24, 2020, the Sudbury Brokerage engaged in a sale process that included a social media campaign and advertisement of the listing on several real estate websites, including a standard MLS listing on www.realtor.ca. The publicly listed sale price for 110-114 Pine was \$999,000. During this period, the Sudbury Brokerage showed 110-114 Pine to twenty-seven (27) prospective purchasers, including the current purchaser.

23. The Receiver received seven (7) offers to purchase 110-114 Pine. From those, the Receiver considered one to be the best offer because it provided the highest and best purchase price with no conditions. The Receiver entered into further negotiations with the offeror.

24. On February 28, 2020, the Receiver entered into an Agreement of Purchase and Sale in respect of 110-114 Pine (the "**110-114 Pine Transaction**"), conditional only on the Receiver

obtaining this Court's approval. Copies of the Agreement of Purchase and Sale and corresponding amendments are attached at **Confidential Appendix B**. Additional terms include:

- (a) A purchase price over 10% higher than the appraised value provided by Charles Bell REAL;
- (b) No substantive conditions in favour of the purchaser;
- (c) A closing date of May 28, 2020; and
- (d) A deposit of \$50,000.00, which the Sudbury Brokerage currently holds in trust. The deposit is payable to the Receiver as liquidated damages should the transaction not close due to default or failure to perform on the part of the purchaser.

25. The Receiver recommends that this Court approve the 110-114 Pine Transaction because:

- (a) The Receiver selected the Sudbury Brokerage to market and sell 110-114 Pine through a competitive selection process;
- (b) The Sudbury Brokerage then marketed 110-114 Pine for sale to the public for over three weeks and showed it to twenty-seven prospective purchasers;
- (c) the purchase price is over 10% higher than the appraised value of the property and is higher than all other offers received from prospective purchasers;
- (d) the purchase price is sufficient to discharge the outstanding property tax arrears due to the municipality;
- (e) the purchaser is arm's length from the parties;
- (f) the purchaser has acknowledged that it is purchasing 110-114 Pine on an 'as is' basis;
- (g) 110-114 Pine is a rental property with insufficient rental income to cover holding costs and operational costs;

- (h) 110-114 Pine requires further upgrades and capital expenditure to bring all rental units into good repair and a rentable condition;
- (i) the Receiver wishes to recoup the funds invested in repairs, renovations, and other holding and operating costs, borrowed from the net proceeds of other Properties via the issuance of Receiver's Certificates, and to preserve the value of the receivership assets by avoiding ongoing losses on this property;
- (j) the Sudbury Brokerage recommended the 110-114 Pine Transaction; and
- (k) the Receiver is concerned that the current COVID-19 emergency may make it more difficult to market the 110-114 Pine in the near future if the sale is not approved.

B. The 367-369 Howey Transaction

26. 367-369 Howey is a twelve (12) unit multi-residential and commercial complex located in Sudbury, Ontario. The registered owner is the corporate Debtor known as 367-369 Howey Drive Inc.. The Hutchens have advised the Receiver that they own 60% of the shares in 367-369 Howey Drive Inc. (through another entity, JBD Hutchens Family Holdings), while the remaining 40% of the shares are owned by a company, LillyBrook Developments Inc. ("**Lillybrook**"), whose principals and shareholders are arm's length from the Hutchens. The Receiver has not seen a shareholders register or other formal documentation of shareholdings for 367-369 Howey Drive Inc., but both Tanya (who is the principal of JBD Hutchens Family Holdings) and a representative of Lillybrook have independently confirmed this ownership split to the Receiver.

27. 367-369 Howey has been sparsely occupied since prior to the Receiver's taking possession. 367-369 was in a state of disrepair when the Receiver took possession. Accordingly, the Receiver and its property manager undertook significant work to bring 367-Howey to a state of good repair, the most significant of which are detailed in paragraph 13(b) above.

28. Currently, two (2) of the twelve (12) units are occupied. The remaining ten (10) units have been recently renovated by the Receiver to ready them for occupancy.

29. The city of Greater Sudbury has advised the Receiver that property taxes for 367-369 Howey are significantly in arrears.

30. On or around November 27, 2019, Lillybrook sent the Receiver an unsolicited offer to purchase 367-369 Howey (the “**Lillybrook Offer**”). At the time, the Receiver did not contemplate the offer because the respondents were disputing the propriety of its marketing and selling 367-369 Howey. (This was resolved by Justice Penny’s December 18, 2019 consent Endorsement authorizing the marketing and sale of Properties subject to Court approval.)

31. The Receiver engaged Charles Bell REAL to appraise 367-369 Howey. Charles Bell REAL appraised the property as of February 7, 2020 (the “**367-369 Howey Appraisal**”). A copy of the 367-369 Howey Appraisal is attached at **Confidential Appendix C**.

32. From February 1, 2020 to February 24, 2020, the Sudbury Brokerage engaged in a sale process that included a social media campaign and advertisement of the listing on several real estate websites, including MLS standard listing on www.realtor.ca. The publicly listed sale price for 367-369 Howey was \$899,000. From February 1, 2020 to February 24, 2020, the Sudbury Brokerage showed 367-369 Howey to twenty-four (24) prospective purchasers, including the current purchaser.

33. The Receiver forwarded the Lillybrook Offer to the Sudbury Brokerage, which had agreed that Lillybrook was an excluded purchaser whose purchase of the property would not trigger a commission payable to the Sudbury Brokerage. The Lillybrook Offer included a purchase price, net of its 40% interest, that was substantially lower on a grossed-up basis than the purchase price

in the agreement of purchase and sale of which the Receiver now recommends approval, described below, even after taking into account the fact that no commission would be payable on that sale. The Receiver was also concerned with the fact that Lillybrook's offer essentially permitted it to withdraw its 40% equity interest in 367-369 Howey ahead of secured creditors. It is not clear that the property has that much owner equity. The latest draft financial statements for 367-369 Howey Drive Inc., effective December 31, 2016 show negative equity in the property.

34. The Receiver received six (6) offers to purchase 367-369 Howey in addition to the Lillybrook Offer. Of those, the Receiver considered one to be the best offer because it provided the highest purchase price with no conditions. The Receiver entered into further negotiations with that offeror.

35. On February 28, 2020, the Receiver entered into an Agreement of Purchase and Sale with that offeror in respect of 367-369 Howey (the "**367-369 Howey Transaction**"), conditional only on the Receiver obtaining an Order from the Court issuing an approval and vesting order. Copies of the Agreement of Purchase and Sale and corresponding amendments are attached at **Confidential Appendix D**. Additional terms include:

- (a) A purchase price over 18% higher than the appraised value provided by Charles Bell REAL;
- (b) No substantive conditions in favour of the purchaser;
- (c) A flexible closing date of thirty (30) days following Court approval of the 367-369 Howey Transaction; and

- (d) A deposit of \$50,000.00, which the Sudbury Brokerage currently holds in trust. The deposit is payable to the Receiver as liquidated damages should the transaction not close due to default or failure to perform on the part of the purchaser.

36. The Receiver recommends that this Court approve the 367-369 Howey Transaction because:

- (a) The Receiver selected the Sudbury Brokerage to market and sell 110-114 Pine through a competitive selection process;
- (b) the Sudbury Brokerage marketed 367-369 Howey for sale to the public for approximately four weeks and showed it to twenty-four prospective purchasers;
- (c) Lillybrook was given the opportunity to participate in the public sale process;
- (d) the purchase price is over 18% higher than the appraised value of the property;
- (e) the purchase price is sufficient to discharge the secured liability of the Debtors for outstanding property tax arrears due to the municipality;
- (f) the purchaser is arm's length from the parties;
- (g) the purchaser has acknowledged that it is purchasing 367-369 Howey on an 'as is' basis;
- (h) 367-369 Pine is a rental property with insufficient rental income to cover holding costs and operational costs;
- (i) while the Receiver has undertaken significant repairs and renovations on 367-369 Howey, the property may require further upgrades and capital expenditure to bring all rental units into good repair and a rentable condition;
- (j) the Receiver wishes to recoup the funds invested in repairs, renovations, and other holding and operating costs, borrowed from the net proceeds of other Properties via

the issuance of Receiver's Certificates, and to preserve the value of the receivership assets by avoiding ongoing losses on this property;

- (k) the Sudbury Brokerage recommended the 367-369 Howey Transaction; and
- (l) the Receiver is concerned that the current COVID-19 emergency may make it more difficult to market the 110-114 Pine in the near future if the sale is not approved.

VI. DEBTS SECURED BY 110-114 PINE AND 367-369 HOWEY

A. Mortgages and other Charges

37. There are first and second mortgages registered on title to 110-114 Pine in favour of Tanya, as well as a third position mortgage in favour of Adroit Advocates, LLC, a Colorado Limited Liability Company, and DBA Klenda Gessler & Blue LLC (collectively "**Adroit**"). The Receiver understands that this firm represents the Hutchens in respect of the Colorado proceeding. It has registered \$2 million charges against six Properties.

38. The only mortgage registered on title to 367-369 Howey is one in favour of Tanya.

39. Each of the mortgages in favour of Tanya is a mortgage that she assumed from a third party that financed the purchase prices of the Properties. Tanya asserts that she assumed these mortgages in trust for her children.

40. The Receiver does not recommend making any distribution on account of these mortgages pending a determination of their validity.

41. In addition to the above, both 110-114 Pine and 367-369 Pine are subject to the following charges against title:

- (a) The Receiver's Charge (as defined in the March order) securing the fees and disbursements of the Receiver and its counsel;
- (b) The Receiver's Borrowing Charge (as defined in the March Order) securing amounts that the Receiver has borrowed pursuant to the March Order from the net proceeds of other Properties; and
- (c) Outstanding property taxes due to the city of Greater Sudbury.

A. Property Taxes

42. 110-114 Pine has three tax roll accounts with the city of Greater Sudbury. The annual property tax levies for each of these three roll numbers in 2018 were as follows:

- (a) 070.010.03000.0000: \$2,600.83;
- (b) 070.010.03100.0000: \$24,269.45; and
- (c) 070.010.03200.0000: \$6,032.48.

43. Based on information from the City of Sudbury, the Receiver estimates that, including arrears and 2020 interim tax levies, the outstanding municipal tax payable on 110-114 Pine at the time of closing will be approximately \$135,000.00. On closing of the 110-114 Pine Transaction, the Receiver proposes to authorize the release of payment from sale proceeds to the city of Greater Sudbury for the amount of property taxes outstanding, pro-rated to the closing date, or alternatively to adjust the purchase price to account for the pro-rated amount due by the Debtors, as may be agreed between the Receiver and respective purchasers.

44. 367-369 Howey has only one tax roll account with the city of Greater Sudbury. Its annual property tax levy in 2019 was \$19,455.48.

45. Based on information from the City of Sudbury, the Receiver estimates that, including arrears and 2020 interim tax levies, the outstanding municipal tax payable on 367-369 Howey at the time of closing will be approximately \$60,000.00. On closing of the 367-369 Howey Transaction, the Receiver proposes to authorize the release of payment from sale proceeds to the city of Greater Sudbury for the amount of property taxes outstanding, pro-rated to the closing date, or alternatively to adjust the purchase price to account for the pro-rated amount due by the Debtors, as may be agreed between the Receiver and respective purchasers.

VII. PROPOSED DISTRIBUTIONS

46. As detailed in the preceding section, the Receiver proposes to distribute the proceeds from the 110-114 Pine Transaction and the 367-369 Howey Transaction to pay any amounts due to the municipality of Greater Sudbury in respect of outstanding property taxes. The Receiver will hold the remaining funds in trust pending the resolution of the Debtors' trust claims and Adroit's claim, other than application to amounts secured by the Receiver's Charge and Receiver's Borrowing Charge.

VIII. SEALING ORDER


47. Confidential Appendices A and B contain information disclosing the appraised value and agreed sale price of 110-114 Pine. Confidential Appendices C and D contain information disclosing the appraised value and agreed sale price of 367-369 Howey. The Receiver expects that disclosure of this information prior to the closing of the 110-114 Pine Transaction and the 367-369 Howey Transaction may prejudice its negotiating position in the sale processes for these properties that would be required if these transactions are not approved or do not close for any reason. It therefore seeks an order sealing these confidential appendices pending the filing of Receiver's certificates following closing of the transactions.

IX. RECOMMENDED RELIEF

48. Based on the foregoing, the Receiver respectfully recommends that this Court provide the relief noted in paragraph 2 of this Seventh Report.

All of which is respectfully submitted this 3rd day of April, 2020.

**A. FARBER & PARTNERS INC.
IN ITS CAPACITY AS COURT APPOINTED
INTERIM RECEIVER OF HUTCHENS *ET AL.*
AND NOT IN ITS PERSONAL OR CORPORATE CAPACITY.**



STEVENS *et al.*
Applicants

-and-

HUTCHENS *et al.*
Respondents

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at Toronto

SEVENTH REPORT OF THE RECEIVER

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Lawyers for the Receiver,
A. Farber & Partners Inc.

TAB 1

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.

)

THURSDAY, THE

JUSTICE PENNY

)

28TH DAY OF FEBRUARY, 2019

)



GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

– and –

SANDY HUTCHENS, also known as SANDY CRAIG HUTCHENS, also known as S. CRAIG HUTCHENS, also known as CRAIG HUTCHENS, also known as MOISHE ALEXANDER BEN AVROHOM, also known as MOISHE ALEXANDER BEN AVRAHAM, also known as MOSHE ALEXANDER BEN AVROHOM, also known as FRED HAYES, also known as FRED MERCHANT, also known as ALEXANDER MACDONALD, also known as MATHEW KOVCE also known as ED RYAN, and TANYA HUTCHENS, also known as TATIANA HUTCHENS, also known as TATIANA BRIK, also known as TANYA BRIK-HUTCHENS

Respondents

**ORDER
(Appointing an Interim Receiver)**

THIS MOTION made by the Applicants on notice for an Order pursuant to section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended (the “CJA”) appointing A. Farber & Partners Inc. as receiver without security, of all of the assets, undertakings and properties of the Respondents and the entities referred to at Schedule “A” attached hereto (collectively, with the Respondents, the “Debtors”) acquired for, or used in relation to a business carried on by the Debtors, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Motion Record of the Applicants, the Supplementary Motion Record of the Applicants and the Factum of the Applicants, the consent of A. Farber & Partners Inc. to

act as the receiver, the letter from counsel for the plaintiffs in Court File No. 2651/17 supporting the relief sought herein, and on hearing the submissions of counsel for the Applicants and the Debtors:

APPOINTMENT

1. THIS COURT ORDERS that, from the date of this Order until March 18, 2019 (the "Adjournment Period"), A. Farber & Partners Inc. is hereby appointed Interim Receiver, without security, of all of the assets, undertakings and properties, including the real property listed in Schedule "B" hereto (the "Schedule "B" Properties"), of the Debtors acquired for, or used in relation to a business carried on by the Debtors, including all proceeds thereof (the "Property").

INTERIM RECEIVER'S POWERS

2. THIS COURT ORDERS that the Interim Receiver is hereby empowered and authorized, but not obligated, to act at once in respect of the Property and, without in any way limiting the generality of the foregoing, the Interim Receiver is hereby expressly empowered and authorized to do any of the following where the Interim Receiver considers it necessary or desirable:

- (a) to investigate and monitor, but not to exercise control over, the Debtors' affairs and Property;
- (b) to review and have access to any and all financial information pertaining to the Debtors and the Property, including bank statements, financial records and accounts;
- (c) to demand access to additional documents as it sees fit;
- (d) to engage consultants, appraisers, agents, experts, auditors, accountants, managers, counsel and such other persons from time to time and on whatever basis, including on a temporary basis, to assist with the exercise of the Interim Receiver's powers and duties, including without limitation those conferred by this Order;
- (e) to report to, meet with and discuss with such affected Persons (as defined below) as the Interim Receiver deems appropriate on all matters relating to the Property

and the receivership, and to share information, subject to such terms as to confidentiality as the Interim Receiver deems advisable;

- (f) to conduct examinations under oath of any Person concerning the management of known assets of the Debtors and the existence of any other assets; and
- (g) to take any steps reasonably incidental to the exercise of these powers or the performance of any statutory obligations.

and in each case where the Interim Receiver takes any such actions or steps, it shall be exclusively authorized and empowered to do so, to the exclusion of all other Persons (as defined below) and without interference from any other Person.

DUTY TO PROVIDE ACCESS AND CO-OPERATION TO THE INTERIM RECEIVER

3. THIS COURT ORDERS that (i) the Debtors, (ii) all of their current and former directors, officers, employees, agents, accountants, legal counsel, shareholders, banks, financial institutions, brokerages, and all officers and employees of such banks, financial institutions and brokerages, (iii) all other individuals, firms, corporations, governmental bodies or agencies, or other entities having notice of this Order, and (iv) anyone acting on the instructions of anyone listed in this paragraph (all of the foregoing, collectively, being "Persons" and each being a "Person", save and except for the Applicants) shall forthwith advise the Interim Receiver of the existence of any Property in such Person's possession or control.

4. THIS COURT ORDERS that all Persons shall forthwith advise the Interim Receiver of the existence of any books, documents, securities, contracts, orders, corporate and accounting records, and any other papers, records and information of any kind related to the business or affairs of the Debtors, and any computer programs, computer tapes, computer disks, or other data storage media containing any such information (the foregoing, collectively, the "Records") in that Person's possession or control, and shall provide to the Interim Receiver or permit the Interim Receiver to make, retain and take away copies thereof and grant to the Interim Receiver unfettered access to and use of accounting, computer, software and physical facilities relating thereto, provided however that nothing in this paragraph 4 or in paragraph 5 of this Order shall require the delivery of Records, or the granting of access to Records, which may not be disclosed

or provided to the Interim Receiver due to the privilege attaching to solicitor-client communication or due to statutory provisions prohibiting such disclosure.

5. THIS COURT ORDERS that if any Records are stored or otherwise contained on a computer or other electronic system of information storage, whether by independent service provider or otherwise, all Persons in possession or control of such Records shall forthwith give unfettered access to the Interim Receiver for the purpose of allowing the Interim Receiver to recover and fully copy all of the information contained therein whether by way of printing the information onto paper or making copies of computer disks or such other manner of retrieving and copying the information as the Interim Receiver in its discretion deems expedient, and shall not alter, erase or destroy any Records without the prior written consent of the Interim Receiver. Further, for the purposes of this paragraph, all Persons shall provide the Interim Receiver with all such assistance in gaining immediate access to the information in the Records as the Interim Receiver may in its discretion require including providing the Interim Receiver with instructions on the use of any computer or other system and providing the Interim Receiver with any and all access codes, account names and account numbers that may be required to gain access to the information.

6. THIS COURT ORDERS that the Interim Receiver shall have access to those premises wherever the Records are kept, retained, stored or used, including, but not limited to, the Schedule "B" Properties, upon reasonable notice to any of the Debtors having control of such premises, or their legal counsel, and the offices or residential premises of all Persons (as defined in sub-paragraph 3 above) relating to the business and affairs of the Debtors, and the Debtors and all Persons shall take all reasonable steps to ensure that the Interim Receiver will have such access.

NO PROCEEDINGS AGAINST THE INTERIM RECEIVER

7. THIS COURT ORDERS that no proceeding or enforcement process in any court or tribunal (each, a "Proceeding"), shall be commenced or continued against the Interim Receiver except with the written consent of the Interim Receiver or with leave of this Court.

