

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) THURSDAY, THE 22nd
)
MADAM JUSTICE KIMMEL) DAY OF SEPTEMBER, 2022

B E T W E E N:

JACQUELINE MILEVSKY, JOEL DICK and 8800383 CANADA INC. Applicants

and

ESTHER DICK and RUMANEK & COMPANY LTD., TRUSTEE OF THE
ESTATE OF ESTHER DICK, A BANKRUPT Respondents

APPLICATION UNDER s. 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED; AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED

DISTRIBUTION AND DISCHARGE ORDER

THIS MOTION, made by Zeifman Partners Inc. ("**Zeifman**") in its capacity as the Court-appointed receiver (in such capacity, the "**Receiver**") of the residential property known municipally as 173 Caribou Road, Toronto, Ontario (the "**Property**") for an order, amongst other things, (i) approving the Third Report of the Receiver, dated September 6, 2022 (the "**Third Report**") and the activities of the Receiver set out therein, (ii) approving the fees and disbursements of the Receiver's counsel, (iii) authorizing and directing the Receiver to distribute funds and (iv) terminating these proceedings and discharging the Receiver, was heard this day by judicial videoconference.

ON READING the Third Report, and on hearing the submissions of counsel for the Receiver and counsel for the Trustee, no one else appearing for any other person on the service list, although properly served as appears from the Affidavit of Rosanna Cavaliere sworn September 9, 2022, 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 Third Report and the Receiver's activities set out therein are hereby approved.

3. **THIS COURT ORDERS** that the Statement of Receipts and Disbursements of the Receiver as set forth in his Third Report be and the same are hereby approved.

4. **THIS COURT ORDERS** that the professional fees and disbursements of Fogler, Rubinoff LLP, counsel to the Receiver for the period from January 27, 2022 to August 30, 2022, in the amount of \$14,838.00 plus disbursements of \$6.30 and HST of \$1,929.76 plus an estimate of \$1,900.00 to complete the matter for total of \$18,674.06 as set out in the Affidavit of Alexander Evangelista, sworn September 6, 2022 and attached as Appendix "I" to the Third Report, are hereby approved and the Receiver is authorized to pay such fees and disbursements.

FINAL DISTRIBUTION

5. **THIS COURT ORDERS** that the Receiver is authorized to make the following distributions to creditors:

- (a) a distribution to Rumanek & Company Ltd., the trustee in bankruptcy for the Estate of Esther Dick in the amount of \$125,097.00.

DISCHARGE

6. **THIS COURT ORDERS** that the Receiver is hereby discharged as Receiver of the undertaking, property and assets of the Debtor, provided however that notwithstanding its discharge herein (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of Zeifman in its capacity as Receiver.

7. **THIS COURT ORDERS AND DECLARES** that Zeifman is hereby released and discharged from any and all liability that Zeifman now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Zeifman while acting in its capacity as Receiver, save and except for any gross negligence or wilful misconduct on the Receiver's part. Without limiting the generality of the foregoing, Zeifman is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the

within receivership proceedings, save and except for any gross negligence or wilful misconduct on the Receiver's part.

GENERAL

8. **THIS COURT ORDERS** that, notwithstanding Rule 59.05 of the *Rules of Civil Procedure*, this Order is effective from the date it is made, and it is enforceable without any need for entry and filing.

JACQUELINE MILEVSKY et al.
Applicants

-and- ESTHER DICK et al.
Respondents

Court File No. CV-20-00648284-00CL

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PROCEEDING COMMENCED AT
TORONTO

DISTRIBUTION AND DISCHARGE ORDER

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