

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

THE HONOURABLE)
JUSTICE *CONWAY*)

MONDAY, THE 3rd DAY
OF APRIL, 2017



HSBC BANK CANADA

Applicant

and

MAHVASH LEHCIER-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 Lehcier-Kimel, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Thirteenth Report, and on hearing the submissions of counsel for the Receiver and counsel to David Aiello, no one else attending,

1. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion herein is hereby abridged and validated so that this motion is properly returnable and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that the activities and conduct of the Receiver and its counsel as disclosed in the Twelfth Report of the Receiver dated November 24, 2015 and the Thirteenth Report of the Receiver dated March 27, 2017 (the "**Thirteenth Report**") be and they are hereby approved.
3. **THIS COURT ORDERS** that the Receiver be and it is hereby authorized to make one or more interim distributions to HSBC Bank Canada in an aggregate amount of up to \$2,500,000, provided that the Receiver shall not distribute any of the funds comprising the Aiello Deposit (as defined in the Thirteenth Report) without further Order of the Court.
4. **THIS COURT ORDERS** that the Receiver be and it is hereby authorized to take such steps as it considers necessary or advisable to examine David Aiello and Leah Aiello in Israel, provided that the foregoing is without prejudice to their right to object to or otherwise resist any such steps taken by the Receiver and raise and argue any issue in relation thereto in the proceedings in relation to Ontario Superior Court of Justice Court File No. CV-15-11148-00CL or any related counterclaim, including, but not limited to, the location, timing and mode of such an examination.
5. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its counsel, as disclosed in the Thirteenth Report, be and they are hereby approved.

6. **THIS COURT ORDERS** that the Receiver's interim statement of receipts and disbursements, as disclosed in the Thirteenth Report, be and it is hereby approved.

7. **THIS COURT ORDERS** that this Order is made without prejudice to the right of David Aiello to raise and argue any issue in the proceedings in relation to Ontario Superior Court of Justice Court File No. CV-15-11148-00CL or any related counterclaim including, without limitation, the quantum of damages claimed therein and any mitigation thereof.



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

APR 05 2017

PER / PAR: 

HSBC BANK CANADA
Applicant

-and- MAHVASH LECHCIER-KIMEL
Respondent

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

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED AT
TORONTO

ORDER

Miller Thomson LLP
40 King Street West
Suite 5800, PO Box 1011
TD Centre North Tower
Toronto, ON M5H 3S1

Greg Azeff (LSUC #45324C)
Tel: (416) 595-2660
Fax: (905) 595-8695

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