NO PROCEEDINGS AGAINST THE DEBTORS OR THE PROPERTY

8. THIS COURT ORDERS that, with the exception of the proceeding underway in Court File No. 2651/17 in the Superior Court of Justice at London, Ontario, no Proceeding against or in respect of the Debtors or the Property shall be commenced or continued except with the written consent of the Interim Receiver or with leave of this Court and any and all Proceedings currently under way against or in respect of the Debtors or the Property are hereby stayed and suspended pending further Order of this Court.

NO EXERCISE OF RIGHTS OR REMEDIES

9. THIS COURT ORDERS that all rights and remedies against the Debtors, the Interim Receiver, or affecting the Property, except the within proceeding and the proceeding underway in Court File No. 2651/17 in the Superior Court of Justice at London, Ontario, are hereby stayed and suspended except with the written consent of the Interim Receiver or leave of this Court, provided however that this stay and suspension does not apply in respect of any "eligible financial contract" as defined in the BIA, and further provided that nothing in this paragraph shall (i) empower the Interim Receiver or the Debtors to carry on any business which the Debtors are not lawfully entitled to carry on, (ii) exempt the Interim Receiver or the Debtors from compliance with statutory or regulatory provisions relating to health, safety or the environment, (iii) prevent the filing of any registration to preserve or perfect a security interest, or (iv) prevent the registration of a claim for lien.

NO INTERFERENCE WITH THE INTERIM RECEIVER

10. THIS COURT ORDERS that no Person shall discontinue, fail to honour, alter, interfere with, repudiate, terminate or cease to perform any right, renewal right, contract, agreement, licence or permit in favour of or held by the Debtors, without written consent of the Interim Receiver or leave of this Court.

CONTINUATION OF SERVICES

11. THIS COURT ORDERS that all Persons having oral or written agreements with the Debtors or statutory or regulatory mandates for the supply of goods and/or services, including without limitation, all computer software, communication and other data services, centralized

banking services, payroll services, insurance, transportation services, utility or other services to the Debtors are hereby restrained until further Order of this Court from discontinuing, altering, interfering with or terminating the supply of such goods or services as may be required by the Interim Receiver, and that the Interim Receiver shall be entitled to the continued use of the Debtors' current telephone numbers, facsimile numbers, internet addresses and domain names, provided in each case that the normal prices or charges for all such goods or services received after the date of this Order are paid by the Interim Receiver in accordance with normal payment practices of the Debtors or such other practices as may be agreed upon by the supplier or service provider and the Interim Receiver, or as may be ordered by this Court.

LIMITATION ON THE INTERIM RECEIVER'S LIABILITY

12. THIS COURT ORDERS that the Interim Receiver shall incur no liability or obligation as a result of its appointment or the carrying out the provisions of this Order, save and except for any gross negligence or wilful misconduct on its part, or in respect of its obligations under sections 81.4(5) or 81.6(3) of the BIA or under the *Wage Earner Protection Program Act*. Nothing in this Order shall derogate from the protections afforded the Interim Receiver by section 14.06 of the BIA or by any other applicable legislation.

INTERIM RECEIVER'S ACCOUNTS

13. THIS COURT ORDERS that the Interim Receiver and counsel to the Interim Receiver shall be paid their reasonable fees and disbursements, in each case at their standard rates and charges unless otherwise ordered by the Court on the passing of accounts, and that the Interim Receiver and counsel to the Interim Receiver shall be entitled to and are hereby granted a charge (the "Interim Receiver's Charge") on the Property, as security for such fees and disbursements, both before and after the making of this Order in respect of these proceedings, and that the Interim Receiver's Charge shall form a first charge on the Property in priority to all security interests, trusts, liens, charges and encumbrances, statutory or otherwise, in favour of any Person, but subject to sections 14.06(7), 81.4(4), and 81.6(2) of the BIA. The amount of the Interim Receiver's Charge shall not exceed \$150,000.

14. THIS COURT ORDERS that the Interim Receiver and its legal counsel shall pass its accounts from time to time, and for this purpose the accounts of the Interim Receiver and its

legal counsel are hereby referred to a judge of the Commercial List of the Ontario Superior Court of Justice.

SERVICE AND NOTICE

15. THIS COURT ORDERS that the E-Service Protocol of the Commercial List (the "Protocol") is approved and adopted by reference herein and, in this proceeding, the service of documents made in accordance with the Protocol (which can be found on the Commercial List website at <http://www.ontariocourts.ca/scj/practice/practice-directions/toronto/e-service-protocol/>) shall be valid and effective service. Subject to Rule 17.05 this Order shall constitute an order for substituted service pursuant to Rule 16.04 of the Rules of Civil Procedure. Subject to Rule 3.01(d) of the Rules of Civil Procedure and paragraph 21 of the Protocol, service of documents in accordance with the Protocol will be effective on transmission. This Court further orders that a Case Website shall be established in accordance with the Protocol with the following URL '<<https://farbergroup.com/engagements/hutchens/>>'.

16. THIS COURT ORDERS that if the service or distribution of documents in accordance with the Protocol is not practicable, the Interim Receiver is at liberty to serve or distribute this Order, any other materials and orders in these proceedings, any notices or other correspondence, by forwarding true copies thereof by prepaid ordinary mail, courier, personal delivery or facsimile transmission to the Debtors' creditors or other interested parties at their respective addresses as last shown on the records of the Debtors and that any such service or distribution by courier, personal delivery or facsimile transmission shall be deemed to be received on the next business day following the date of forwarding thereof, or if sent by ordinary mail, on the third business day after mailing.

GENERAL

17. THIS COURT ORDERS that the Interim Receiver may from time to time apply to this Court for advice and directions in the discharge of its powers and duties hereunder.

18. THIS COURT ORDERS that nothing in this Order shall prevent the Interim Receiver from acting as a trustee in bankruptcy of the Debtors.

19. THIS COURT ORDERS that the appointment of the Interim Receiver shall expire on March 18, 2019, or such other date as ordered by the Court, unless continued by an Order of this Court.

20. THIS COURT HEREBY REQUESTS the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Interim Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Interim Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Interim Receiver and its agents in carrying out the terms of this Order.

21. THIS COURT ORDERS that the Interim Receiver be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order, and that the Interim Receiver is authorized and empowered to act as a representative in respect of the within proceedings for the purpose of having these proceedings recognized in a jurisdiction outside Canada.

22. THIS COURT ORDERS that any interested party may apply to this Court to vary or amend this Order on not less than seven (7) days' notice to the Interim Receiver and to any other party likely to be affected by the order sought or upon such other notice, if any, as this Court may order.

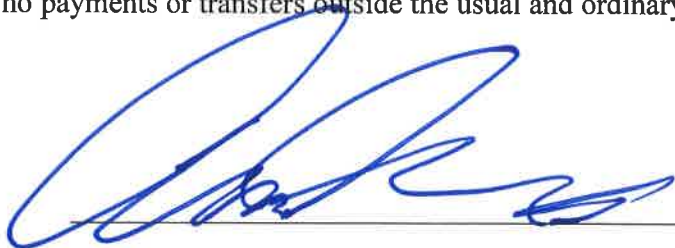
FREEZING OF ASSETS

23. THIS COURT ORDERS that the Debtors, and their servants, employees, agents, assigns, officers, directors and anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this injunction, are restrained from directly or indirectly, by any means whatsoever:

- (a) selling, removing, dissipating, alienating, transferring, assigning, encumbering, or similarly dealing with any of the Property;

- (b) instructing, requesting, counselling, demanding, or encouraging any other person to do so; and
- (c) facilitating, assisting in, aiding, abetting, or participating in any acts the effect of which is to do so.

24. THIS COURT ORDERS that the Property shall be managed in the usual and ordinary course of business and that there shall be no payments or transfers outside the usual and ordinary course of business.



Alan G. Smith

SUPERIOR COURT OF
JUSTICE

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

MAR 05 2019

PER / PAR: *RW*

SCHEDULE "A"
DEBTOR ENTITIES

1. 29 Laren Street Inc.
2. 3415 Errington Avenue Inc.
3. 3419 Errington Avenue Inc.
4. 331 Regent Street Inc.
5. 110-114 Pine Street Inc.
6. 15-16 Keziah Court Inc.
7. 193 Mountain Street Inc.
8. 625 Ash Street Inc.
9. 101 Service Road Inc.
10. 146 Whittaker Street Inc.
11. Estate of Judith Hutchens
12. 364 Morris Street Inc.
13. 367-369 Howey Drive Inc.
14. 720 Cambrian Heights Inc.
15. JBD Hutchens Family Holdings Inc.
16. 17 Serpentine Street Inc.

SCHEDULE "B"
DEBTOR PROPERTIES

Real Property:

	Property Address	Registered Owner	Legal Description of Real Property
1.	29 Laren Street Sudbury, Ontario	29 Laren Street Inc.	PIN #73481-0001 (LT); PCL 12042 SEC SES; PT LT 31 BLK B PL M9 DRYDEN & PT LT 32 BLK B PL M9 DRYDEN AS IN LT67718; PT LT 33 PL M9 DRYDEN PT 1 53R64589; GREATER SUDBURY
2.	29 Laren Street Sudbury, Ontario	29 Laren Street Inc.	PIN #73481-0006 (LT); PCL 12115 SEC SES; LT 30 BLK B PL M9 DRYDEN; GREATER SUDBURY
3.	29 Laren Street Sudbury, Ontario	29 Laren Street Inc.	PIN #73481-0008 (LT); PLC 12201 SEC SES; LT 29 BLK B PL M9 DRYDEN; PT PINE ST PL M9 DRYDEN; PT LANE PL PL M9 DRYDEN (NOW CLOSED) PARTS 3- 5, 53R9050 SAVE & EXPECTING THEREFROM THE CANADIAN PACIFIC RAILWAY COMPANY PROPERTY, & THAT PORTION OF THE WAHNAPIITAE RIVER; S/T LT567345; GREATER SUDBURY
4.	29 Laren Street Sudbury, Ontario	29 Laren Street Inc.	PIN #73481-0493 (LT); PCL 3816 SEC SES; LT 5-6 BLK B PL M9 DRYDEN; S/T LT567345; GREATER SUDBURY
5.	29 Laren Street Sudbury, Ontario	29 Laren Street Inc.	PIN #73481-0446 (LT); PCL 12386 SEC SES; LT 1-3 BLK B PL M9 DRYDEN; GREATER SUDBURY
6.	29 Laren Street Sudbury, Ontario	29 Laren Street Inc.	PIN #73481-0512 (LT); PLC 198 SEC SES; LT 4 BLK B PL M9 DRYDEN; GREATER SUDBURY
7.	3415 Errington Avenue Sudbury, Ontario	3415 Errington Avenue Inc.	PIN: 73349-1569 (LT) PCL 10618 SEC SWS; LT 215 BLK 6

	Property Address	Registered Owner	Legal Description of Real Property
			PL M91 BALFOUR; GREATER SUDBURY
8.	3419 Errington Avenue Sudbury, Ontario	3419 Errington Avenue Inc.	PIN: 73349-0720 (LT) PCL 21629 SEC SWS; LT 222 BLK 6 PL M91 BALFOUR; GREATER SUDBURY
9.	331 Regent Street Sudbury, Ontario	331 Regent Street Inc.	PIN #73586-0638 (LT) LT 297 PL 4SC MCKIM; GREATER SUDBURY
10.	110-114 Pine Street Sudbury, Ontario	110-114 Pine Street Inc.	PIN #02135-0246 (LT); LTS 48, 49, PT LT 50, BLK B PLAN 3SA; PTS 2, 4, 5, 6 53R11500 SUBJECT TO S94352 CITY OF SUDBURY
11.	193 Mountain Street Sudbury, Ontario	193 Mountain Street Inc.	PIN #02132-0942 (LT); PCLS 2388, 3113 AND 21292 SEC SES LTI PLAN M28B EXCEPT COMM AT THE S ELY ANGLE OF LT1; THENCE S 37 DEG 16'W ALONG THE SLY LIMIT OF LT1 A DISTANCE OF 42FT 3INCHES TO THE SLY ANGLE OF SAID LT1; THENCE S 73 DEG 04"W ALONG THE SLY LIMIT OF SAID LT1 A DISTANCE OF 10FT, 6INCHES TO THE SW ANGLE OF LT1; THENCE N 52DEG 10"W ALONG THE W LIMIT OF LT1 A DISTANCE OF 10FT, 6INCHES TO A POINT; THENCE N 64DEG 29'E A DISTANCE OF 11 FT MORE OR LESS TO A POINT BEING 11.0FT N 25DEG 31'W OF THE SLY ANGLE OF LT1; THENCE N 52 DEG 00' E A DISTANCE OF 38FT MORE OR LESS TO THE POC, PLAN ATTACHED IN 33273, NOW PCL 5776 SES; LT2 PLAN M28B EXCEPT COMMENCING AT THE S ELY ANGLE OF LT2, THENCE S 73 DEGREES 04'W ALONG THE SLY LIMIT OF LT2 A DISTANCE OF 63'2" TO THE S WLY ANGLE OF LT2, THEN N64 DEGREES 29' EA DISTANCE OF 62' MORE OR LESS TO A POINT ON THE ELY LIMIT OF LT2, THENCE S 52 DEGREES E ALONG THE ELY LIMIT OF LT2 A

	Property Address	Registered Owner	Legal Description of Real Property
			DISTANCE OF 10'6" MORE OR LESS TO THE POC; PLAN ATTACHED IN 33273, NOW PLC 5776 SES; EXCEPT COMM AT A POINT IN THE S WESTERN LIMIT OF SAID LT2 DISTANT 95.0FT FROM THE MOST SLY ANGLE OF SAID LT; THENCE N 45DEG 23'W TO A POINT IN THE HIGHWATER MARK OF THE EASTERN BANK OF JUNCTION CREEK; THENCE S WLY FOLLOWING ALONG SAID HIGHWATER MARK TO THE MOST WLY ANGLE OF SAID LT; THENCE S 54DEG 42'E ALONG THE AFORESAID S WESTERN LIMIT 95.0 FT MORE OR LESS TO THE POC, NOW PCL 21291 SES; EXCEPT PT1 53R8264; PT LT3 PLAN M28B COMM AT TA POINT IN THE N ELY ANGLE; THENCE S 70 DEG 32' W ALONG THE S EASTERN LIMIT OF SAID LT 18.0FT; THENCE N 45DEG 23'W TO THE POC; EXCEPT PT 2 53R8264 SUBJECT TO 25265S/T LT868119 PART 6&7 ON PLAN 53R-16220 CITY OF SUDBURY
12.	1779 Cross Street Innisfil, Ontario	Tanya Hutchens	PIN #58069-0150 (LT); PT N 1/2 LT 25 CON 6 INNISFIL AS IN R01093173; ST R01093173; INNISFIL
13.	367-369 Howey Drive Sudbury, Ontario	367-369 Howey Drive Inc.	PIN #73583-0400 (LT); LT 1-2 BLK A PL 5SA MCKIM S/T & T/W S112782; S/T INTEREST IN S112782; GREATER SUDBURY
14.	33 Theodore Place Vaughan, Ontario	Tatiana Hutchens	PIN #03251-0304 (LT); PCL 89-1, SEC 65M2941; LT 89, PL 65M2941, S/T LT746593: Vaughan
15.	33 Theodore Place Vaughan, Ontario	Tatiana Hutchens	PIN #03251-0304 (LT); PCL 89-1, SEC 65M2941; LT 89, PL 65M2941, S/T LT746593: Vaughan
16.	1889 Simcoe Blvd Innisfil, Ontario	Tatiana Hutchens	LT 31, PL 657; INNISFIL being all of PIN (58072-0299 (LT))
17.	1790 Cross Street	Tatiana Hutchens	LT 1, PL 978; INNISFIL

	Property Address	Registered Owner	Legal Description of Real Property
	Innisfil, Ontario		being all of PIN (58069-0103 (LT))
18.	1479 Maple Road Innisfil, Ontario	Tatiana Hutchens	LT 6, PL 642; INNISFIL being all of PIN (58068-0102 (LT))

Personal Property:

Sea Doo Boat located at 33 Theodore Place, Vaughan, Ontario.

GARY STEVENS et al. v. SANDY HUTCHENS et al.
Applicants Respondents

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at TORONTO

**ORDER
(APPOINTING INTERIM RECEIVER)**

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171 John Street, Suite 101
Toronto, Ontario M5T 1X3
Fax: 1.866.495.8389

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Lawyers for the Applicants, Gary Stevens,
Linda Stevens and 1174365 Alberta Ltd.

TAB 2

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.

)

MONDAY, THE

JUSTICE PENNY

)

18TH DAY OF MARCH, 2019

)

GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

-and-

SANDY HUTCHENS, also known as SANDY CRAIG HUTCHENS, also known as S. CRAIG HUTCHENS, also known as CRAIG HUTCHENS, also known as MOISHE ALEXANDER BEN AVROHOM, also known as MOISHE ALEXANDER BEN AVRAHAM, also known as MOSHE ALEXANDER BEN AVROHOM, also known as FRED HAYES, also known as FRED MERCHANT, also known as ALEXANDER MACDONALD, also known as MATHEW KOVCE also known as ED RYAN, and TANYA HUTCHENS, also known as TATIANA HUTCHENS, also known as TATIANA BRIK, also known as TANYA BRIK-HUTCHENS

Respondents

**ORDER
(Continuing Receivership)**

THIS MOTION made by the Applicants on notice for an Order continuing the appointment of A. Farber & Partners Inc. as receiver without security, of all of the assets, undertakings and properties of the Respondents and the entities referred to at Schedule "A" attached hereto (collectively, with the Respondents, the "Debtors"), was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Motion Record of the Applicants, the Supplementary Motion Record of the Applicants and the Factum of the Applicants, the consent of A. Farber & Partners Inc. to act as the receiver, and on hearing the submissions of counsel for the Applicants, the Debtors and the plaintiffs in Court File No. 2651/17:

APPOINTMENT CONTINUED

1. THIS COURT ORDERS that the Order dated February 28, 2019 (the "February 28 Order") appointing A. Farber & Partners Inc. as Receiver, without security, of all of the assets, undertakings and properties, including the real property listed in Schedule "B" hereto (the "Schedule "B" Properties"), of the Debtors, including all proceeds thereof (the "Property"), is hereby continued on the terms set out below, until further order of this Court.

RECEIVER'S POWERS

2. THIS COURT ORDERS that the Receiver is hereby empowered and authorized, but not obligated, to act at once in respect of the Property and, without in any way limiting the generality of the foregoing, the Receiver is hereby expressly empowered and authorized to do any of the following where the Receiver considers it necessary or desirable:

- (a) to investigate and monitor the Debtors' affairs and the Property;
- (b) to review and have access to any and all financial information pertaining to the Debtors and the Property, including bank statements, financial records and accounts;
- (c) to demand access to additional documents as it sees fit;
- (d) to take possession of and exercise control over the real property listed in Rows 1-13 and 16-20 of Schedule "B" hereto (hereinafter "the Income Producing Property") and any and all proceeds, receipts and disbursements arising out of or from the Income Producing Property;
- (e) to receive, preserve, and protect the Income Producing Property, or any part or parts thereof, including, but not limited to, the changing of locks and security codes, the engaging of independent security personnel, the taking of physical inventories and the placement of such insurance coverage as may be necessary or desirable;
- (f) to manage, operate, and carry on the business of the Debtors with respect to the Income Producing Property, including the powers to enter into any agreements,

incur any obligations in the ordinary course of business, cease to carry on all or any part of the business, or cease to perform any contracts of the Debtor;

- (g) to receive all revenues generated by the Income Producing Property, including without limitation any rents paid by tenants thereof;
- (h) to engage consultants, appraisers, agents, experts, auditors, accountants, managers, counsel and such other persons from time to time and on whatever basis, including on a temporary basis, to assist with the exercise of the Receiver's powers and duties, including without limitation those conferred by this Order;
- (i) to report to, meet with and discuss with such affected Persons (as defined below) as the Receiver deems appropriate on all matters relating to the Property and the receivership, and to share information, subject to such terms as to confidentiality as the Receiver deems advisable;
- (j) to conduct examinations under oath of any Person concerning the management of known assets of the Debtors and the existence of any other assets; and
- (k) to take any steps reasonably incidental to the exercise of these powers or the performance of any statutory obligations;
- (l) to execute, assign, issue and endorse documents of whatever nature in respect of any of the Property, whether in the Receiver's name or in the name and on behalf of the Debtors, for any purpose pursuant to this Order.

and in each case where the Receiver takes any such actions or steps, it shall be exclusively authorized and empowered to do so, to the exclusion of all other Persons (as defined below) and without interference from any other Person.

