

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

**THE HONOURABLE MR. ) TUESDAY, THE 27<sup>th</sup>  
JUSTICE KOEHNEN ) DAY OF JULY, 2021**

BETWEEN:

**ANTHONY ZANARDO IN HIS CAPACITY AS  
THE ESTATE TRUSTEE FOR THE ESTATE OF LUIGI GAMBIN**

Applicant

- and -

**DI BATTISTA GAMBIN DEVELOPMENTS LIMITED,  
RAY DIBATTISTA, ANTHONY DIBATTISTA, JULIA BABENSKY,  
WHITWOOD DEVELOPMENTS LTD. and GREYSTAR DEVELOPMENTS INC.**

Respondents

APPLICATION UNDER Sections 207 and 248 of the Ontario *Business Corporations Act*,  
R.S.O. 1990, c. B-16, as amended,

**ORDER**

**THIS MOTION**, made by Zeifman Partners Inc. (“**Zeifman**”), in its capacity as the court-appointed liquidator (in such capacity, the “**Liquidator**”) of the estate and effects of the Respondents, Di Battista Gambin Developments Limited (“**DBG**”) and Whitwood Developments Ltd. (“**Whitwood**” and together with DBG, the “**Companies**”), was heard this day via ZOOM videoconference on account of the COVID-19 pandemic.

**ON READING** the Sixth Report and the appendices thereto, the Supplement to the Sixth Report, the Affidavits of Ray Di Battista affirmed July 16, 20 and 26, and the transcript of the cross examination of Ray Di Battista on his Affidavits affirmed July 16 and 20, and on hearing

the submissions of counsel for the Liquidator, the Applicant, the Respondent and those parties listed on the counsel slip, no one else appearing for any other person although duly served as appears from the affidavit of service of Edmond Lamek sworn July 14, 2021, filed:

### **SERVICE**

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

### **APPROVAL OF ACTIVITIES AND FEES**

2. **THIS COURT ORDERS** that the portion of the Liquidator's motion seeking the approval of Sixth Report and the activities of the Liquidator set out therein is adjourned to the hearing of the Respondents' motion in these proceedings currently scheduled for November 1, 2021, or any adjournment(s) thereof (the "**Respondents' Motion Date**").

3. **THIS COURT ORDERS** that the portion of the Liquidator's motion seeking the approval of the fees and disbursements of the Liquidator and its counsel, DLA (Piper) Canada LLP, as set out in the Sixth Report, is adjourned to Respondents' Motion Date.

### **RENEWAL OF COLLIERS LISTING AGREEMENT**

4. **THIS COURT ORDERS** that the Liquidator is authorized to renew, for an additional term ending on the Respondents' Motion Date, on the same terms and conditions, the listing agreement between the Liquidator and Colliers Macauley Nicolls Inc., as listing agent, approved pursuant to the Order of the Honourable Madam Justice Conway dated December 11, 2019, and previously renewed for an initial six month period by the Order of the Honourable Mr. Justice Cavanagh dated November 13, 2020.

**GENERAL**

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

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TRUSTEE FOR THE ESTATE OF LUIGI GAMBIN**

--and-

**DI BATTISTA GAMBIN DEVELOPMENTS LIMITED  
RAY DI BATTISTA, ANTHONY DI BATTISTA,  
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**Applicant**

**Respondents**

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)  
PROCEEDINGS COMMENCED AT TORONTO**

**ORDER  
(JULY 27 2021)**

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Liquidator of Di Battista Gambin Developments Limited  
and Whitwood Developments Ltd.