

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE)
JUSTICE CONWAY)
FRIDAY, THE 8TH
DAY OF JANUARY, 2021

B E T W E E N:

HILLMOUNT CAPITAL INC.

Applicant

and

CELINE BRITTANY PIZALE and RICHARD STANLEY PIZALE

Respondents

APPLICATION UNDER section 243 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, and section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43.

ADMINISTRATION ORDER

THIS MOTION, made by Zeifman Partners Inc. in its capacity as the Court-appointed receiver (the "**Receiver**") of the property known as 83 Lyndhurst Avenue, Toronto, Ontario for orders (i) approving the sale transaction (the "**Transaction**") contemplated by an agreement of purchase and sale (the "**Sale Agreement**") between the Receiver and Patricia Armstrong and David Armstrong (the "**Purchasers**") dated September 21, 2020 and amended on November 16, 2020 and appended to the Report of the Receiver dated December 4, 2020 (the "**Second Report**"), (ii) vesting in the Purchasers, or as they may direct, the right, title and interest in and to the Property, (iii) approving the Second Report and the activities, actions and conduct of the Receiver as set out in the Second Report, (iv) authorizing the Receiver to borrow from the Applicant such

amounts as the Receiver may deem appropriate up to a limit of \$250,000, (v) approving the fees and disbursements of the Receiver for the period from June 19, 2020 to November 30, 2020 as set out in the affidavit of Allan Rutman sworn November 30, 2020 and the fees and disbursements of Fogler, Rubinoff LLP ("**Fogler, Rubinoff**") as counsel to the Receiver for the period from June 19, 2020 to November 29, 2020 as set out in the affidavit of Joseph Fried sworn December 4, 2020 (together, the "**Fee Affidavits**") and (iv) sealing the Confidential Appendices to the Second Report included in the Confidential Compendium dated December 4, 2020 (the "**Confidential Compendium**") was heard this day by videoconference.

ON READING the Second Report, the Confidential Compendium the Fee Affidavits and the Receiver's First Supplement to the Second Report, and on hearing the submissions of counsel for the Receiver and such other counsel as were present, no one appearing for any other person on the service list:

1. **THIS COURT ORDERS** that the time for service of this motion is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

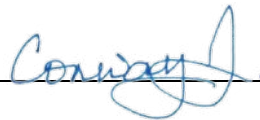
2. **THIS COURT ORDERS AND DECLARES** that the Second Report and the Receiver's First Supplement to the Second Report and the activities, actions and conduct of the Receiver as set out therein be and are hereby approved.

3. **THIS COURT ORDERS** that the Receiver be at liberty and it is hereby empowered to borrow from the Applicant such monies from time to time as it may consider necessary or desirable, provided that the outstanding principal amount does not exceed \$250,000.00 (or such greater amount as this Court may by further Order authorize) at any time, with interest at the rate of

9 per cent per annum, calculated monthly and not in advance, for such period or periods of time as the may arrange, for the purpose of funding the exercise of the powers and duties conferred upon the Receiver, including interim expenditures. In accordance with the Order of the Honourable Justice Koehnen dated June 19, 2020, the whole of the Property is 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, as defined in paragraph 16 of the June 19, 2020 Order of the Honourable Justice Koehnen, and the charges as set out in section 14.06(7), 81.4(4), and 81.6(2) of the BIA.

4. **THIS COURT ORDERS AND DECLARES** that the Confidential Appendices, as contained in the Confidential Compendium, be and are hereby sealed and shall be treated as confidential until the completion of the Transaction or further order of this Court.

5. **THIS COURT ORDERS** that this Order is effective from today's date and is enforceable without the need for entry and filing.



HILLMOUNT CAPITAL INC.
Applicant

-and- CELINE BRITTANY PIZALE et al.
Respondents

Court File No. CV-20-00640633-00CL

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PROCEEDING COMMENCED AT
TORONTO

ADMINISTRATION ORDER

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