RING-FENCING AND USE OF FUNDS

3. THIS COURT ORDERS that all funds, monies, cheques, instruments, and other forms of payments received or collected, from and after the making of this Order, from any source whatsoever, including without limitation the collection of rents paid by tenants of the Property and

the collection of any accounts receivable of the Debtors in whole or part, whether in existence on the date of the Order or hereafter coming into existence, shall be deposited into new property-specific accounts (the "**Segregated Accounts**") to be opened by the Receiver immediately. The Segregated Accounts shall be segregated such that all receipts in respect of a property shall be deposited into the Segregated Account opened in respect of such property and all permitted disbursements (the "**Permitted Disbursements**") in respect of such property shall be withdrawn therefrom, if sufficient funds are available. Permitted Disbursements shall mean, in relation to the property in respect of which a Segregated Account has been opened, realty taxes, utilities, payroll, insurance, maintenance expenses, other reasonable property-specific expenses and business expenses associated with such property. The Receiver shall have sole signing authority over the Segregated Accounts.

DUTY TO PROVIDE ACCESS AND CO-OPERATION TO THE RECEIVER

4. THIS COURT ORDERS that (i) the Debtors, (ii) all of their current and former directors, officers, employees, agents, accountants, legal counsel, shareholders, banks, financial institutions, brokerages, and all officers and employees of such banks, financial institutions and brokerages, (iii) all other individuals, firms, corporations, governmental bodies or agencies, or other entities having notice of this Order, and (iv) anyone acting on the instructions of anyone listed in this paragraph (all of the foregoing, collectively, being "Persons" and each being a "Person", save and except for the Applicants) shall forthwith advise the Receiver of the existence of any Property in such Person's possession or control.

5. THIS COURT ORDERS that all Persons shall forthwith advise the Receiver of the existence of any books, documents, securities, contracts, orders, corporate and accounting records, and any other papers, records and information of any kind related to the business or affairs of the Debtors, and any computer programs, computer tapes, computer disks, or other data storage media containing any such information (the foregoing, collectively, the "Records") in that Person's possession or control, and shall provide to the Receiver or permit the Receiver to make, retain and take away copies thereof and grant to the Receiver unfettered access to and use of accounting, computer, software and physical facilities relating thereto, provided however that nothing in this paragraph 5 or in paragraph 6 of this Order shall require the delivery of Records, or the granting of access to Records, which may not be disclosed or provided to the Receiver due to the privilege

attaching to solicitor-client communication or due to statutory provisions prohibiting such disclosure.

6. THIS COURT ORDERS that if any Records are stored or otherwise contained on a computer or other electronic system of information storage, whether by independent service provider or otherwise, all Persons in possession or control of such Records shall forthwith give unfettered access to the Receiver for the purpose of allowing the Receiver to recover and fully copy all of the information contained therein whether by way of printing the information onto paper or making copies of computer disks or such other manner of retrieving and copying the information as the Receiver in its discretion deems expedient, and shall not alter, erase or destroy any Records without the prior written consent of the Receiver. Further, for the purposes of this paragraph, all Persons shall provide the Receiver with all such assistance in gaining immediate access to the information in the Records as the Receiver may in its discretion require including providing the Receiver with instructions on the use of any computer or other system and providing the Receiver with any and all access codes, account names and account numbers that may be required to gain access to the information.

7. THIS COURT ORDERS that the Receiver shall have access to those premises wherever the Records are kept, retained, stored or used, including, but not limited to, the Schedule "B" Properties, upon reasonable notice to any of the Debtors having control of such premises, or their legal counsel, and the offices or residential premises of all Persons (as defined in sub-paragraph 4 above) relating to the business and affairs of the Debtors, and the Debtors and all Persons shall take all reasonable steps to ensure that the Receiver will have such access.

NO PROCEEDINGS AGAINST THE RECEIVER

8. THIS COURT ORDERS that no proceeding or enforcement process in any court or tribunal (each, a "Proceeding"), shall be commenced or continued against the Receiver except with the written consent of the Receiver or with leave of this Court.

NO PROCEEDINGS AGAINST THE DEBTORS OR THE PROPERTY

9. THIS COURT ORDERS that, with the exception of the proceeding underway in Court File No. 2651/17 in the Superior Court of Justice at London, Ontario, no Proceeding against or in

respect of the Debtors or the Property shall be commenced or continued except with the written consent of the Receiver or with leave of this Court and any and all Proceedings currently under way against or in respect of the Debtors or the Property are hereby stayed and suspended pending further Order of this Court.

NO EXERCISE OF RIGHTS OR REMEDIES

10. THIS COURT ORDERS that all rights and remedies against the Debtors, the Receiver, or affecting the Property, except the within proceeding and the proceeding underway in Court File No. 2651/17 in the Superior Court of Justice at London, Ontario, are hereby stayed and suspended except with the written consent of the Receiver or leave of this Court, provided however that this stay and suspension does not apply in respect of any "eligible financial contract" as defined in the BIA, and further provided that nothing in this paragraph shall (i) empower the Receiver or the Debtors to carry on any business which the Debtors are not lawfully entitled to carry on, (ii) exempt the Receiver or the Debtors from compliance with statutory or regulatory provisions relating to health, safety or the environment, (iii) prevent the filing of any registration to preserve or perfect a security interest, or (iv) prevent the registration of a claim for lien.

NO INTERFERENCE WITH THE RECEIVER

11. THIS COURT ORDERS that no Person shall discontinue, fail to honour, alter, interfere with, repudiate, terminate or cease to perform any right, renewal right, contract, agreement, licence or permit in favour of or held by the Debtors, without written consent of the Receiver or leave of this Court.

CONTINUATION OF SERVICES

12. THIS COURT ORDERS that all Persons having oral or written agreements with the Debtors or statutory or regulatory mandates for the supply of goods and/or services, including without limitation, all computer software, communication and other data services, centralized banking services, payroll services, insurance, transportation services, utility or other services to the Debtors are hereby restrained until further Order of this Court from discontinuing, altering, interfering with or terminating the supply of such goods or services as may be required by the Receiver, and that the Receiver shall be entitled to the continued use of the Debtors' current telephone numbers, facsimile numbers, internet addresses and domain names, provided in each

case that the normal prices or charges for all such goods or services received after the date of this Order are paid by the Receiver in accordance with normal payment practices of the Debtors or such other practices as may be agreed upon by the supplier or service provider and the Receiver, or as may be ordered by this Court.

LIMITATION ON THE RECEIVER'S LIABILITY

13. THIS COURT ORDERS that the Receiver shall incur no liability or obligation as a result of its appointment or the carrying out the provisions of this Order, save and except for any gross negligence or wilful misconduct on its part, or in respect of its obligations under sections 81.4(5) or 81.6(3) of the BIA or under the *Wage Earner Protection Program Act*. Nothing in this Order shall derogate from the protections afforded the Receiver by section 14.06 of the BIA or by any other applicable legislation.

RECEIVER'S ACCOUNTS

14. THIS COURT ORDERS that the Receiver and counsel to the Receiver shall be paid their reasonable fees and disbursements, in each case at their standard rates and charges unless otherwise ordered by the Court on the passing of accounts, and that the Receiver and counsel to the Receiver shall be entitled to and are hereby granted a charge (the "Receiver's Charge") on the Property, as security for such fees and disbursements, both before and after the making of this Order in respect of these proceedings, and that the Receiver's Charge shall form a first charge on the Property in priority to all security interests, trusts, liens, charges and encumbrances, statutory or otherwise, in favour of any Person, but subject to sections 14.06(7), 81.4(4), and 81.6(2) of the BIA.

15. THIS COURT ORDERS that the Receiver and its legal counsel shall pass its accounts from time to time, and for this purpose the accounts of the Receiver and its legal counsel are hereby referred to a judge of the Commercial List of the Ontario Superior Court of Justice.

16. THIS COURT ORDERS that the Receiver and its counsel shall allocate their respective fees and disbursements with respect to work done on each of the Income Producing Properties.

17. THIS COURT ORDERS that prior to the passing of its accounts, the Receiver shall be at liberty from time to time to apply reasonable amounts, out of the monies in its hands, including monies in the Segregated Accounts, against its fees and disbursements, including legal fees and

disbursements, incurred at the standard rates and charges of the Receiver or its counsel, and such amounts shall constitute advances against its remuneration and disbursements when and as approved by this Court.

FUNDING OF THE RECEIVERSHIP

18. THIS COURT ORDERS that the Receiver be at liberty and it is hereby empowered to borrow by way of a revolving credit or otherwise, such monies from time to time as it may consider necessary or desirable, provided that the outstanding principal amount does not exceed \$750,000 (or such greater amount as this Court may by further Order authorize) at any time, at such rate or rates of interest as it deems advisable for such period or periods of time as it may arrange, for the purpose of funding the exercise of the powers and duties conferred upon the Receiver by this Order, including interim expenditures. The whole of the Property shall be and is hereby charged by way of a fixed and specific charge (the "Receiver's Borrowings Charge") as security for the payment of the monies borrowed, together with interest and charges thereon, in priority to all security interests, trusts, liens, charges and encumbrances, statutory or otherwise, in favour of any Person, but subordinate in priority to the Receiver's Charge and the charges as set out in sections 14.06(7), 81.4(4), and 81.6(2) of the BIA.

19. THIS COURT ORDERS that neither the Receiver's Borrowings Charge nor any other security granted by the Receiver in connection with its borrowings under this Order shall be enforced without leave of this Court.

20. THIS COURT ORDERS that the Receiver is at liberty and authorized to issue certificates substantially in the form annexed as Schedule "C" hereto (the "Receiver's Certificates") for any amount borrowed by it pursuant to this Order.

21. THIS COURT ORDERS that the monies from time to time borrowed by the Receiver pursuant to this Order or any further order of this Court and any and all Receiver's Certificates evidencing the same or any part thereof shall rank on a *pari passu* basis, unless otherwise agreed to by the holders of any prior issued Receiver's Certificates.

GENERAL

22. THIS COURT HEREBY REQUESTS the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

23. THIS COURT ORDERS that the Receiver be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order, and that the Receiver is authorized and empowered to act as a representative in respect of the within proceedings for the purpose of having these proceedings recognized in a jurisdiction outside Canada.

TIMING OF FURTHER STEPS

24. The Respondents shall fulfill their obligations under the February 28 order by no later than April 18, 2019.

25. The Receiver shall deliver a further report by April 30, 2019.



CM CHIBA, Registrar
Superior Court of Justice

330 UNIVERSITY AVE.	330 AVE. UNIVERSITY
7TH FLOOR	7E ÉTAGE
TORONTO, ONTARIO	TORONTO, ONTARIO
M5G 1A7	M5G 1A7

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

MAR 26 2019

PER / PAR: *RW*

SCHEDULE "A"
DEBTOR ENTITIES

1. 29 Laren Street Inc.
2. 3415 Errington Avenue Inc.
3. 3419 Errington Avenue Inc.
4. 331 Regent Street Inc.
5. 110-114 Pine Street Inc.
6. 15-16 Keziah Court Inc.
7. 193 Mountain Street Inc.
8. 625 Ash Street Inc.
9. 101 Service Road Inc.
10. 146 Whittaker Street Inc.
11. Estate of Judith Hutchens
12. 364 Morris Street Inc.
13. 367-369 Howey Drive Inc.
14. 720 Cambrian Heights Inc.
15. JBD Hutchens Family Holdings Inc.
16. 17 Serpentine Street Inc.

SCHEDULE "B"
DEBTOR PROPERTIES

Real Property:

	Property Address	Registered Owner	Legal Description of Real Property
1.	29 Laren Street Sudbury, Ontario	29 Laren Street Inc.	PIN #73481-0001 (LT); PCL 12042 SEC SES; PT LT 31 BLK B PL M9 DRYDEN & PT LT 32 BLK B PL M9 DRYDEN AS IN LT67718; PT LT 33 PL M9 DRYDEN PT 1 53R64589; GREATER SUDBURY
2.	29 Laren Street Sudbury, Ontario	29 Laren Street Inc.	PIN #73481-0006 (LT); PCL 12115 SEC SES; LT 30 BLK B PL M9DRYDEN;GREATERSUDBURY
3.	29 Laren Street Sudbury, Ontario	29 Laren Street Inc.	PIN #73481-0008 (LT); PLC 12201 SEC SES; LT 29 BLK B PL M9 DRYDEN; PT PINE ST PL M9 DRYDEN; PT LANE PL PL M9 DRYDEN (NOW CLOSED) PARTS 3- 5, 53R9050 SAVE & EXPECTING THEREFROM THE CANADIAN PACIFIC RAILWAY COMPANY PROPERTY, & THAT PORTION OF THE WAHNAPIITAE RIVER; S/T LT567345; GREATER SUDBURY
4.	29 Laren Street Sudbury, Ontario	29 Laren Street Inc.	PIN #73481-0493 (LT); PCL 3816 SEC SES; LT 5-6 BLK B PL M9 DRYDEN; S/T LT567345; GREATER SUDBURY
5.	29 Laren Street Sudbury, Ontario	29 Laren Street Inc.	PIN #73481-0446 (LT); PCL 12386 SEC SES; LT 1-3 BLKB PL M9DRYDEN;GREATERSUDBURY
6.	29 Laren Street Sudbury, Ontario	29 Laren Street Inc.	PIN #73481-0512 (LT); PLC 198 SEC SES; LT 4 BLK B PL M9 DRYDEN;GREATERSUDBURY
7.	3415 Errington Avenue Sudbury, Ontario	3415 Errington Avenue Inc.	PIN: 73349-1569 (LT)

	Property Address	Registered Owner	Legal Description of Real Property
			PCL 10618 SEC SWS; LT215BLK6PL M91 BALFOUR; GREATER SUDBURY
8.	3419 Errington Avenue Sudbury, Ontario	3419 Errington Avenue Inc.	PIN: 73349-0720 (LT) PCL 21629 SEC SWS; LT 222 BLK 6 PL M91 BALFOUR; GREATER SUDBURY
9.	331 Regent Street Sudbury, Ontario	331 Regent Street Inc.	PIN #73586-0638 (LT) LT 297 PL 4SC MCKIM; GREATER SUDBURY
10.	110-114 Pine Street Sudbury, Ontario	110-114 Pine Street Inc.	PIN #02135-0246 (LT); LTS 48, 49, PT LT 50, BLK B PLAN 3SA; PTS 2, 4, 5, 6 53R11500 SUBJECT TO S94352 CITY OF SUDBURY
11.	193 Mountain Street Sudbury, Ontario	193 Mountain Street Inc.	PIN #02132-0942 (LT); PCLS 2388, 3113 AND 21292 SEC SES LTI PLAN M28B EXCEPT COMM AT THESELY ANGLE OF LT1; THENCE S 37 DEG 16'W ALONG THE SLY LIMIT OF LT1 A DISTANCE OF 42FT 3INCHES TO THE SLY ANGLE OF SAID LT1; THENCE S 73 DEG 04'W ALONG THE SLY LIMIT OF SAID LT1 A DISTANCE OF 10FT, 6INCHES TO THE SW ANGLE OF LT1; THENCE N 52DEG 10'W ALONG THE W LIMIT OF LT1 A DISTANCE OF 10FT, 6INCHES TO A POINT; THENCE N 64DEG 29'E A DISTANCE OF 11 FT MORE OR LESS TO A POINT BEING 11.0FT N 25DEG 31'W OF THE SLY ANGLE OF LT1; THENCE N 52 DEG 00' E A DISTANCE OF 38FT MORE OR LESS TO THE POC, PLAN ATTACHED IN 33273, NOWPCL5776 SES; LT2 PLAN M28B EXCEPT COMMENCING AT THESELY ANGLE OF LT2, THENCE S 73 DEGREES 04'W ALONG THE SLY LIMIT OF LT2 A DISTANCE OF 63'2" TO THE SWLY ANGLE OF LT2, THEN N64 DEGREES 29' EA DISTANCE OF 62' MORE OR LESS TO A POINT ON THE ELY LIMIT OF LT2, THENCE S 52 DEGREES E ALONG THE ELY LIMIT OF LT2 A

	Property Address	Registered Owner	Legal Description of Real Property
			DISTANCE OF 10'6" MORE OR LESS TO THE POC; PLAN ATTACHED IN 33273, NOW PLC 5776 SES; EXCEPT COMM AT A POINT IN THE S WESTERN LIMIT OF SAID LT2 DISTANT 95.0FT FROM THE MOST SLY ANGLE OF SAID LT; THENCE N 45DEG 23'W TO A POINT IN THE HIGHWATER MARK OF THE EASTERN BANK OF JUNCTION CREEK; THENCE S WLY FOLLOWING ALONG SAID HIGHWATER MARK TO THE MOST WLY ANGLE OF SAID LT; THENCE S 54DEG 42'E ALONG THE AFORESAID S WESTERN LIMIT 95.0 FT MORE OR LESS TO THE POC, NOW PCL 21291 SES; EXCEPT PT1 53R8264; PT LT3 PLAN M28B COMM AT TA POINT IN THEN ELY ANGLE; THENCE S 70 DEG 32' W ALONG THE S EASTERN LIMIT OF SAID LT 18.0FT; THENCE N 45DEG 23'W TO THE POC; EXCEPT PT 2 53R8264 SUBJECT TO 25265S/T LT868119 PART 6&7 ON PLAN 53R-16220 CITY OF SUDBURY
12.	1779 Cross Street Innisfil, Ontario	Tanya Hutchens	PIN #58069-0150 (LT); PT N 1/2 LT 25 CON 6 INNISFIL AS IN R 01093173; STR 01093173; INNISFIL
13.	367-369 Howey Drive Sudbury, Ontario	367-369 Howey Drive Inc.	PIN #73583-0400 (LT); LT 1-2 BLK A PL 5SA MCKIM S/T & T/W S112782; S/T INTEREST IN S112782; GREATER SUDBURY
14.	33 Theodore Place Vaughan, Ontario	Tatiana Hutchens	PIN #03251-0304 (LT); PCL 89-1, SEC 65M2941; LT 89, PL 65M2941, S/T LT746593; Vaughan
15.	33 Theodore Place Vaughan, Ontario	Tatiana Hutchens	PIN #03251-0304 (LT); PCL 89-1, SEC 65M2941; LT 89, PL 65M2941, S/T LT746593; Vaughan
16.	1889 Simcoe Blvd Innisfil, Ontario	Tatiana Hutchens	LT 31, PL 657; INNISFIL being all of PIN (58072-0299 (LT))
17.	1790 Cross Street Innisfil, Ontario	Tatiana Hutchens	LT 1, PL 978; INNISFIL being all of PIN (58069-0103 (LT))

	Property Address	Registered Owner	Legal Description of Real Property
18.	1479 Maple Road Innisfil, Ontario	Tatiana Hutchens	LT 6, PL 642; INNISFIL being all of PIN (58068-0102 (LT))
19.	17 Serpentine Street Sudbury, Ontario	17 Serpentine Street Inc.	PIN 73599-0157 (LT); PLC 40961 SEC SES SRO; LT 95 PL MI 025 MCKIM; S/T LT 387652, LT387654; GREATER SUDBURY
20.	42 Clemow Avenue Sudbury, Ontario	Sandy Hutchens and the Estate of Judith Hutchens	

Personal Property:

Sea Doo Boat located at 33 Theodore Place, Vaughan, Ontario.

