

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) TUESDAY, THE 18th
)
JUSTICE MACLEOD) DAY OF OCTOBER, 2017

IN THE MATTER OF AN APPLICATION

pursuant to section 47(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 as am., section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 and the *Personal Property Security Act*, R.S.O. c. P.10

BETWEEN:

**DAVINCI CAPITAL PARTNERS INC. IN ITS CAPACITY AS TRUSTEE OF
DAVINCI CAPITAL PRIVATE DEBT FUND**

Applicant

-and-

9584358 CANADA LTD. o/a EASTWAY FIRE AND RESCUE

Respondent

ORDER

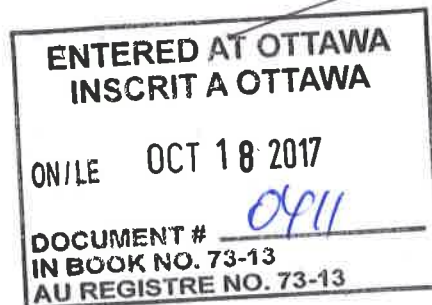
THIS MOTION, made by Link & Associates Inc. (the “**Receiver**”) in its capacity as Interim Receiver of the Respondent 9584358 Canada Ltd. o/a Eastway Fire and Rescue (the “**Debtor**”) for an Order amending the Order appointing it as Interim Receiver, dated June 23, 2017 (the “**Appointment Order**”) and the Order of Justice MacLeod dated July 11, 2017 (the “**Amending Order**”) and for such further and other relief as set out in the Notice of Motion dated October 12, 2017, was heard this day at 161 Elgin Street, Ottawa, Ontario.

ON READING the Notice of Motion of the Receiver and the Second Report of the Receiver dated October 11, 2017 (the “**Second Report**”), and on hearing the submissions of counsel for Receiver, no one appearing for the Respondent,

1. **THIS COURT ORDERS** that the time for and method of service of the Notice of Motion and the Second Report are hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that the Second Report is hereby accepted and approved and the Receiver's activities as set out in the Second Report be and are hereby approved.
3. **THIS COURT ORDERS** that the Interim Statement of Receipts and Disbursements of the Interim Receiver be and are hereby approved.
4. **THIS COURT ORDERS** and hereby authorizes the Receiver to make payments to the Applicant up to the amount of its secured debt, when in the discretion of the Receiver it has sufficient surplus funds to do so.
5. **THIS COURT ORDERS** that the fees of: a) the Receiver totalling \$72,803.85, which includes professional fees of the Receiver of \$57,600 plus disbursements of \$6,852.98 and HST of \$8,350; and b) its legal counsel Regent Law Professional Corporation totalling \$12,480.85, which includes professional fees of \$11,045 up to and including the attendance of this motion, plus HST of \$1,435.85 and Spark LLP of Toronto for a total of \$4,225.90, which consists of \$3,172.00 in fees, \$575.10 in disbursements, and \$478.80 in HST, as set out in the Second Report and supporting affidavits, filed, be and are hereby approved.
6. **THIS COURT ORDERS** that, until further order of this Court Confidential Exhibits A and B to the Second Report shall be sealed by this Court, kept confidential and not form part of the public record, but rather shall be placed separate and apart from all other contents of the Court file, in a sealed envelope attached to a notice that sets out the title of these proceedings and a statement that the contents are subject to a sealing order.
7. **THIS COURT ORDERS** that the Appointment Order shall be and is hereby amended as follows:
 - (a) The following word deleted from the title of the Order Appointing Interim Receiver: "Interim".

- (b) The following word added to the title of proceedings after the operating style of the Respondent Eastway Fire and Rescue: "Vehicles".
- (c) **Paragraph 2** (and by extension, paragraph 3 of the Amending Order) deleted and replaced with the following: "THIS COURT ORDERS that pursuant to section 101 of the *Courts of Justice Act*, R.S.O. c. C. 43 ("CJA") and within the meaning of subsection 243(2) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 ("BIA"), Link & Associates Inc. is hereby appointed Receiver, without security, of all of the assets, undertakings and properties of every nature and kind whatsoever, and wherever located, including all proceeds thereof, acquired for, or used in relation to the business carried on by the Debtor (collectively the "Property")."
- (d) The following powers be added to **Paragraph 3** under the heading "RECEIVER'S POWERS":
- (i) "q) to file an assignment in bankruptcy of the Debtor, or to consent to a bankruptcy order against the Debtor."
- (e) The following new paragraph be added as **Paragraph 27**: "THIS COURT ORDERS that nothing in this Order shall prevent the Receiver from acting as a trustee in bankruptcy of the Respondent."


MR. JUSTICE C. MACLEOD



DAVINCI CAPITAL PARTNERS INC. et al
Applicants

-and- **9584358 CANADA INC. o/a EASTWAY FIRE AND RESCUE**
Respondents

Court File No. 17-73088

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
OTTAWA

AMENDING ORDER

REGENT LAW PROFESSIONAL CORPORATION
1401-150
Metcalfe Street
Ottawa, ON
K2P 1P1

Justin R. Fogarty, LSUC # 29488G
Jason Dutrizac, LSUC #50004T
Ryan E. Flewelling, LSUC #49009W

Tel: 613.319.9997
Fax: 416.943.6270

Lawyers for the Applicant

RCP-E 4C (July 1, 2007)