

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.
JUSTICE PATTILLO

)
)
)

THURSDAY, THE 28TH
DAY OF AUGUST, 2014

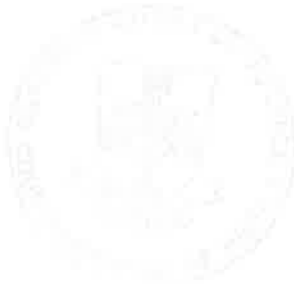
HSBC BANK CANADA

Applicant

and

MAHVASH LECHIER-KIMEL

Respondent



ORDER

THIS MOTION, made by Zeifman Partners Inc. in its capacity as Receiver (in such capacity, the “**Receiver**”) of the real property known municipally as 40 Park Lane Circle, Toronto, Ontario, as well as the personal property associated therewith (collectively the “**Property**”) owned by the Respondent, Mahvash Lechier-Kimel, was heard this day at the court house, 330 University Avenue, Toronto, Ontario.

ON READING the the Motion Record, Fifth Report of the Receiver and the Supplement to the Fifth Report of the Receiver, filed, and upon hearing submissions of counsel for the Receiver, Dr. Morris Goldfinger, and Concierge Auctions LLC, no one else attending,

1. THIS COURT ORDERS that the Receiver shall be authorized and directed to engage an appropriate independent third-party (the "Mould Expert") to perform intrusive testing for mould at the Property, and to provide a written report (the "Mould Report") to the Receiver setting out:


- (a) Its observations, measurements and conclusions with respect to whether or not mould is present at the Property;
- (b) Whether the presence of any mould at the Property can be related to a particular incident or cause, and its observations, measurements and conclusions in those regards;
- (c) Whether the source and timing of origination of any mould found at the Property was determined, and its observations, measurements and conclusions in those regards; and
- (d) In the event mould is found, its recommendations including any remediation steps, as well as an estimate of costs.

2. THIS COURT ORDERS that the Receiver shall be authorized but not directed to engage appropriate personnel to proceed with the remediation of any mould issues identified by the Mould Expert, and for greater certainty the remediation may be completed by the Mould Expert or any other person satisfactory to the Receiver.

3. THIS COURT ORDERS AND DIRECTS that except as otherwise provided herein, any additional written materials in connection with the Motion shall be filed by September 15, 2014, provided that the Receiver shall file the Mould Report as soon as is reasonably practical upon receiving the Mould Report from the Mould Expert.

4. THIS COURT ORDERS AND DIRECTS that cross-examinations shall be completed by no later than September 26, 2014 or as may otherwise be agreed by the parties.
5. THIS COURT ORDERS AND DIRECTS that parties shall make all reasonable efforts to conduct a mediation of the issues on or before November 15, 2014.
6. THIS COURT ORDERS AND DIRECTS that the Motion is adjourned and is set down for a hearing on December 19, 2014 (3 hours), on a peremptory basis, and factums shall be served and filed (i) by the Receiver no less than ten (10) days in advance of the hearing date, and (ii) by all other parties no less than seven (7) days in advance.
7. THIS COURT ORDERS AND DIRECTS that the costs of the attendance herein and the costs related to the activities described herein, including but not limited to the testing and remediation shall be reserved to the judge hearing the Motion.

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO.
LE / DANS LE REGISTRE NO. 1

 AUG 29 2014



(Signature of Court Officer)

HSBC BANK CANADA
Applicant

-and-

MAHVASH LECHIER-KIMEL
Respondent

Court File No. CV-13-9989-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED AT
TORONTO

ORDER

Fogler, Rubinoff LLP
77 King Street West
Suite 3000, PO Box 95
TD Centre North Tower
Toronto, ON M5K 1G8

Greg Azeff (LSUC #45324C)

Tel: (905) 365-3716

Fax: (905) 941-8852

Lawyers for the Court-Appointed Receiver,
Zeifman Partners Inc.