SCHEDULE "C"

RECEIVER CERTIFICATE

CERTIFICATE NO. _____

AMOUNT\$ _____

1. THIS IS TO CERTIFY that [RECEIVER'S NAME], the receiver (the "Receiver") of the assets, undertakings and properties [DEBTOR'S NAME] acquired for, or used in relation to a business carried on by the Debtor, including all proceeds thereof (collectively, the "Property") appointed by Order of the Ontario Superior Court of Justice (Commercial List) (the "Court") dated the ____ day of _____, 20__ (the "Order") made in an action having Court file number ____-CL-_____, has received as such Receiver from the holder of this certificate (the "Lender") the principal sum of \$_____, being part of the total principal sum of \$_____ which the Receiver is authorized to borrow under and pursuant to the Order.

2. The principal sum evidenced by this certificate is payable on demand by the Lender with interest thereon calculated and compounded [daily][monthly not in advance on the _____ day of each month] after the date hereof at a notional rate per annum equal to the rate of _____ per cent above the prime commercial lending rate of Bank of _____ from time to time.

3. Such principal sum with interest thereon is, by the terms of the Order, together with the principal sums and interest thereon of all other certificates issued by the Receiver pursuant to the Order or to any further order of the Court, a charge upon the whole of the Property, in priority to the security interests of any other person, but subject to the priority of the charges set out in the Order and in the *Bankruptcy and Insolvency Act*, and the right of the Receiver to indemnify itself out of such Property in respect of its remuneration and expenses.

4. All sums payable in respect of principal and interest under this certificate are payable at the main office of the Lender at Toronto, Ontario.

5. Until all liability in respect of this certificate has been terminated, no certificates creating charges ranking or purporting to rank in priority to this certificate shall be issued by the Receiver to any person other than the holder of this certificate without the prior written consent of the holder of this certificate.

- 6 -

6. The charge securing this certificate shall operate so as to permit the Receiver to deal with the Property as authorized by the Order and as authorized by any further or other order of the Court.

7. The Receiver does not undertake, and it is not under any personal liability, to pay any sum in respect of which it may issue certificates under the terms of the Order.

DATED the ____ day of _____, 20__.

[RECEIVER'S NAME], solely in its capacity
as Receiver of the Property, and not in its
personal capacity

Per: _____

Name:

Title:

GARY STEVENS et al. v. SANDY HUTCHENS et al.
Applicants Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at TORONTO

**ORDER
(CONTINUING RECEIVERSHIP)**

Necpal Litigation Professional Corporation
171 John Street, Suite 101
Toronto, Ontario M5T 1X3
Fax: 1.866.495.8389

Justin Necpal (LSO# 56126J)
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justin@necpal.com

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Tel: 416.646.1018
ahassan@necpal.com

Lawyers for the Applicants, Gary Stevens,
Linda Stevens and 1174365 Alberta Ltd.

TAB 3

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.

)

THURSDAY , THE 25TH

)

JUSTICE PENNY

)

DAY OF APRIL, 2019

GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

– and –

SANDY HUTCHENS, also known as SANDY CRAIG HUTCHENS, also known as S. CRAIG HUTCHENS, also known as CRAIG HUTCHENS, also known as MOISHE ALEXANDER BEN AVROHOM, also known as MOISHE ALEXANDER BEN AVRAHAM, also known as MOSHE ALEXANDER BEN AVROHOM, also known as FRED HAYES, also known as FRED MERCHANT, also known as ALEXANDER MACDONALD, also known as MATHEW KOVCE also known as ED RYAN, and TANYA HUTCHENS, also known as TATIANA HUTCHENS, also known as TATIANA BRIK, also known as TANYA BRIK-HUTCHENS

Respondents

ORDER

THIS MOTION, made by the Respondents, was heard this day at 330 University Avenue, Toronto, Ontario.

ON BEING ADVISED of the Consent of the Applicants, the Respondents, the entities referred to at Schedule “B” attached hereto, the plaintiffs in the Ontario Superior Court of Justice proceeding bearing London Court File No. 2651/17 (the “**London Plaintiffs**”), Ronald Henderson, Meridian Credit Union Limited, and A. Farber & Partners Inc. as receiver (the “**Receiver**”) without security, of all of the assets, undertakings and properties of the Respondents and certain additional entities pursuant to Orders in this proceeding dated February 28 and March 18, 2019 (together, the “**Appointment Orders**”), and on being advised that no other member of the Service List in this proceeding has opposed the relief herein,

SALE OF PROPERTIES

1. THIS COURT ORDERS that in addition to the Receiver's powers and authorizations set out in the Appointment Orders, the Receiver is hereby empowered and authorized, but not obligated, to act as follows in respect of the properties listed in Schedule "A" hereto (the "**Saleable Properties**"):

- (a) to market any or all of the Saleable Properties, including advertising and soliciting offers in respect of the Property or any part or parts thereof and negotiating such terms and conditions of sale as the Receiver in its discretion may deem appropriate;
- (b) to sell, convey, transfer, lease or assign the Saleable Properties or any part or parts thereof out of the ordinary course of business,
 - (i) without the approval of this Court in respect of any transaction not exceeding \$250,000, provided that the aggregate consideration for all such transactions does not exceed \$500,000; and
 - (ii) with the approval of this Court in respect of any transaction in which the purchase price or the aggregate purchase price exceeds the applicable amount set out in the preceding clause;

and in each such case notice under subsection 63(4) of the Ontario *Personal Property Security Act* or section 31 of the Ontario *Mortgages Act* shall not be required; and

- (c) to apply for any vesting order or other orders necessary to convey the Saleable Properties or any part or parts thereof to a purchaser or purchasers thereof, free and clear of any liens or encumbrances affecting such Saleable Property.

2. THIS COURT ORDERS that paragraph 3 of the Order herein dated March 18, 2019 shall apply to the proceeds of sale of any Saleable Property, net of closing expenses.

FREEZING, LIVING EXPENSES, LEGAL EXPENSES

3. THIS COURT ORDERS that the Respondents and the entities referred to at Schedule "B" attached hereto (collectively, the "Debtors"), and their servants, employees, agents, assigns, officers, directors and anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this injunction, are restrained from directly or indirectly, by any means whatsoever:

- (a) selling, removing, dissipating, alienating, transferring, assigning, encumbering, or similarly dealing with any assets of the Debtors, wherever situate;
- (b) instructing, requesting, counselling, demanding, or encouraging any other person to do so; and
- (c) facilitating, assisting in, aiding, abetting, or participating in any acts the effect of which is to do so.

4. THIS COURT ORDERS that paragraph 3 applies to all of the Debtors' assets whether or not they are in their own names and whether they are solely or jointly owned. For the purpose of this order, the Debtors' assets include any asset which any one of them has the power, directly or indirectly, to dispose of or deal with as if it were his own. A Debtor is to be regarded as having such power if a third party holds or controls the assets in accordance with the Debtor's direct or indirect instructions.

5. THIS COURT ORDERS that notwithstanding paragraphs 3 and 4 of this Order, the Receiver shall:

- (a) pay to the Debtors reasonable amounts from the funds in the Receiver's possession as a result of the Appointment Orders or this Order, subject to the availability of such funds for spending on ordinary living expenses and legal advice and representation, and excluding the following funds from the proceeds of the Saleable Properties noted, which funds shall not be paid to the Debtors without the express written consent of the London Plaintiffs or further Order of the Court obtained on notice to the London Plaintiffs:

- 4 -

- (i) 33 Theodore Place, Vaughan, Ontario – \$379,968;
 - (ii) 42 Clemow Avenue, Sudbury, Ontario – \$615,000; and
 - (iii) 1779 Cross Street, Innisfil, Ontario – \$150,626.22;
- (b) authorize the Debtors to spend reasonable amounts from funds in their power, possession or control otherwise subject to paragraph 3 above on ordinary living expenses and legal advice and representation, and in either case the Debtors shall be entitled to spend such funds on ordinary living expenses and legal advice and representation only.

6. THIS COURT ORDERS that the Receiver shall provide notice to the Applicants and the London Plaintiffs of any amount to be paid or authorized to a Debtor pursuant to paragraph 5 above at least 24 hours prior to making such a payment.

7. THIS COURT ORDERS that if the Receiver and any Debtor cannot agree on reasonable amounts to be paid pursuant to paragraph 5 above, or if the Applicants and/or the London Plaintiffs dispute the reasonableness of any amount proposed to be paid, any of the Receiver, the Debtors, the Applicants, or the London Plaintiffs may seek directions from this Court as to the reasonable quantum to be paid on at least 24 hours' notice to the others.

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

APR 25 2019

PER/PAR: UM

SCHEDULE "A"
SALEABLE PROPERTIES

	Property Address	Registered Owner	Legal Description of Real Property
1.	1779 Cross Street Innisfil, Ontario	Tanya Hutchens	PIN #58069-0150 (LT); PT N 1/2 LT 25 CON 6 INNISFIL AS IN R01093173; ST R01093173; INNISFIL
2.	1889 Simcoe Blvd Innisfil, Ontario	Tatiana Hutchens	LT 31, PL 657; INNISFIL being all of PIN (58072-0299 (LT))
3.	1790 Cross Street Innisfil, Ontario	Tatiana Hutchens	LT 1, PL 978; INNISFIL being all of PIN (58069-0103 (LT))
4.	42 Clemow Avenue Sudbury, Ontario	Sandy Hutchens and the Estate of Judith Hutchens	PCL 7614 SEC SES; LT 278 PL M128 MCKIM; GREATER SUDBURY
5.	33 Theodore Place Vaughan, Ontario	Tatiana Hutchens	PIN #03251-0304 (LT); PCL 89-1, SEC 65M2941; LT 89, PL 65M2941, S/T LT746593: Vaughan

SCHEDULE "B"
DEBTOR ENTITIES

1. 29 Laren Street Inc.
2. 3415 Errington Avenue Inc.
3. 3419 Errington Avenue Inc.
4. 331 Regent Street Inc.
5. 110-114 Pine Street Inc.
6. 15-16 Keziah Court Inc.
7. 193 Mountain Street Inc.
8. 625 Ash Street Inc.
9. 101 Service Road Inc.
10. 146 Whittaker Street Inc.
11. Estate of Judith Hutchens
12. 364 Morris Street Inc.
13. 367-369 Howey Drive Inc.
14. 720 Cambrian Heights Inc.
15. JBD Hutchens Family Holdings Inc.
16. 17 Serpentine Street Inc.

STEVENS *et al.*
Applicants

-and-

HUTCHENS *et al.*
Respondents

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at Toronto

ORDER

NAYMARK LAW

171 John Street, Suite 101
Toronto, ON M5T 1X3

Daniel Z. Naymark LSO#: 56889G

Tel: (416) 640-6078

Fax: (647) 660-5060

Terrence Liu LSO#: 64130M

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Fax: (647) 660-5060

Lawyers for the Receiver,
A. Farber & Partners Inc.

TAB 4

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE

)

FRIDAY, THE 7TH

MR. JUSTICE PENNY

)

DAY OF JUNE, 2019

)

GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

– and –



SANDY HUTCHENS, also known as SANDY CRAIG HUTCHENS, also known as S. CRAIG HUTCHENS, also known as CRAIG HUTCHENS, also known as MOISHE ALEXANDER BEN AVROHOM, also known as MOISHE ALEXANDER BEN AVRAHAM, also known as MOSHE ALEXANDER BEN AVROHOM, also known as FRED HAYES, also known as FRED MERCHANT, also known as ALEXANDER MACDONALD, also known as MATHEW KOVCE also known as ED RYAN, and TANYA HUTCHENS, also known as TATIANA HUTCHENS, also known as TATIANA BRIK, also known as TANYA BRIK-HUTCHENS

Respondents

ORDER

THIS MOTION, made by A. Farber & Partners Inc. as receiver (the “**Receiver**”), without security, of all of the assets, undertakings and properties of the Respondents and certain additional entities pursuant to Orders (collectively, the “**Debtors**”) in this proceeding dated February 28, March 18, and April 25 2019 (together, the “**Receivership Orders**”), including certain real properties, for an order authorizing the sale transaction (the “**Sale Transaction**”) contemplated by an agreement of purchase and sale between the Receiver and Robert Whitcher (the “**Purchaser**”) on May 15, 2019 (the “**Sale Agreement**”) and appended to the Third Report of the Receiver dated June 3, 2019, and vesting in the Purchaser the Debtors’ rights, title and interests in and to the asset respectively described in the Sale Agreement (the “**Purchased Asset**”), as well as certain other relief related to the Receivership, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Motion Record of the Receiver and on hearing the submissions of counsel for the Receiver, and on being advised that no party or member of the Service List herein opposes the relief set out in this Order:

AUTHORIZATION OF SALE TRANSACTION

1. THIS COURT ORDERS that the time for service of the Notice of Motion and the Motion is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.
2. THIS COURT ORDERS AND DECLARES that the Sale Transaction is hereby approved, and the execution of the Sale Agreement by the Receiver is hereby authorized and approved, with such minor amendments as the Receiver may deem necessary. The Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the Sale Transaction and for the conveyance of the Purchased Asset to the Purchaser.
3. THIS COURT ORDERS AND DECLARES that upon the delivery of a Receiver's certificate to the Purchaser substantially in the form attached as Schedule A hereto (the **"Receiver's Certificate"**), all of the Debtors' right, title and interest in and to the Purchased Asset described in the Sale Agreement and listed on Schedule B hereto shall vest absolutely in the Purchaser, free and clear of and from any and all security interests (whether contractual, statutory, or otherwise), hypothecs, mortgages, trusts or deemed trusts (whether contractual, statutory, or otherwise), liens, executions, levies, charges, or other financial or monetary claims, whether or not they have attached or been perfected, registered or filed and whether secured, unsecured or otherwise (collectively, the **"Claims"**) including, without limiting the generality of the foregoing: (i) any encumbrances or charges created by the Receivership Orders; (ii) all charges, security interests or claims evidenced by registrations pursuant to the *Personal Property Security Act* (Ontario) or any other personal property registry system; and (iii) those Claims listed on Schedule C hereto (the **"Encumbrances"**) and, for greater certainty, this Court orders that all of the Encumbrances affecting or relating to the Purchased Assets are hereby expunged and discharged as against the Purchased Assets.

4. THIS COURT ORDERS that upon the registration in the Sudbury Land Registry (No. 53) Land Registry Office of an Application for Vesting Order in the form prescribed by the *Land Titles Act*, the Land Registrar is hereby directed to enter the Purchasers as the owners of the subject real property as identified in Schedule B hereto (the “**Real Property**”) in fee simple, and is hereby directed to delete and expunge from title to the Real Property all of the Claims listed in Schedule C hereto.

5. THIS COURT ORDERS that for the purposes of determining the nature and priority of any Claims, the net proceeds from the sale of the Purchased Assets shall stand in the place and stead of the Purchased Assets, and that from and after the delivery of the Receiver's Certificate all Claims and Encumbrances shall attach to the net proceeds from the sale of the Purchased Assets with the same priority as they had with respect to the Purchased Assets immediately prior to the sale, as if the Purchased Assets had not been sold and remained in the possession or control of the person having that possession or control immediately prior to the sale.

6. THIS COURT ORDERS AND DIRECTS the Receiver to file with the Court a copy of the Receiver's Certificate, forthwith after delivery thereof.

7. THIS COURT ORDERS that, notwithstanding:

- (a) the pendency of these proceedings;
- (b) any applications for a bankruptcy order now or hereafter issued pursuant to the *Bankruptcy and Insolvency Act* (Canada) in respect of the Debtors and any bankruptcy order issued pursuant to any such applications; and
- (c) any assignment in bankruptcy made in respect of the Debtors;

the vesting of the Purchased Asset in the Purchaser pursuant to this Order shall be binding on any trustee in bankruptcy that has been or may from time to time be appointed in respect of the Debtors and shall not be void or voidable by creditors of the Debtors, nor shall it constitute nor be deemed to be a fraudulent preference, assignment, fraudulent conveyance, transfer at undervalue, or other reviewable transaction under the *Bankruptcy and Insolvency Act* (Canada) or any other applicable federal or provincial legislation, nor shall it constitute oppressive or unfairly prejudicial conduct pursuant to any applicable federal or provincial legislation.

8. THIS COURT HEREBY REQUESTS the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

SEALING CONFIDENTIAL APPENDICES

9. THIS COURT ORDERS that the Confidential Appendices to the Third Report be and are hereby sealed unless and until Receiver files a certificate confirming that the Transaction has closed.

DISTRIBUTION OF PROCEEDS FROM SALE TRANSACTION TO MORTGAGEE

10. THIS COURT ORDERS that the distribution of \$80,319.60, more or less, from the Sale Transaction to Ronald Henderson, in payment of his loan to Sandy Hutchens secured by a mortgage registered on title to the subject property is hereby authorized and approved. The Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the distribution of these funds to Mr. Henderson.

ADDITIONAL PROPERTIES

11. THIS COURT ORDERS that in addition to the Receiver's appointment set out in the Receivership Orders, the Receiver is hereby appointed as Receiver, without security, of the real property listed in Schedule "D" hereto, including all proceeds thereof (the "**Additional Properties**"), on the terms set out below, until further order of this Court.

12. THIS COURT ORDERS that in addition to the Receiver's powers and authorizations set out in the Receivership Orders, the Receiver is hereby empowered and authorized, but not obligated, to act at once in respect of the Additional Properties and, without in any way limiting the generality of the foregoing, the Receiver is hereby expressly empowered and authorized to do any of the following where the Receiver considers it necessary or desirable:

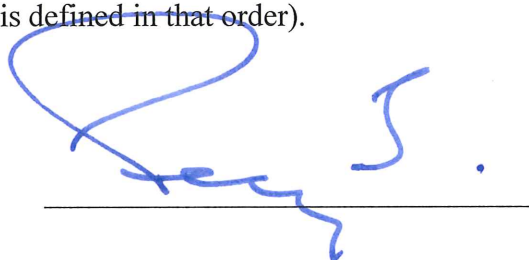
- (a) to investigate and monitor the Additional Properties;
- (b) to review and have access to any and all financial information pertaining to the Additional Properties, including bank statements, financial records and accounts;
- (c) to demand access to additional documents as it sees fit;
- (d) to take possession of and exercise control over the Additional Properties and any and all proceeds, receipts and disbursements arising out of or from the Additional Properties;
- (e) to receive, preserve, and protect the Additional Properties, or any part or parts thereof, including, but not limited to, the changing of locks and security codes, the engaging of independent security personnel, the taking of physical inventories and the placement of such insurance coverage as may be necessary or desirable;
- (f) to manage, operate, and carry on the business of the Debtors with respect to the Additional Properties, including the powers to enter into any agreements, incur any obligations in the ordinary course of business, cease to carry on all or any part of the business, or cease to perform any contracts of the Debtors;
- (g) to receive all revenues generated by the Additional Properties, including without limitation any rents paid by tenants thereof;
- (h) to engage consultants, appraisers, agents, experts, auditors, accountants, managers, counsel and such other persons from time to time and on whatever basis, including on a temporary basis, to assist with the exercise of the Receiver's powers and duties, including without limitation those conferred by this Order;
- (i) to report to, meet with and discuss with such affected Persons (as defined below) as the Receiver deems appropriate on all matters relating to the Additional Properties and the receivership, and to share information, subject to such terms as to confidentiality as the Receiver deems advisable;
- (j) to conduct examinations under oath of any Person concerning the management of the Additional Properties; and

- (k) to take any steps reasonably incidental to the exercise of these powers or the performance of any statutory obligations.

and in each case where the Receiver takes any such actions or steps, it shall be exclusively authorized and empowered to do so, to the exclusion of all other Persons (as defined below) and without interference from any other Person.

13. THIS COURT ORDERS that all funds, monies, cheques, instruments, and other forms of payments received or collected, from and after the making of this Order, from any source whatsoever, including without limitation the collection of rents paid by tenants of the Additional Properties and the collection of any accounts receivable of the Debtors in whole or part, whether in existence on the date of the Order or hereafter coming into existence, shall be deposited into new property-specific accounts (the “**Segregated Accounts**”) to be opened by the Receiver immediately. The Segregated Accounts shall be segregated such that all receipts in respect of a property shall be deposited into the Segregated Account opened in respect of such property and all permitted disbursements (the “**Permitted Disbursements**”) in respect of such property shall be withdrawn therefrom, if sufficient funds are available. Permitted Disbursements shall mean, in relation to the property in respect of which a Segregated Account has been opened, realty taxes, utilities, payroll, insurance, maintenance expenses, other reasonable property-specific expenses and business expenses associated with such property. The Receiver shall have sole signing authority over the Segregated Accounts.

14. THIS COURT ORDERS that paragraphs 4 to 19 of the Order of Justice Penny dated March 18, 2019 herein shall apply with respect to the Additional Properties, in the same manner as they apply with respect to the Property (as that term is defined in that order).



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

JUN 10 2019

PER / PAR:



Schedule A

Form of Receiver's Certificate

Court File No. CV-18-608271-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

B E T W E E N:

GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

– and –

SANDY HUTCHENS, also known as SANDY CRAIG HUTCHENS, also known as S. CRAIG HUTCHENS, also known as CRAIG HUTCHENS, also known as MOISHE ALEXANDER BEN AVROHOM, also known as MOISHE ALEXANDER BEN AVRAHAM, also known as MOSHE ALEXANDER BEN AVROHOM, also known as FRED HAYES, also known as FRED MERCHANT, also known as ALEXANDER MACDONALD, also known as MATHEW KOVCE also known as ED RYAN, and TANYA HUTCHENS, also known as TATIANA HUTCHENS, also known as TATIANA BRIK, also known as TANYA BRIK-HUTCHENS

Respondents

ORDER

RECEIVER'S CERTIFICATE

RECITALS

A. Pursuant to an Order of the Honourable Mr. Justice Penny of the Ontario Superior Court of Justice (the "Court") dated March 18, 2019, A. Farber & Partners Inc. was appointed as the receiver (the "Receiver") without security, of all of the assets, undertakings and properties of the Respondents and certain additional entities (the "**Debtors**").

B. Pursuant to an Order of the Court dated June 7, 2019, the Court approved the agreement of purchase and sale made as of May 15, 2019 (the "**Sale Agreement**") between the Receiver

and Robert Whitcher (the "**Purchaser**") and provided for the vesting in the Purchaser of the Debtors right, title and interest in and to the Purchased Asset, which vesting is to be effective with respect to the Purchased Asset upon the delivery by the Receiver to the Purchaser of a certificate confirming (i) the payment by the Purchaser of the Purchase Price for the Purchased Asset; (ii) that the conditions to Closing as set out in Schedules A & B of the Sale Agreement have been satisfied or waived by the Receiver and the Purchaser; and (iii) the Sale Transaction has been completed to the satisfaction of the Receiver.

C. Unless otherwise indicated herein, terms with initial capitals have the meanings set out in the Sale Agreement.

THE RECEIVER CERTIFIES the following:

1. The Purchaser has paid and the Receiver has received the Purchase Price for the Purchased Asset payable on the Closing Date pursuant to the Sale Agreement;
2. The conditions to Closing as set out in Schedules A & B of the Sale Agreement have been satisfied or waived by the Receiver and the Purchaser; and
3. The Sale Transaction has been completed to the satisfaction of the Receiver.
4. This Certificate was delivered by the Receiver at _____ [TIME] on _____ [DATE].

**A. FARBER & PARTNERS INC. IN ITS
CAPACITY AS COURT APPOINTED
INTERIM RECEIVER OF HUTCHENS ET
AL. AND NOT IN ITS PERSONAL OR
CORPORATE CAPACITY.**

Per: _____

Name: _____

Title: _____

SCHEDULE B

Purchased Asset

42 CLEMOW AVENUE, CITY OF GREATER SUDBURY, P3C 3H3, PCL 7614 SEC SES, LT 278
PL M128 MCKIM (P.I.N. 73588-0383 (LT))

SCHEDULE C**Encumbrances to be deleted and expunged from title to the Real Property**

Encumbrances to be deleted as against the Real Property described as 42 CLEMOW AVENUE,
CITY OF GREATER SUDBURY, P3C 3H3, PCL 7614 SEC SES, LT 278 PL M128 MCKIM
(P.I.N. 73588-0383 (LT)):

- a) Instrument No. SD61982
- b) Instrument No. SD373443

SCHEDULE D**Additional Properties**

	Property Address	Registered Owner	Legal Description of Real Property
1.	1573 Houston Avenue, Innisfill, Ontario	Tatiana Hutchens	LT 14 AND PT LT 15 PL 591 PT 2 51R37515 TOWN OF INNISFIL
2.	1760 Cross Street, Innisfille, Ontario	Tatiana Hutchens	LT 73 PL 881 INNISFIL; INNISFIL
3.	175 Hilda Avenue, Suite 1015, Thornhill, Ontario	Tatiana Hutchens	UNIT 15, LEVEL 10, YORK CONDOMINIUM PLAN NO. 102, PTS OF BLKS O, P & T PLAN 6955 AS DESCRIBED IN SCHEDULE A OF DECLARATION B364075. TWP OF YORK/NORTH YORK, CITY OF TORONTO
4.	131 Beecroft Avenue, Unit 62, Toronto, Ontario	Dina Brik	UNIT 62, LEVEL A, METROPOLITAN TORONTO CONDOMINIUM PLAN NO. 595, LOTS 462, 463, 464, 465, 466, 481, 482, 483, 484, 485 AND PARTS OF LOTS 461 AND 486 ON PLAN M407 AND PART OF BURNETT AVENUE ON SAID PLAN M407 AS DESCRIBED IN SCHEDULE 'A' OF DECLARATION B762963. TWP OF YORK/NORTH YORK, CITY OF TORONTO

STEVENSON *et al.*
Applicants

-and-

HUTCHENS *et al.*
Respondents

Court File No. CV-18-608271-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

Proceeding commenced at Toronto

ORDER

NAYMARK LAW
171 John Street, Suite 101
Toronto, ON M5T 1X3

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Fax: (647) 660-5060

Lawyers for the Receiver,
A. Farber & Partners Inc.

TAB 5

Court File No.: CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.
JUSTICE PENNY

)
)
)

FRIDAY, THE 5TH
DAY OF JULY, 2019

BETWEEN:



GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

– and –

SANDY HUTCHENS, also known as SANDY CRAIG HUTCHENS, also known as S. CRAIG HUTCHENS, also known as CRAIG HUTCHENS, also known as MOISHE ALEXANDER BEN AVROHOM, also known as MOISHE ALEXANDER BEN AVRAHAM, also known as MOSHE ALEXANDER BEN AVROHOM, also known as FRED HAYES, also known as FRED MERCHANT, also known as ALEXANDER MACDONALD, also known as MATHEW KOVCE, also known as ED RYAN, and TANYA HUTCHENS, also known as TATIANA HUTCHENS, also known as TATIANA BRIK, also known as TANYA BRIK-HUTCHENS

Respondents

APPLICATION UNDER Rule 14.05(3)(g) and (h) of *the Rules of Civil Procedure*

JUDGMENT

THIS APPLICATION made by the Applicants was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Application Record, the Consent to Judgment of the Respondents, and on hearing the submissions of counsel for the parties:

RECOGNITION AND ENFORCEMENT OF THE US JUDGMENTS

1. THIS COURT DECLARES that the judgments of the United States District Court for the Eastern District of Pennsylvania, entered on October 11, 2018 and December 19, 2018 in Case Civ. No. 18-692 in favour of the Applicants and against the Respondents Sandy Hutchens and Tanya Hutchens, in which damages were assessed against the Respondents Sandy Hutchens and Tanya Hutchens jointly and severally in the amount of US\$26,774,736.09 (the "US Judgments") are recognized and enforceable in Ontario.

2. THIS COURT ORDERS that the Respondents Sandy Hutchens and Tanya Hutchens pay to the Applicants an amount in Canadian dollars sufficient to purchase US\$26,774,736.09 at a bank in Ontario listed in Schedule I to the *Bank Act*, R.S.C. 1991, c. 46 at the close of business on the first day on which the bank quotes a Canadian dollar rate for purchase of U.S. dollars before the day payment of the obligation is received by the Applicants.

RECEIVERSHIP CONTINUED

3. THIS COURT ORDERS that the Orders dated March 18, 2019 (the "March 18 Order") and June 7, 2019 (the "June 7 Order") continuing and expanding the appointment of A. Farber & Partners Inc. as Receiver, without security, of all of the assets, undertakings and properties, including the real property listed in Schedule "B" to the March 18 Order and Schedule "D" to the June 7 Order, of the Debtors (as defined in the March 18 Order), including all proceeds thereof (the "Property"), are hereby continued on the terms set out in the March 18 Order and June 7

Order, except for the Receiver's powers which are expanded as set out below in paragraph 4, until further order of this Court.

RECEIVER'S POWERS

4. THIS COURT ORDERS that the Receiver is hereby empowered and authorized, but not obligated, to act at once in respect of the Property and, without in any way limiting the generality of the foregoing, the Receiver is hereby expressly empowered and authorized to do any of the following where the Receiver considers it necessary or desirable:

- (a) to investigate and monitor the Debtors' affairs and the Property;
- (b) to review and have access to any and all financial information pertaining to the Debtors and the Property, including bank statements, financial records and accounts;
- (c) to demand access to additional documents as it sees fit;
- (d) to take possession of and exercise control over the real property listed in Rows 1-13 and 16-20 of Schedule "B" to the March 18 Order and Schedule "D" to the June 7 Order (hereinafter "the Income Producing Property") and any and all proceeds, receipts and disbursements arising out of or from the Income Producing Property;
- (e) to receive, preserve, and protect the Income Producing Property, or any part or parts thereof, including, but not limited to, the changing of locks and security codes, the engaging of independent security personnel, the taking of physical

inventories and the placement of such insurance coverage as may be necessary or desirable;

- (f) to manage, operate, and carry on the business of the Debtors with respect to the Income Producing Property, including the powers to enter into any agreements, incur any obligations in the ordinary course of business, cease to carry on all or any part of the business, or cease to perform any contracts of the Debtor;
- (g) to receive all revenues generated by the Income Producing Property, including without limitation any rents paid by tenants thereof;
- (h) to engage consultants, appraisers, agents, experts, auditors, accountants, managers, counsel and such other persons from time to time and on whatever basis, including on a temporary basis, to assist with the exercise of the Receiver's powers and duties, including without limitation those conferred by this Order;
- (i) to report to, meet with and discuss with such affected Persons (as defined below) as the Receiver deems appropriate on all matters relating to the Property and the receivership, and to share information, subject to such terms as to confidentiality as the Receiver deems advisable;
- (j) to conduct examinations under oath of any Person concerning the management of known assets of the Debtors and the existence of any other assets;
- (k) to purchase or lease such machinery, equipment, inventories, supplies, premises or other assets to continue the business of the Debtors or any part or parts thereof;

- (l) to receive and collect all monies and accounts now owed or hereafter owing to the Debtors and to exercise all remedies of the Debtors in collecting such monies, including, without limitation, to enforce any security held by the Debtors;
- (m) to settle, extend or compromise any indebtedness owing to the Debtors;
- (n) to execute, assign, issue and endorse documents of whatever nature in respect of any of the Property, whether in the Receiver's name or in the name and on behalf of the Debtors, for any purpose pursuant to this Order;
- (o) to market any or all of the Property, including advertising and soliciting offers in respect of the Property or any part or parts thereof and negotiating such terms and conditions of sale as the Receiver in its discretion may deem appropriate;
- (p) to sell, convey, transfer, lease or assign the Property or any part or parts thereof out of the ordinary course of business,
 - (i) without the approval of this Court in respect of any transaction not exceeding \$250,000, provided that the aggregate consideration for all such transactions does not exceed \$500,000; and
 - (ii) with the approval of this Court in respect of any transaction in which the purchase price or the aggregate purchase price exceeds the applicable amount set out in the preceding clause;

and in each such case notice under subsection 63(4) of the Ontario *Personal Property Security Act*, or section 31 of the Ontario *Mortgages Act*, as the case

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may be, shall not be required, and in each case the Ontario *Bulk Sales Act* shall not apply.

- (q) to apply for any vesting order or other orders necessary to convey the Property or any part or parts thereof to a purchaser or purchasers thereof, free and clear of any liens or encumbrances affecting such Property;
- (r) to report to, meet with and discuss with such affected Persons (as defined below) as the Receiver deems appropriate on all matters relating to the Property and the receivership, and to share information, subject to such terms as to confidentiality as the Receiver deems advisable;
- (s) to register a copy of this Order and any other Orders in respect of the Property against title to any of the Property;
- (t) to apply for any permits, licences, approvals or permissions as may be required by any governmental authority and any renewals thereof for and on behalf of and, if thought desirable by the Receiver, in the name of the Debtors;
- (u) to enter into agreements with any trustee in bankruptcy appointed in respect of the Debtors, including, without limiting the generality of the foregoing, the ability to enter into occupation agreements for any property owned or leased by the Debtors;
- (v) to exercise any shareholder, partnership, joint venture or other rights which the Debtors may have; and

- (w) to take any steps reasonably incidental to the exercise of these powers or the performance of any statutory obligations.

and in each case where the Receiver takes any such actions or steps, it shall be exclusively authorized and empowered to do so, to the exclusion of all other Persons (as defined below), including the Debtor, and without interference from any other Person.

STAY

5. THIS COURT ORDERS that paragraphs 2, 4(m), 4(o), 4(p), 4(q) and 4(v) of this Order are hereby stayed until fourteen (14) days after a decision is rendered by the United States Court of Appeals for the Third Circuit on the Respondents' appeals from the US Judgments in C.A. No. 19-1258 and C.A. No. 19-1047 (the "Stay Period"). For greater certainty, this stay will automatically terminate upon the expiry of the Stay Period, regardless of the outcome of the appeals, unless the stay is extended in accordance with paragraph 6 below.

6. THIS COURT ORDERS that the Respondents may seek an extension of the stay ordered in paragraph 5 during the Stay Period, and if an extension of the stay is not granted during the Stay Period or at such other hearing date as may be scheduled by a Commercial Court Judge at a 9:30 hearing held during the Stay Period, the Applicants shall be at liberty to obtain an order lifting the stay, at a chambers appointment, and without notice to the Respondents, if the Applicants deem it necessary to obtain such an order.

7. THIS COURT ORDERS that nothing in this Order limits or in any way modifies the Order of April 25, 2019 (the "April 25 Order") regarding sales of the Saleable Properties (as defined in the April 25 Order). For greater certainty, those sales may proceed pursuant to the terms of the April 25 Order and are not affected by the stay ordered in paragraph 5 hereto.

8. THIS COURT ORDERS that nothing in this Order limits the right of the Receiver to seek the parties' consent or the court's approval to sell the Additional Saleable Properties (as defined in the Receiver's Notice of Motion dated May 31, 2019) or other properties, and to proceed with such sales.

NO DETERMINATION OF PROPERTY RIGHTS

9. THIS COURT ORDERS that nothing in this Order shall be construed as a determination of ownership of any particular property and that this Order is granted without prejudice to the right of any party to dispute whether (a) a particular asset is owned by the Respondents or (b) whether a particular asset is exigible for the purpose of satisfying the judgment debt owed by the Respondents to the Applicants.

FREEZING, LIVING EXPENSES, LEGAL EXPENSES

10. THIS COURT ORDERS that the Respondents and the entities referred to at Schedule "B" of the April 25 Order (collectively, the "Debtors"), and their servants, employees, agents, assigns, officers, directors and anyone else acting on their behalf or in conjunction with any of them, and any and all persons with notice of this injunction, are restrained from directly or indirectly, by any means whatsoever:

- (a) selling, removing, dissipating, alienating, transferring, assigning, encumbering, or similarly dealing with any assets of the Debtors, wherever situate;
- (b) instructing, requesting, counselling, demanding, or encouraging any other person to do so; and

- (c) facilitating, assisting in, aiding, abetting, or participating in any acts the effect of which is to do so.

11. THIS COURT ORDERS that paragraph 10 applies to all of the Debtors' assets whether or not they are in their own names and whether they are solely or jointly owned. For the purpose of this order, the Debtors' assets include any asset which any one of them has the power, directly or indirectly, to dispose of or deal with as if it were his own. A Debtor is to be regarded as having such power if a third party holds or controls the assets in accordance with the Debtor's direct or indirect instructions.

12. THIS COURT ORDERS that notwithstanding paragraphs 10 and 11 of this Order, the Receiver shall:

- (a) pay to the Debtors reasonable amounts from the funds in the Receiver's possession as a result of the Appointment Orders or this Order, subject to the availability of such funds for spending on ordinary living expenses and legal advice and representation, and excluding the following funds from the proceeds of the Saleable Properties noted, which funds shall not be paid to the Debtors without the express written consent of the London Plaintiffs (as defined in the April 25 Order) or further Order of the Court obtained on notice to the London Plaintiffs:

- (i) 33 Theodore Place, Vaughan, Ontario – \$379,968;
- (ii) 42 Clemow Avenue, Sudbury, Ontario – \$615,000; and
- (iii) 1779 Cross Street, Innisfil, Ontario – \$150,626.22;

-10-


- (b) authorize the Debtors to spend reasonable amounts from funds in their power, possession or control otherwise subject to paragraph 3 above on ordinary living expenses and legal advice and representation, and in either case the Debtors shall be entitled to spend such funds on ordinary living expenses and legal advice and representation only.

13. THIS COURT ORDERS that the Receiver shall provide notice to the Applicants and the London Plaintiffs of any amount to be paid or authorized to a Debtor pursuant to paragraph 12 above at least 24 hours prior to making such a payment.

14. THIS COURT ORDERS that if the Receiver and any Debtor cannot agree on reasonable amounts to be paid pursuant to paragraph 12 above, or if the Applicants and/or the London Plaintiffs dispute the reasonableness of any amount proposed to be paid, any of the Receiver, the Debtors, the Applicants, or the London Plaintiffs may seek directions from this Court as to the reasonable quantum to be paid on at least 24 hours' notice to the others.


COSTS

15. THIS COURT ORDERS that the Respondents shall pay the Applicants' costs of this Application in an amount to be agreed or fixed by this Court.



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

JUL 05 2019

PER / PAR: 

GARY STEVENS et al. SANDY HUTCHENS et al.
Applicants -and- Respondents

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

**PROCEEDING COMMENCED AT
TORONTO**

JUDGMENT

**NECPAL LITIGATION PROFESSIONAL
CORPORATION**
171 John Street, Suite 101
Toronto, Ontario, M5T 1X3

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Lawyers for the Applicants

TAB D

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

B E T W E E N:

GARY STEVENS, LINDA STEVENS and 1174365 ALBERTA LTD.

Applicants

-and-

SANDY HUTCHENS, also known as SANDY CRAIG HUTCHENS, also known as S. CRAIG HUTCHENS, also known as CRAIG HUTCHENS, also known as MOISHE ALEXANDER BEN AVROHOM, also known as MOISHE ALEXANDER BEN AVRAHAM, also known as MOSHE ALEXANDER BEN AVROHOM, also known as FRED HAYES, also known as FRED MERCHANT, also known as ALEXANDER MACDONALD, also known as MATHEW KOVCE, also known as ED RYAN, and TANYA HUTCHENS, also known as TATIANA HUTCHENS, also known as TATIANA BRIK, also known as TANYA BRIK-HUTCHENS

Respondents

EIGHTH REPORT OF THE RECEIVER

April 22, 2020

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1. Corporate Profile Report for 29 Laren Street Inc., dated April 26, 2019
2. Corporate Profile Report for 3415 Errington Avenue Inc. and 3419 Errington Avenue Inc.
3. Notice of Registration of Tax Arrears Certificate for 29 Laren Street
4. Notice of Registration of Tax Arrears Certificate for 3415 Errington Avenue
5. Notice of Registration of Tax Arrears Certificate for 3419 Errington Avenue

List of Confidential Appendices¹

- A. Appraisal Report for 29 Laren Street
- B. Agreement of Purchase and Sale for 29 Laren Street
- C. Appraisal Report for 3415 Errington Avenue
- D. Appraisal Report for 3419 Errington Avenue
- E. Agreement of Purchase and Sale for 3415 Errington Avenue
- F. Agreement of Purchase and Sale for 3419 Errington Avenue

¹ Attached in separate Brief of Confidential Appendices

I. INTRODUCTION AND PURPOSE OF THE EIGHTH REPORT

1. The Receiver submits this Eighth Report to the Court (the “**Eighth Report**”) to supplement its Seventh Report, and subject to the same Disclaimer and defined terms. The purpose of this Eighth Report is to support the Receiver’s request for orders additional to those requested in its Seventh Report:

- (a) Approving three sale transactions for Properties additional to those described in the Seventh report, namely the 29 Laren Transaction, the 3415 Errington Transaction, and the 3419 Errington Transaction (each as defined below and, together, the “Eighth Report **Sale Transactions**”), and vesting in the respective purchasers thereunder the right, title and interest of the subject properties and authorizing the Receiver to take all steps required to complete each sale transaction;
- (b) Authorizing the distribution from the proceeds of the proposed Eighth Report Sale Transactions of \$200,000, more or less, subject to adjustments, to the City of Greater Sudbury, in payment of outstanding municipal property taxes accrued to the respective dates of closing of the Eighth Report Sale Transactions;
- (c) Sealing Confidential Appendices A, B, C, D, E and F to this Eighth Report; and
- (d) Approving this Eighth Report and the activities and conduct of the Receiver described herein.

2. In addition to the activities set out in the Seventh Report, the Receiver has worked with Re/Max Crown Realty (1989) Inc., Brokerage (the “**Sudbury Brokerage**”), to negotiate the terms of sale on each of the Eighth Report Sale Transactions.

II. SALES TO BE APPROVED

3. The Receiver has entered into agreements of purchase and sale for three Properties located in the Greater Sudbury Area, Ontario, at the following addresses: 29 Laren Street, Wahnapiatae (“**29 Laren**”), 3415 Errington Avenue, Chelmsford (“**3415 Errington**”), and 3419 Errington Avenue, Chelmsford (“**3419 Errington**”). The agreements are conditional only on Court approval. The Receiver recommends that this Court approve these sales.

4. The process the Receiver followed leading to these three purchase and sale agreements and the basis for the Receiver’s recommendation that the Court approve the corresponding sales are set out below.

A. The 29 Laren Transaction

5. 29 Laren is an eighteen (18) unit multi-residential, low-rise apartment building located in Wahnapiatae, Ontario, a part of the Greater Sudbury Area. Title is registered to the corporate Debtor, 29 Laren Street Inc., of which Tanya is the sole officer. Tanya and Sandy are both directors. A copy of the corporate profile report for 29 Laren Street Inc., dated April 26, 2019 (following the Receiver’s appointment), is attached at **Appendix 1**.

6. 29 Laren has been partially occupied since before the Receiver was authorized to take control of and manage the Managed Properties pursuant to the March Order, and was in a state of disrepair when the Receiver first took possession. Accordingly, the Receiver and its property manager undertook significant work to bring 29 Laren to a state of good repair, including the following:

- (a) Removing garbage from the general areas and vacant units;
- (b) Repairing and maintaining walls, ceilings, floors, and appliances;

- (c) Replacing broken appliances and fixtures with new purchases;
- (d) Repairing and replacing the roof;
- (e) General property maintenance, including lawn-mowing and snow removal;
- (f) Conducting fire code compliance work;
- (g) Performing electrical work; and
- (h) Performing plumbing work.

7. Currently, sixteen (16) of the eighteen (18) units are occupied, with one additional tenant scheduled to move in shortly. There are eight (8) tenants who are in arrears of rent owed to the Receiver, in three cases on a longstanding basis.

8. The City of Greater Sudbury has advised the Receiver that property taxes are significantly in arrears. The Receiver estimates that total arrears will be approximately \$120,000 at the time of closing (described in greater detail below).

9. The Receiver engaged Charles Bell Real Estate Appraisals Ltd. (the “**Charles Bell REAL**”), a commercial and multi-residential property appraiser with expertise in the Sudbury region, to appraise 29 Laren. Charles Bell REAL appraised the property as of February 25, 2020. A copy of the appraisal report for 29 Laren is attached at **Confidential Appendix A**.

10. From February 1, 2020 to February 24, 2020, the Sudbury Brokerage engaged in a sale process that included a social media campaign and advertisement of the listing on several real estate websites, including a standard MLS listing on www.realtor.ca. The publicly listed sale price for 29 Laren was \$1,999,000. During this period, the Sudbury Brokerage showed 29 Laren to seven (7) prospective purchasers, including the current purchaser.

11. The Receiver received four (4) offers to purchase 29 Laren. From those, the Receiver considered one to be the best offer because it provided the highest purchase price and the fewest conditions in favour of the purchaser. The Receiver entered into further negotiations with the offeror, L & L Group Inc. (the “**29 Laren Purchaser**”).

12. On February 28, 2020, the Receiver entered into an Agreement of Purchase and Sale in respect of 29 Laren (the “**29 Laren Transaction**”), conditional on, *inter alia*, the purchaser arranging satisfactory financing within 15 business days and on the Receiver obtaining this Court’s approval.

13. On March 17, 2020, the Province of Ontario declared a state of emergency in response to the COVID-19 pandemic (the “**Pandemic**”). The next day, the Receiver and the 29 Laren Purchaser agreed to amend the terms to extend the 29 Laren Purchaser’s condition for financing to April 15, 2020 and to extend the closing date to May 28, 2020.

14. In spite of the extension, on April 14, 2020, the 29 Laren Purchaser proposed reducing the purchase price by 12.5% in exchange for removing the financing condition, because its cost of obtaining private financing had increased significantly due to the following circumstances created by the Pandemic:

- (a) conventional mortgage financiers are now discounting values of rental properties due to the uncertainty of rental revenue and cash flow;
- (b) all mortgage financiers have recently raised rates to combat cash flow issues resulting from deferred and defaulted mortgage payments; and
- (c) rental income may be significantly reduced for an indeterminate amount of time.

15. Even with a 12.5% reduction in purchase price, the 29 Laren Purchaser's offer remained higher than the pre-Pandemic appraisal value, and was less than 1% lower than the next highest offeror. (That offeror then declined to negotiate further due to the existence of a conditional offer already in place.) After further negotiations with the 29 Laren Purchaser, the Receiver accepted the proposed amendments.

16. Copies of the Agreement of Purchase and Sale and corresponding amendments are attached at **Confidential Appendix B**. The key terms are as follows:

- (a) A purchase price over 12% higher than the appraised value provided by Charles Bell REAL, pre-Pandemic;
- (b) No further substantive conditions in favour of the purchaser;
- (c) A closing date of May 28, 2020; and
- (d) A deposit of \$50,000.00, which the Sudbury Brokerage currently holds in trust. The deposit is payable to the Receiver as liquidated damages should the transaction not close due to default or failure to perform on the part of the purchaser.

17. The Receiver recommends that this Court approve the 29 Laren Transaction because:

- (a) The Receiver selected the Sudbury Brokerage to market and sell 29 Laren through a competitive selection process, as described in the Seventh Report;
- (b) The Sudbury Brokerage marketed 29 Laren for sale to the public over a three-week period and showed it to seven prospective purchasers;

- (c) The final purchase price is over 12% higher than the appraised value of the property and is equal to or greater than two other offers received from prospective purchasers;
- (d) The purchase price is sufficient to discharge the outstanding property tax arrears due to the municipality;
- (e) The purchaser is arm's length from the parties;
- (f) The purchaser has acknowledged that it is purchasing 29 Laren on an 'as is' basis;
- (g) 29 Laren is a rental property with uncertain rental income to cover holding costs and operational costs during and after the Pandemic;
- (h) The Receiver wishes to recoup the funds invested in repairs, renovations, and other holding and operating costs, borrowed from the net proceeds of other Properties via the issuance of Receiver's Certificates, and to preserve the value of the receivership assets by curtailing property management costs;
- (i) The Sudbury Brokerage recommends the 29 Laren Transaction; and
- (j) The Receiver is concerned that the Pandemic may make it more difficult to market 29 Laren in the near future if the sale is not approved.

B. Sale of the Errington Properties

18. 3415 Errington and 3419 Errington (together, the "**Errington Properties**") are both low-rise, multi-residential properties located in Chelmsford, Ontario, a part of the Greater Sudbury Area. The Errington Properties are directly adjacent to each other and share driveway and parking facilities. The Errington Properties each have eight (8) residential units.

19. Title to 3415 Errington and 3419 Errington are registered to the corporate debtors, 3415 Errington Avenue Inc. and 3419 Errington Avenue Inc., respectively. Tanya is the sole officer and

Tanya and Sandy are both directors of each corporation. A copy of the corporate profile reports for 3415 Errington Avenue Inc. and 3419 Errington Avenue Inc., both dated April 17, 2020, is attached at **Appendix 2**.

20. Both of the Errington Properties have been partially occupied since before the Receiver was authorized to control and manage the Managed Properties pursuant to the March Order. Both properties were in a state of disrepair when the Receiver first took possession. Accordingly, the Receiver and its property manager undertook significant work to bring the Errington Properties to states of good repair, including the following:

- (a) Removing garbage from the common areas, parking lot, yard and vacant units;
- (b) Repairing and maintaining walls, ceilings, floors, appliances;
- (c) Painting walls and railings in common area hallways;
- (d) Replacing broken appliances and fixtures with new purchases;
- (e) General property maintenance, including snow removal;
- (f) Conducting fire code compliance work;
- (g) Performing electrical work; and
- (h) Performing plumbing work.

21. Four of the eight units in 3415 Errington are currently occupied. Two tenants are currently in arrears of rent owed to the Receiver. Six of the eight units in 3419 Errington are currently occupied. Two tenants of those tenants are in arrears of rent owed to the Receiver.

22. The City of Greater Sudbury has advised the Receiver that the property tax accounts on the Errington Properties are both significantly in arrears. The Receiver estimates that total arrears will

be approximately \$40,000 for each of the Errington Properties at the time of closing (described in greater detail below).

23. The Receiver engaged Charles Bell REAL to appraise the Errington Properties, which appraised both properties as of January 28, 2020. A copy of the appraisal report for 3415 Errington and 3419 Errington is attached at **Confidential Appendix C and D**, respectively.

24. From February 1, 2020 to March 5, 2020, the Sudbury Brokerage engaged in a sale process that included a social media campaign and advertisement of the listings on several real estate websites, including a standard MLS listing on www.realtor.ca. The publicly listed sale prices for 3415 Errington and 3419 Errington were \$350,000 each. During this period, the Sudbury Brokerage showed 3415 Errington to fifteen (15) prospective purchasers and 3419 Errington to fifteen (15) prospective purchasers, including the current purchaser, 2504897 Ontario Inc. (the “**Errington Purchaser**”).

25. There were no offers to purchase either 3415 Errington or 3419 Errington separately. The Receiver received offers to purchase both of the Errington Properties from three (3) prospective purchasers. From those offers, the Receiver considered the offers from one prospective purchaser to be the best offers because they provided the highest purchase price and the fewest conditions in favour of the purchaser.

26. On March 6, 2020, the Receiver entered into Agreements of Purchase and Sale for each of 3415 Errington (the “**3415 Errington Transaction**”) and 3419 Errington (the “**3419 Errington Transaction**”). Both agreements were conditional on, *inter alia*, the purchaser arranging satisfactory financing within 30 calendar days and on the Receiver obtaining this Court’s approval.

27. On April 6, 2020, the Sudbury Brokerage advised the Receiver that the Errington Purchaser was unable to obtain satisfactory financing to support the initial purchase prices offered for similar Pandemic-related reasons to the 29 Laren Purchaser. The Errington Purchaser proposed reducing the purchase prices for both the 3415 Errington Transaction and the 3419 Errington Transaction to by approximately 9.1% in exchange for removing the financing conditions.

28. The Receiver reviewed all other offers received during the sale process and noted that the proposed amended sale prices for the Errington Properties were still ~9% greater than the next best offer and their appraisal values. All of the other offers also had similar financing conditions. After further negotiations with the Errington Purchaser, the Receiver accepted the proposed amendment.

29. Copies of the Agreements of Purchase and Sale and corresponding amendments for the 3415 Errington Transaction and the 3419 Errington Transaction are attached at **Confidential Appendices E and F**, respectively. The key terms for both transactions include, *inter alia*:

- (a) Purchase prices over 9% higher than the appraised values;
- (b) No further substantive conditions in favour of the Errington Purchaser;
- (c) Closing dates of May 27, 2020; and
- (d) Deposits of \$25,000.00 for each property, which the Sudbury Brokerage currently holds in trust. The deposits are each payable to the Receiver as liquidated damages should the corresponding transactions not close due to default or failure to perform on the part of the purchaser.

30. The Receiver recommends that this Court approve the 3415 Errington Transaction and the 3419 Errington Transaction because:

- (a) The Receiver selected the Sudbury Brokerage to market and sell the Errington Properties through a competitive selection process, as described in the Seventh Report;
- (b) The Sudbury Brokerage marketed the Errington Properties for sale to the public for over four weeks and showed them to twenty prospective purchasers;
- (c) The final purchase price is over 9% higher than the appraised value of the property and is greater than the two other offers received from prospective purchasers;
- (d) The purchase price is sufficient to discharge the outstanding property tax arrears due to the municipality;
- (e) The purchaser is arm's length from the parties;
- (f) The Errington Purchaser has acknowledged that it is purchasing the Errington Properties on an 'as is' basis;
- (g) The Errington Properties are rental properties with uncertain rental income to cover holding costs and operational costs during and after the Pandemic;
- (h) The Receiver wishes to recoup the funds invested in repairs, renovations, and other holding and operating costs, borrowed from the net proceeds of other Properties via the issuance of Receiver's Certificates, and to preserve the value of the receivership assets by curtailing property management costs;
- (i) The Sudbury Brokerage recommends the 3415 Errington Transaction and the 3419 Errington Transaction; and
- (j) The Receiver is concerned that the Pandemic may make it more difficult to market the Errington Properties in the near future if the sales are not approved.

III. DEBTS SECURED BY 29 LAREN, 3415 ERRINGTON AND 3419 ERRINGTON

31. Each of 29 Laren, 3415 Errington, and 3419 Errington are subject to the following charges against title:

- (a) The Receiver's Charge (as defined in the March order) securing the fees and disbursements of the Receiver and its counsel;
- (b) The Receiver's Borrowing Charge (as defined in the March Order) securing amounts that the Receiver has borrowed pursuant to the March Order from the net proceeds of other Properties;
- (c) Certain mortgages (described below); and
- (d) Tax Arrears Certificates filed by the City of Greater Sudbury (described below).

A. 29 Laren*Mortgages*

32. There are three mortgages registered on title to 29 Laren:

- (a) A first position mortgage charge registered in favour of Tanya, with a face value of \$800,000.00;
 - (b) A second position mortgage charge registered in favour of 146 Whittaker Street Inc. (a corporate Debtor), for \$210,000; and
 - (c) A third position mortgage in favour of Adroit Advocates, LLC, a Colorado Limited Liability Company, and DBA Klenda Gessler & Blue LLC (collectively "**Adroit**").
- As noted in the Seventh Report, the Receiver understands that this firm represents the Hutchens in respect of the Colorado proceeding. It has registered \$2 million charges against six Properties.

33. The mortgage on 29 Laren in favour of Tanya is a mortgage that she assumed from the Bank of Montreal on or about March 24, 2016. Tanya asserts that she assumed this mortgage in trust for her children. She has produced a corresponding trust agreement that refers in its preamble to her having paid \$597,180.53 to the Bank of Montreal in exchange its interest in the mortgage. The Applicants challenge the validity of these trusts, which is to be determined on a motion in this proceeding currently scheduled to be heard June 18, 2020.

34. Tanya and Sandy are both directors of the second position mortgagee, 146 Whittaker Street Inc. That company registered a mortgage in 2010, approximately 20 months after 29 Laren Street Inc. acquired the Property. It postponed its mortgage in favour of the Bank of Montreal's at the time the latter mortgage was registered in 2012.

35. The Receiver does not recommend making any distribution on account of these mortgages pending a determination of their validity and the validity of any related trust claims.

Property Taxes

36. 29 Laren appears to have one tax roll account with the City of Greater Sudbury. Its annual property tax levy in 2019 was \$24,755.41. Notwithstanding the stay of proceedings against the property of the Debtors, on or about November 15, 2019, the City of Greater Sudbury registered a Tax Arrears Certificate, pursuant to the *Municipal Act, 2001*, on title to 29 Laren for municipal tax arrears owing as at December 31, 2018. A copy of the Notice of Registration of Tax Arrears Certificate is attached at **Appendix 3**.

37. Based on information from the City of Greater Sudbury, the Receiver estimates that, including arrears and 2020 interim tax levies, the outstanding municipal tax payable on 29 Laren at the time of closing will be approximately \$120,000.00, including arrears, penalties and interest.

B. 3415 and 3419 Errington*Mortgages*

38. On title to 3415 Errington, there is a first position mortgage charge registered in favour of Dina Brik (Tanya's mother) for \$150,000 and a second position mortgage in favour of Adroit for the aforementioned \$2 million charge.

39. On title to 3419 Errington, there is a first position mortgage charge registered in favour of Dina Brik for \$150,000 and a second position mortgage in favour of Adroit for the aforementioned \$2 million charge.

40. The Receiver has not received any documentation in respect of the mortgage charges in favour of Dina Brik.

41. The Receiver does not recommend making any distribution on account of these mortgages pending a determination of their validity.

Property Taxes

42. 3415 Errington has one tax roll account with the City of Greater Sudbury. Its annual property tax levy in 2019 was \$7,955.58. Notwithstanding the stay of proceedings against the property of the Debtors, on or about December 23, 2019, the City of Greater Sudbury registered a Tax Arrears Certificate, pursuant to the *Municipal Act, 2001*, on title to 3415 Errington for municipal tax arrears owing as at December 31, 2018. A copy of the Notice of Registration of Tax Arrears Certificate is attached at **Appendix 4**.

43. Based on information from the City of Greater Sudbury, the Receiver estimates that, including arrears and 2020 interim tax levies, the outstanding municipal tax payable on 3415

Errington at the time of closing will be approximately \$40,000.00, including arrears, penalties and interest.

44. 3419 Errington has one tax roll account with the City of Greater Sudbury. Its annual property tax levy in 2019 was \$7,955.58. Notwithstanding the stay of proceedings against the property of the Debtors, on or about November 15, 2019, the City of Greater Sudbury registered a Tax Arrears Certificate, pursuant to the *Municipal Act, 2001*, on title to 3419 Errington for municipal tax arrears owing as at December 31, 2018. A copy of the Notice of Registration of Tax Arrears Certificate is attached at **Appendix 5**.

45. Based on information from the City of Greater Sudbury, the Receiver estimates that, including arrears and 2020 interim tax levies, the outstanding municipal tax payable on 3419 Errington at the time of closing will be approximately \$40,000.00, including arrears, penalties and interest.

IV. PROPOSED DISTRIBUTIONS

46. As detailed in the preceding section, the Receiver proposes to distribute the proceeds from the Eighth Report Sale Transactions to pay any amounts due to the municipality of Greater Sudbury in respect of outstanding property taxes, pro-rated to the closing date, or alternatively to adjust the purchase price to account for the pro-rated amount due by the Debtors, as may be agreed between the Receiver and respective purchasers. The Receiver will hold the remaining funds in trust pending the resolution of the Debtors' trust and/or mortgage claims, Dina Brik's mortgage claims, and Adroit's claim, other than application to amounts secured by the Receiver's Charge and Receiver's Borrowing Charge.

V. SEALING ORDER

47. Confidential Appendices A and B contain information disclosing the appraised value and agreed sale price of 29 Laren. Confidential Appendices C and E contain information disclosing the appraised value and agreed sale price of 3415 Errington. Confidential Appendices D and F contain information disclosing the appraised value and agreed sale price of 3419 Errington. The Receiver expects that disclosure of this information prior to the closing of the Eighth Report Sale Transactions may prejudice its negotiating position in the sale processes for these properties that would be required if these transactions are not approved or do not close for any reason. It therefore seeks an order sealing these confidential appendices pending the filing of Receiver's certificates following closing of the transactions.

VI. RECOMMENDED ORDERS

48. Based on the foregoing, the Receiver respectfully recommends that this Court make the orders noted in paragraph 1 of this Eighth Report, in addition to the orders noted in the Seventh Report.

All of which is respectfully submitted this 22nd day of April, 2020.

**A. FARBER & PARTNERS INC.
IN ITS CAPACITY AS COURT APPOINTED
INTERIM RECEIVER OF HUTCHENS *ET AL.*
AND NOT IN ITS PERSONAL OR CORPORATE CAPACITY.**



STEVENS *et al.*
Applicants

-and-

HUTCHENS *et al.*
Respondents

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at Toronto

EIGHTH REPORT OF THE RECEIVER

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Toronto, ON M5T 1X3

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tliu@naymarklaw.com

Lawyers for the Receiver,
A. Farber & Partners Inc.

TAB 1

Request ID: 023012048
 Transaction ID: 71590968
 Category ID: UN/E

Province of Ontario
 Ministry of Government Services

Date Report Produced: 2019/04/26
 Time Report Produced: 16:53:22
 Page: 1

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Incorporation Date
2141250	29 LAREN STREET INC.	2007/07/04
		Jurisdiction
		ONTARIO
Corporation Type	Corporation Status	Former Jurisdiction
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
Registered Office Address	Date Amalgamated	Amalgamation Ind.
33 THEODORE PLACE	NOT APPLICABLE	NOT APPLICABLE
THORNHILL ONTARIO CANADA L4J 8E2	New Amal. Number	Notice Date
	NOT APPLICABLE	NOT APPLICABLE
Mailing Address		Letter Date
33 THEODORE PLACE		NOT APPLICABLE
THORNHILL ONTARIO CANADA L4J 8E2	Revival Date	Continuation Date
	NOT APPLICABLE	NOT APPLICABLE
	Transferred Out Date	Cancel/Inactive Date
	NOT APPLICABLE	NOT APPLICABLE
	EP Licence Eff.Date	EP Licence Term.Date
	NOT APPLICABLE	NOT APPLICABLE
	Number of Directors	Date Commenced
	Minimum Maximum	in Ontario
	00001 00010	Date Ceased
Activity Classification		in Ontario
NOT AVAILABLE		NOT APPLICABLE

Request ID: 023012048
Transaction ID: 71590968
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2019/04/26
Time Report Produced: 16:53:22
Page: 2

CORPORATION PROFILE REPORT

Ontario Corp Number

2141250

Corporation Name

29 LAREN STREET INC.

Corporate Name History

29 LAREN STREET INC.

Effective Date

2008/06/17

525 KATHLEEN STREET INC.

2007/07/04

Current Business Name(s) Exist:

NO

Expired Business Name(s) Exist:

NO

Administrator:**Name (Individual / Corporation)**

S.
CRAIG
HUTCHENS

Address

47 PICO CRESCENT

THORNHILL
ONTARIO
CANADA L4J 8P4

Date Began

2007/07/04

First Director

YES

Designation

DIRECTOR

Officer Type**Resident Canadian**

Y

Request ID: 023012048
Transaction ID: 71590968
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2019/04/26
Time Report Produced: 16:53:22
Page: 3

CORPORATION PROFILE REPORT

Ontario Corp Number

2141250

Corporation Name

29 LAREN STREET INC.

Administrator:**Name (Individual / Corporation)**

TANYA
HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2

Date Began

2007/07/04

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type**Resident Canadian**

Y

Administrator:**Name (Individual / Corporation)**

TANYA
HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2

Date Began

2007/07/04

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

Request ID: 023012048
Transaction ID: 71590968
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2019/04/26
Time Report Produced: 16:53:22
Page: 4

CORPORATION PROFILE REPORT

Ontario Corp Number

2141250

Corporation Name

29 LAREN STREET INC.

Administrator:**Name (Individual / Corporation)**

TANYA
HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2

Date Began

2007/07/04

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

TREASURER

Resident Canadian

Y

Administrator:**Name (Individual / Corporation)**

TANYA
HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2

Date Began

2011/01/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Y

Request ID: 023012048
Transaction ID: 71590968
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2019/04/26
Time Report Produced: 16:53:22
Page: 5

CORPORATION PROFILE REPORT

Ontario Corp Number

2141250

Corporation Name

29 LAREN STREET INC.

Last Document Recorded

Act/Code	Description	Form	Date
CIA	ANNUAL RETURN 2011	1C	2012/12/08

THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

The issuance of this report in electronic form is authorized by the Director of Companies and Personal Property Security Branch.

TAB 2

Request ID: 024442283
Transaction ID: 75216218
Category ID: UN/E

Province of Ontario
Ministry of Government Services

<137>

Date Report Produced: 2020/04/17
Time Report Produced: 14:34:58
Page: 1

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Incorporation Date
2129974	3415 ERRINGTON AVENUE INC.	2007/03/09
		Jurisdiction
		ONTARIO
Corporation Type	Corporation Status	Former Jurisdiction
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
Registered Office Address	Date Amalgamated	Amalgamation Ind.
33 THEODORE PLACE	NOT APPLICABLE	NOT APPLICABLE
	New Amal. Number	Notice Date
THORNHILL	NOT APPLICABLE	NOT APPLICABLE
ONTARIO		Letter Date
CANADA L4J 8E2		NOT APPLICABLE
Mailing Address	Revival Date	Continuation Date
33 THEODORE PLACE	NOT APPLICABLE	NOT APPLICABLE
	Transferred Out Date	Cancel/Inactive Date
THORNHILL	NOT APPLICABLE	NOT APPLICABLE
ONTARIO		EP Licence Eff.Date
CANADA L4J 8E2		EP Licence Term.Date
	Number of Directors	Date Commenced
	Minimum Maximum	in Ontario
	00001 00010	Date Ceased
Activity Classification		in Ontario
NOT AVAILABLE		NOT APPLICABLE

Request ID: 024442283
Transaction ID: 75216218
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2020/04/17
Time Report Produced: 14:34:58
Page: 2

CORPORATION PROFILE REPORT

Ontario Corp Number

2129974

Corporation Name

3415 ERRINGTON AVENUE INC.

Corporate Name History

3415 ERRINGTON AVENUE INC.

Effective Date

2007/03/09

Current Business Name(s) Exist:

NO

Expired Business Name(s) Exist:

NO

**Administrator:
Name (Individual / Corporation)**

S.
CRAIG
HUTCHENS

Address

47 PICO

CRESCENT
ONTARIO
CANADA L4J 8P4

Date Began

2007/03/09

First Director

YES

Designation

DIRECTOR

Officer Type**Resident Canadian**

Y

Request ID: 024442283
Transaction ID: 75216218
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2020/04/17
Time Report Produced: 14:34:58
Page: 3

CORPORATION PROFILE REPORT

Ontario Corp Number

2129974

Corporation Name

3415 ERRINGTON AVENUE INC.

Administrator:**Name (Individual / Corporation)**

TATIANA
HUTCHENS

Address

47 PICO CRESCENT

THORNHILL
ONTARIO
CANADA L4J 8P4

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type**Resident Canadian**

Y

Administrator:**Name (Individual / Corporation)**

TATIANA
HUTCHENS

Address

47 PICO CRESCENT

THORNHILL
ONTARIO
CANADA L4J 8P4

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

Request ID: 024442283
Transaction ID: 75216218
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2020/04/17
Time Report Produced: 14:34:58
Page: 4

CORPORATION PROFILE REPORT

Ontario Corp Number

2129974

Corporation Name

3415 ERRINGTON AVENUE INC.

Administrator:**Name (Individual / Corporation)**

TATIANA
HUTCHENS

Address

47 PICO CRESCENT

THORNHILL
ONTARIO
CANADA L4J 8P4

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

TREASURER

Resident Canadian

Y

Administrator:**Name (Individual / Corporation)**

TANYA
HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type**Resident Canadian**

Y

Request ID: 024442283
Transaction ID: 75216218
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2020/04/17
Time Report Produced: 14:34:58
Page: 5

CORPORATION PROFILE REPORT

Ontario Corp Number

2129974

Corporation Name

3415 ERRINGTON AVENUE INC.

Administrator:**Name (Individual / Corporation)**

TANYA
HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

Administrator:**Name (Individual / Corporation)**

TANYA
HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

TREASURER

Resident Canadian

Y

Request ID: 024442283
Transaction ID: 75216218
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2020/04/17
Time Report Produced: 14:34:58
Page: 6

CORPORATION PROFILE REPORT

Ontario Corp Number

2129974

Corporation Name

3415 ERRINGTON AVENUE INC.

Administrator:**Name (Individual / Corporation)**

TANYA

HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2

Date Began

2011/01/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Y

Request ID: 024442283
Transaction ID: 75216218
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2020/04/17
Time Report Produced: 14:34:58
Page: 7

CORPORATION PROFILE REPORT

Ontario Corp Number

2129974

Corporation Name

3415 ERRINGTON AVENUE INC.

Last Document Recorded

Act/Code	Description	Form	Date
CIA	ANNUAL RETURN 2011	1C	2012/12/08

THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

The issuance of this report in electronic form is authorized by the Director of Companies and Personal Property Security Branch.

Request ID: 024442298
Transaction ID: 75216246
Category ID: UN/E

Province of Ontario
Ministry of Government Services

<144>

Date Report Produced: 2020/04/17
Time Report Produced: 14:36:47
Page: 1

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Incorporation Date
2129982	3419 ERRINGTON AVENUE INC.	2007/03/09
		Jurisdiction
		ONTARIO
Corporation Type	Corporation Status	Former Jurisdiction
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
Registered Office Address	Date Amalgamated	Amalgamation Ind.
	NOT APPLICABLE	NOT APPLICABLE
33 THEODORE PLACE	New Amal. Number	Notice Date
THORNHILL	NOT APPLICABLE	NOT APPLICABLE
ONTARIO		Letter Date
CANADA L4J 8E2		NOT APPLICABLE
Mailing Address	Revival Date	Continuation Date
	NOT APPLICABLE	NOT APPLICABLE
33 THEODORE PLACE	Transferred Out Date	Cancel/Inactive Date
THORNHILL	NOT APPLICABLE	NOT APPLICABLE
ONTARIO	EP Licence Eff.Date	EP Licence Term.Date
CANADA L4J 8E2	NOT APPLICABLE	NOT APPLICABLE
	Number of Directors	Date Commenced
	Minimum	Maximum
	00001	00010
	NOT APPLICABLE	NOT APPLICABLE
Activity Classification		
NOT AVAILABLE		

Request ID: 024442298
Transaction ID: 75216246
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2020/04/17
Time Report Produced: 14:36:47
Page: 2

CORPORATION PROFILE REPORT

Ontario Corp Number

2129982

Corporation Name

3419 ERRINGTON AVENUE INC.

Corporate Name History

3419 ERRINGTON AVENUE INC.

Effective Date

2007/03/09

Current Business Name(s) Exist:

NO

Expired Business Name(s) Exist:

NO

**Administrator:
Name (Individual / Corporation)**TANYA
HUTCHENS**Address**

47 PICO CRESCENT

THORNHILL
ONTARIO
CANADA L4J 8P4**Date Began**

2007/03/09

First Director

YES

Designation

DIRECTOR

Officer Type**Resident Canadian**

Y

Request ID: 024442298
Transaction ID: 75216246
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2020/04/17
Time Report Produced: 14:36:47
Page: 3

CORPORATION PROFILE REPORT

Ontario Corp Number

2129982

Corporation Name

3419 ERRINGTON AVENUE INC.

Administrator:**Name (Individual / Corporation)**

S.
CRAIG
HUTCHENS

Address

47 PICO CRESCENT

THORNHILL
ONTARIO
CANADA L4J 8P4

Date Began

2007/03/09

First Director

YES

Designation

DIRECTOR

Officer Type**Resident Canadian**

Y

Administrator:**Name (Individual / Corporation)**

TATIANA
HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type**Resident Canadian**

Y

Request ID: 024442298
Transaction ID: 75216246
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2020/04/17
Time Report Produced: 14:36:47
Page: 4

CORPORATION PROFILE REPORT

Ontario Corp Number

2129982

Corporation Name

3419 ERRINGTON AVENUE INC.

Administrator:**Name (Individual / Corporation)**

TATIANA
HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

Administrator:**Name (Individual / Corporation)**

TATIANA
HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2

Date Began

2007/03/09

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

TREASURER

Resident Canadian

Y

Request ID: 024442298
Transaction ID: 75216246
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2020/04/17
Time Report Produced: 14:36:47
Page: 5

CORPORATION PROFILE REPORT

Ontario Corp Number

2129982

Corporation Name

3419 ERRINGTON AVENUE INC.

Administrator:**Name (Individual / Corporation)**

TATIANA
HUTCHENS

Address

33 THEODORE PLACE

THORNHILL
ONTARIO
CANADA L4J 8E2

Date Began

2011/01/01

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Y

Request ID: 024442298
Transaction ID: 75216246
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2020/04/17
Time Report Produced: 14:36:47
Page: 6

CORPORATION PROFILE REPORT

Ontario Corp Number

2129982

Corporation Name

3419 ERRINGTON AVENUE INC.

Last Document Recorded

Act/Code	Description	Form	Date
CIA	ANNUAL RETURN 2011	1C	2012/12/08

THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

The issuance of this report in electronic form is authorized by the Director of Companies and Personal Property Security Branch.

TAB 3

FORM 1
NOTICE OF REGISTRATION
OF TAX ARREARS CERTIFICATE

<151>

Section 374, Municipal Act, 2001

O. Reg. 181/03

File No.: TS 19-318

Roll No.: 240.003.29100.0000

Municipal Address: 29 Laren Street
Wahnapitae, ON P0M 3C0

CITY OF GREATER SUDBURY

TO: 29 Laren Street Inc.
33 Theodore Place
Thornhill, ON L4J 8E2

RE: PIN 73481-0512(LT) Parcel 198, Lot 4, Blk B, Plan M9, Township of Dryden, City of Greater Sudbury

PIN 73481-0493(LT) Parcel 3816, Lot 5-6, Blk B, Plan M9, Township of Dryden, City of Greater Sudbury

PIN 73481-0446 (LT) Parcel 12386, Lot 1-3, Blk B, Plan M9, Township of Dryden, City of Greater Sudbury

PIN 73481-0008(LT) Parcel 12201, Lot 29, Blk B, Plan M9, Part Pine Street Plan M9, Part Lane Plan M9, (Now Closed) Parts 3-5, 53R9050, Save and Excepting Therefrom the Canadian Pacific Railway Company Property, & that Portion of the Wahnapitae River, Township of Dryden, City of Greater Sudbury

PIN 73481-0006(LT) Parcel 12115, Lot 30, Blk B, Plan M9, Township of Dryden, City of Greater Sudbury


PIN 73481-0001(LT) Parcel 12042, Part Lot 31, Blk B, Plan M9, & Part Lot 32, Blk B, Plan M9, as in LT67718, Part Lot 33, Plan M9, being Part 1 on 53R6459, Township of Dryden, City of Greater Sudbury

1. A tax arrears certificate, a copy of which is attached, was registered on December 23, 2019, against the title to the land to which the certificate applies as Instrument No. SD389766.
2. If you are a person entitled under the *Municipal Act, 2001* to receive this notice and you pay the cancellation price, you will, if you are not the owner or the spouse of the owner of the land, have a lien on the land for the amount paid in priority over the interest of any other person to whom notice is sent under that *Act*. Note: Under the provisions of the *Municipal Act, 2001*, partial payments or post dated cheques are not permitted. No payment should be made without first contacting the municipality.
3. If, at the end of the one-year period following the date of the registration of the tax arrears certificate, the cancellation price remains unpaid and there is no subsisting extension agreement, the land will be sold by public sale.
4. The treasurer has no obligation to inquire into or form any opinion of the value of the land before conducting a sale under the *Municipal Act, 2001* and the treasurer is not under any duty to obtain the highest or best price for the land.
5. You may claim entitlement to a share in the proceeds of the sale of the land by applying to the Superior Court of Justice within one year of the payment into court by the treasurer of the proceeds of sale minus the cancellation price.
6. If there is no successful purchaser at the public sale, the land, upon the registration of a notice of vesting will vest in the municipality (or board).

Inquiries related to the matters set out in this notice may be directed to:

Kyla Bell
Manager of Taxation
705-674-4455, extension 2538
City of Greater Sudbury
P.O. Box 5555, Station A, Sudbury, ON P3A 4S2

Dated at the City of Greater Sudbury, this 24th day of January, 2020.



Kyla Bell
Manager of Taxation

NOTE: This document need not be registered.

Properties

PIN

73481 - 0512 LT

Description

PCL 198 SEC SES; LT 4 BLK B PL M9 DRYDEN; GREATER SUDBURY

Address

29 LAREN STREET
SUDBURY

PIN

73481 - 0493 LT

Description

PCL 3816 SEC SES; LT 5-6 BLK B PL M9 DRYDEN; S/T LT567345; GREATER SUDBURY

Address

29 LAREN STREET
SUDBURY

PIN

73481 - 0446 LT

Description

PCL 12386 SEC SES; LT 1-3 BLK B PL M9 DRYDEN; GREATER SUDBURY

Address

29 LAREN STREET
SUDBURY

PIN

73481 - 0008 LT

Description

PCL 12201 SEC SES; LT 29 BLK B PL M9 DRYDEN; PT PINE ST PL M9 DRYDEN; PT LANE PL PL M9 DRYDEN (NOW CLOSED) PARTS 3-5, 53R9050 SAVE & EXCEPTING THEREFROM THE CANADIAN PACIFIC RAILWAY COMPANY PROPERTY, & THAT PORTION OF THE WAHNAPITAE RIVER.; S/T LT567345; GREATER SUDBURY

Address

29 LAREN STREET
SUDBURY

PIN

73481 - 0006 LT

Description

PCL 12115 SEC SES; LT 30 BLK B PL M9 DRYDEN; GREATER SUDBURY

Address

29 LAREN STREET
SUDBURY

PIN

73481 - 0001 LT

Description

PCL 12042 SEC SES; PT LT 31 BLK B PL M9 DRYDEN & PT LT 32 BLK B PL M9 DRYDEN AS IN LT67718; PT LT 33 PL M9 DRYDEN PT 1 53R6459; GREATER SUDBURY

Address

29 LAREN STREET
SUDBURY

Party From(s)

Name

CITY OF GREATER SUDBURY

Address for Service

P.O. Box 5555, Station A
Sudbury, ON P3A 4S2

This document is not authorized under Power of Attorney by this party.

This document is being authorized by a municipal corporation City of Greater Sudbury, by its Manager of Taxation, Kyla Bell.

Statements

Schedule: See Schedules

Signed By

Carolyn Alice Dawe

PO Box 5000, 200 Brady St.
Sudbury
P3A 5P3

acting for
Party From(s)

Signed 2019 12 23

Tel

705-674-4455

Fax

705-673-1651

I have the authority to sign and register the document on behalf of the Party From(s).

Submitted By

CITY OF GREATER SUDBURY

PO Box 5000, 200 Brady St.
Sudbury
P3A 5P3

2019 12 23

Tel

705-674-4455

Fax

705-673-1651

Fees/Taxes/Payment

Statutory Registration Fee

\$65.05

\$65.05

TAC 19-318

File No: TS 19-318
 Roll No: 240.003.29100.0000
 Address: 29 Laren Street
 Wahnapiatae, ON P0M 3C0
 Legal Description: PIN 73481-0512(LT) Parcel 198, Lot 4, Blk B, Plan M9, Township of Dryden, City of Greater Sudbury
 PIN 73481-0493(LT) Parcel 3816, Lot 5-6, Blk B, Plan M9, Township of Dryden, City of Greater Sudbury
 PIN 73481-0446 (LT) Parcel 12386, Lot 1-3, Blk B, Plan M9, Township of Dryden, City of Greater Sudbury
 PIN 73481-0008(LT) Parcel 12201, Lot 29, Blk B, Plan M9, Part Pine Street Plan M9, Part Lane Plan M9, (Now Closed) Parts 3-5, 53R9050, Save and Excepting Therefrom the Canadian Pacific Railway Company Property, & that Portion of the Wahnapiatae River, Township of Dryden, City of Greater Sudbury
 PIN 73481-0006(LT) Parcel 12115, Lot 30, Blk B, Plan M9, Township of Dryden, City of Greater Sudbury
 PIN 73481-0001(LT) Parcel 12042, Part Lot 31, Blk B, Plan M9, & Part Lot 32, Blk B, Plan M9, as in LT67718, Part Lot 33, Plan M9, being Part 1 on 53R6459, Township of Dryden, City of Greater Sudbury

TAX ARREARS CERTIFICATE
MUNICIPAL ACT, 2001

On December 19, 2019, I, Kyla Bell, Manager of Taxation of the City of Greater Sudbury hereby certify that all or part of tax arrears in the amount of **\$58,113.71** were owing on **December 31, 2018** and at least part of such amount **plus any additional real property taxes and costs** is still owing to the **City of Greater Sudbury** and that the land described in this document will be sold by public sale if the cancellation price is not paid within one year following the date of registration of this document.

Notes:

- A. The time period for paying the cancellation price may be extended if, before the expiry of the one-year period, the municipality or board authorizes an extension agreement with any owner of the land, the spouse of any owner, any mortgagee, any tenant in occupation of the land or any person the treasurer is satisfied has an interest in the land.
- B. The cancellation price will be calculated as of the date that the amount of the tax arrears are paid to the municipality or board and will be higher than the amount set out above.
- C. If there is no successful purchaser at the public sale, the land, upon registration of a notice of vesting, will vest in the municipality or board.
- D. Any inquiries relating to this matter may be directed to:

Kyla Bell
Manager of Taxation
 705-674-4455, extension 2538
City of Greater Sudbury
 P.O. Box 5555, Station A
 Sudbury, ON P3A 4S2

TAB 4

FORM 1
NOTICE OF REGISTRATION
OF TAX ARREARS CERTIFICATE

Section 374, Municipal Act, 2001
O. Reg. 181/03

File No.: TS 19-209

Roll No.: 160.007.10300.0000

Municipal Address: 3415 Errington Avenue
 Chelmsford, ON P0M 1L0

CITY OF GREATER SUDBURY

TO: A. Farber & Partners Inc.
 Receiver of Hutchens et al.
 150 York Street, Suite 1600
 Toronto, ON M5H 3S5

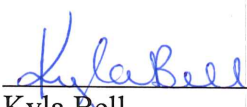
RE: PIN 73349-1569 (LT) Parcel 10618, Lot 215, Block 6, Plan M91, Balfour, City of Greater Sudbury

1. A tax arrears certificate, a copy of which is attached, was registered on November 19, 2019, against the title to the land to which the certificate applies as Instrument No. SD387308.
2. If you are a person entitled under the *Municipal Act, 2001* to receive this notice and you pay the cancellation price, you will, if you are not the owner or the spouse of the owner of the land, have a lien on the land for the amount paid in priority over the interest of any other person to whom notice is sent under that *Act*. Note: Under the provisions of the *Municipal Act, 2001*, partial payments or post dated cheques are not permitted. No payment should be made without first contacting the municipality.
3. If, at the end of the one-year period following the date of the registration of the tax arrears certificate, the cancellation price remains unpaid and there is no subsisting extension agreement, the land will be sold by public sale.
4. The treasurer has no obligation to inquire into or form any opinion of the value of the land before conducting a sale under the *Municipal Act, 2001* and the treasurer is not under any duty to obtain the highest or best price for the land.
5. You may claim entitlement to a share in the proceeds of the sale of the land by applying to the Superior Court of Justice within one year of the payment into court by the treasurer of the proceeds of sale minus the cancellation price.
6. If there is no successful purchaser at the public sale, the land, upon the registration of a notice of vesting will vest in the municipality (or board).

Inquiries related to the matters set out in this notice may be directed to:

Kyla Bell
Manager of Taxation
 705-674-4455, extension 2538
 City of Greater Sudbury
 P.O. Box 5555, Station A, Sudbury, ON P3A 4S2

Dated at the City of Greater Sudbury, this 10th day of December, 2019.



 Kyla Bell
 Manager of Taxation

NOTE: This document need not be registered.

Properties

PIN 73349 - 1569 LT
Description PCL 10618 SEC SWS; LT 215 BLK 6 PL M91 BALFOUR; GREATER SUDBURY
Address 3415 ERRINGTON AVENUE
 CHELMSFORD

Party From(s)

Name CITY OF GREATER SUDBURY
Address for Service P.O. Box 5555, Station A
 Sudbury, ON P3A 4S2
This document is not authorized under Power of Attorney by this party.
This document is being authorized by a municipal corporation City of Greater Sudbury, by its Manager of Taxation, Kyla Bell.

Statements

Schedule: See Schedules

Signed By

Carolyn Alice Dawe	PO Box 5000, 200 Brady St. Sudbury P3A 5P3	acting for Party From(s)	Signed	2019 11 15
--------------------	--	-----------------------------	--------	------------

Tel 705-674-4455
Fax 705-673-1651
I have the authority to sign and register the document on behalf of the Party From(s).

Submitted By

CITY OF GREATER SUDBURY	PO Box 5000, 200 Brady St. Sudbury P3A 5P3	2019 11 19
-------------------------	--	------------

Tel 705-674-4455
Fax 705-673-1651

Fees/Taxes/Payment

Statutory Registration Fee	\$65.05
Total Paid	\$65.05

File Number

Party From Client File Number : TS 19-209

PAGE 2 OF 2

File No: TS 19-209
Roll No: 160.007.10300.0000
Address: 3415 Errington Avenue
Chelmsford, ON P0M 1L0
Legal Description: PIN 73349-1569 (LT) Parcel 10618, Lot 215, Block 6, Plan M91, Balfour,
City of Greater Sudbury

TAX ARREARS CERTIFICATE
MUNICIPAL ACT, 2001

On November 7, 2019, I, Kyla Bell, Manager of Taxation of the City of Greater Sudbury hereby certify that all or part of tax arrears in the amount of **\$17,097.98** were owing **on December 31, 2018** and at least part of such amount **plus any additional real property taxes and costs** is still owing to the **City of Greater Sudbury** and that the land described in this document will be sold by public sale if the cancellation price is not paid within one year following the date of registration of this document.

Notes:

- A. The time period for paying the cancellation price may be extended if, before the expiry of the one-year period, the municipality or board authorizes an extension agreement with any owner of the land, the spouse of any owner, any mortgagee, any tenant in occupation of the land or any person the treasurer is satisfied has an interest in the land.
- B. The cancellation price will be calculated as of the date that the amount of the tax arrears are paid to the municipality or board and will be higher than the amount set out above.
- C. If there is no successful purchaser at the public sale, the land, upon registration of a notice of vesting, will vest in the municipality or board.
- D. Any inquiries relating to this matter may be directed to:

Kyla Bell
Manager of Taxation
705-674-4455, extension 2538
City of Greater Sudbury
P.O. Box 5555, Station A
Sudbury, ON P3A 4S2

Properties

PIN	73349 - 1569	LT	Interest/Estate	Fee Simple
Description	PCL 10618 SEC SWS; LT 215 BLK 6 PL M91 BALFOUR; GREATER SUDBURY			
Address	3415 ERRINGTON AVENUE SUDBURY			
PIN	73349 - 0720	LT	Interest/Estate	Fee Simple
Description	PCL 21629 SEC SWS; LT 222 BLK 6 PL M91 BALFOUR; GREATER SUDBURY			
Address	3419 ERRINGTON AVENUE SUDBURY			

Party From(s)

Name	ONTARIO SUPERIOR COURT OF JUSTICE
Address for Service	361 UNIVERSITY AVE. TORONTO, ON.

Applicant(s)	Capacity	Share
--------------	----------	-------

Name	STEVENS, GARY
Address for Service	c/o Necpal Litigation Professional Corporation 171 John St. Suite 101 Toronto, ON. M5T 1X3
Name	STEVENS, LINDA
Address for Service	c/o Necpal Litigation Professional Corporation 171 John St. Suite 101 Toronto, ON. M5T 1X3
Name	1174365 ALBERTA LTD.
Address for Service	c/o Necpal Litigation Professional Corporation 171 John St. Suite 101 Toronto, ON. M5T 1X3

Statements

The applicant applies to register the following order See Schedules. The order is still in full force and effect

Signed By

Jean Jerome Cusmariu	1310 Dundas Street West Toronto M6J 1Y1	acting for Applicant(s)	Signed	2019 03 28
----------------------	---	----------------------------	--------	------------

Tel 416-533-1173

Fax 416-533-0761

I have the authority to sign and register the document on behalf of the Applicant(s).

Submitted By

J CUSMARIU LAW OFFICE	1310 Dundas Street West Toronto M6J 1Y1	2019 03 28
-----------------------	---	------------

Tel 416-533-1173

Fax 416-533-0761

Fees/Taxes/Payment

Statutory Registration Fee	\$64.40
Total Paid	\$64.40

TAB 5

FORM 1
NOTICE OF REGISTRATION
OF TAX ARREARS CERTIFICATE

Section 374, Municipal Act, 2001
O. Reg. 181/03

File No.: TS 19-208

Roll No.: 160.007.10200.0000

Municipal Address: 3419 Errington Avenue
 Chelmsford, ON P0M 1L0

CITY OF GREATER SUDBURY

TO: A. Farber & Partners Inc.
 Receiver of Hutchens et al.
 150 York Street, Suite 1600
 Toronto, ON M5H 3S5

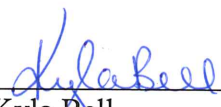
RE: PIN 73349-0720 (LT) Parcel 21629, Lot 222, Block 6, Plan M91, City of Greater Sudbury

1. A tax arrears certificate, a copy of which is attached, was registered on November 19, 2019, against the title to the land to which the certificate applies as Instrument No. SD387307.
2. If you are a person entitled under the *Municipal Act, 2001* to receive this notice and you pay the cancellation price, you will, if you are not the owner or the spouse of the owner of the land, have a lien on the land for the amount paid in priority over the interest of any other person to whom notice is sent under that *Act*. Note: Under the provisions of the *Municipal Act, 2001*, partial payments or post dated cheques are not permitted. No payment should be made without first contacting the municipality.
3. If, at the end of the one-year period following the date of the registration of the tax arrears certificate, the cancellation price remains unpaid and there is no subsisting extension agreement, the land will be sold by public sale.
4. The treasurer has no obligation to inquire into or form any opinion of the value of the land before conducting a sale under the *Municipal Act, 2001* and the treasurer is not under any duty to obtain the highest or best price for the land.
5. You may claim entitlement to a share in the proceeds of the sale of the land by applying to the Superior Court of Justice within one year of the payment into court by the treasurer of the proceeds of sale minus the cancellation price.
6. If there is no successful purchaser at the public sale, the land, upon the registration of a notice of vesting will vest in the municipality (or board).

Inquiries related to the matters set out in this notice may be directed to:

Kyla Bell
Manager of Taxation
 705-674-4455, extension 2538
 City of Greater Sudbury
 P.O. Box 5555, Station A, Sudbury, ON P3A 4S2

Dated at the City of Greater Sudbury, this 10th day of December, 2019.



 Kyla Bell
 Manager of Taxation

NOTE: This document need not be registered.

LRO # 53 **Certificate**

Received as SD387307 on 2019 11 19 at 14:25

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of 2

Properties

PIN 73349 - 0720 LT
Description PCL 21629 SEC SWS; LT 222 BLK 6 PL M91 BALFOUR; GREATER SUDBURY
Address 3419 ERRINGTON AVENUE
 CHELMSFORD

Party From(s)

Name CITY OF GREATER SUDBURY
Address for Service P.O. Box 5555, Station A
 Sudbury, ON P3A 4S2

This document is not authorized under Power of Attorney by this party.
This document is being authorized by a municipal corporation City of Greater Sudbury, by its Manager of Taxation, Kyla Bell.

Statements

Schedule: See Schedules

Signed By

Carolyn Alice Dawe	PO Box 5000, 200 Brady St. Sudbury P3A 5P3	acting for Party From(s)	Signed	2019 11 15
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Tel 705-674-4455
Fax 705-673-1651
I have the authority to sign and register the document on behalf of the Party From(s).

Submitted By

CITY OF GREATER SUDBURY	PO Box 5000, 200 Brady St. Sudbury P3A 5P3	2019 11 19
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Tel 705-674-4455
Fax 705-673-1651

Fees/Taxes/Payment

Statutory Registration Fee	\$65.05
Total Paid	\$65.05

File Number

Party From Client File Number : TS 19-208

File No: TS 19-208
Roll No: 160.007.10200.0000
Address: 3419 Errington Avenue
Chelmsford, ON P0M 1L0

Legal Description: PIN 73349-0720 (LT) Parcel 21629, Lot 222, Block 6, Plan M91, City of Greater Sudbury

TAX ARREARS CERTIFICATE
MUNICIPAL ACT, 2001

On November 7, 2019, I, Kyla Bell, Manager of Taxation of the City of Greater Sudbury hereby certify that all or part of tax arrears in the amount of **\$17,097.98** were owing on **December 31, 2018** and at least part of such amount **plus any additional real property taxes and costs** is still owing to the **City of Greater Sudbury** and that the land described in this document will be sold by public sale if the cancellation price is not paid within one year following the date of registration of this document.

Notes:

- A. The time period for paying the cancellation price may be extended if, before the expiry of the one-year period, the municipality or board authorizes an extension agreement with any owner of the land, the spouse of any owner, any mortgagee, any tenant in occupation of the land or any person the treasurer is satisfied has an interest in the land.
- B. The cancellation price will be calculated as of the date that the amount of the tax arrears are paid to the municipality or board and will be higher than the amount set out above.
- C. If there is no successful purchaser at the public sale, the land, upon registration of a notice of vesting, will vest in the municipality or board.
- D. Any inquiries relating to this matter may be directed to:

Kyla Bell
Manager of Taxation
705-674-4455, extension 2538
City of Greater Sudbury
P.O. Box 5555, Station A
Sudbury, ON P3A 4S2

Properties				
PIN	73349 - 1569	LT	Interest/Estate	Fee Simple
Description	PCL 10618 SEC SWS; LT 215 BLK 6 PL M91 BALFOUR; GREATER SUDBURY			
Address	3415 ERRINGTON AVENUE SUDBURY			
PIN	73349 - 0720	LT	Interest/Estate	Fee Simple
Description	PCL 21629 SEC SWS; LT 222 BLK 6 PL M91 BALFOUR; GREATER SUDBURY			
Address	3419 ERRINGTON AVENUE SUDBURY			

Party From(s)	
Name	ONTARIO SUPERIOR COURT OF JUSTICE
Address for Service	361 UNIVERSITY AVE. TORONTO, ON.

Applicant(s)	Capacity	Share
Name	STEVENS, GARY	
Address for Service	c/o Necpal Litigation Professional Corporation 171 John St. Suite 101 Toronto, ON. M5T 1X3	
Name	STEVENS, LINDA	
Address for Service	c/o Necpal Litigation Professional Corporation 171 John St. Suite 101 Toronto, ON. M5T 1X3	
Name	1174365 ALBERTA LTD.	
Address for Service	c/o Necpal Litigation Professional Corporation 171 John St. Suite 101 Toronto, ON. M5T 1X3	

Statements
The applicant applies to register the following order See Schedules. The order is still in full force and effect

Signed By				
Jean Jerome Cusmariu	1310 Dundas Street West Toronto M6J 1Y1	acting for Applicant(s)	Signed	2019 03 28
Tel	416-533-1173			
Fax	416-533-0761			
I have the authority to sign and register the document on behalf of the Applicant(s).				

Submitted By		
J CUSMARIU LAW OFFICE	1310 Dundas Street West Toronto M6J 1Y1	2019 03 28
Tel	416-533-1173	
Fax	416-533-0761	

Fees/Taxes/Payment	
Statutory Registration Fee	\$64.40
Total Paid	\$64.40

STEVENS *et al.*
Applicants

-and-

HUTCHENS *et al.*
Respondents

Court File No. CV-18-608271-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

Proceeding commenced at Toronto

**MOTION RECORD OF THE RECEIVER
(Motion returnable on a date to be set)**

NAYMARK LAW
171 John Street, Suite 101
Toronto, ON M5T 1X3

Daniel Z. Naymark LSO#: 56889G
Tel: (416) 640-6078
Fax: (647) 660-5060
dnaymark@naymarklaw.com

Terrence Liu LSO#: 64130M
Tel: (416) 640-2256
Fax: (647) 660-5060
tliu@naymarklaw.com

Lawyers for the Receiver,
A. Farber & Partners Inc.