

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**IN THE MATTER OF THE COURT-APPOINTED RECEIVERSHIP
OF BEAUMEN WASTE MANAGEMENT SYSTEMS LTD.
of the Town of Renfrew, in the Province of Ontario**

THE HONOURABLE MADAM) WEDNESDAY, the 17TH DAY
JUSTICE SALLY GOMERY) OF MARCH, 2021.

BETWEEN:

BUSINESS DEVELOPMENT BANK OF CANADA

Applicant

- and -

BEAUMEN WASTE MANAGEMENT SYSTEMS LTD.

Respondent

ORDER

THIS MOTION made by MNP Ltd. ("MNP") in its capacity as the Court-Appointed Receiver (the "Receiver") of the assets, undertakings and properties (the "Property") of the Respondent, Beaumen Waste Management Systems Ltd. (the "Debtor"), for an Order, *inter alia*:

1. If necessary, dispensing with service and/or declaring that service of this motion has been validly effected on all necessary parties and declaring that this motion is properly returnable on March 17, 2021;
2. Approving the Receiver's Second and Final Report to the Court dated February 23, 2021 (the "Final Report"), and the activities and conduct of the Receiver and its legal counsel since its appointment;

3. Approving the Receiver's Final Statement of Receipts and Disbursements (the "Final SRD");
4. Approving the fees and disbursements of the Receiver, including the fees and disbursements of its legal counsel, all as particularized in the Final Report and directing and authorizing the Receiver to pay all such fees and disbursements from available receivership funds;
5. Authorizing and directing the Receiver to make a second and final distribution to Business Development Bank of Canada ("BDC") in the amount of \$60,088.04 from available receivership funds on account of its secured mortgage claim from available;
6. Authorizing and directing the Receiver to make a first and final distribution to Bank of Nova Scotia ("BNS") in the amount of \$73,128.00 from available receivership funds on account of its secured claim;
7. Authorizing and directing the Receiver to make a first and final distribution to Employment and Social Development Canada ("ESDC") in the amount of \$24,391.85 from available receivership funds on account of its statutory priority claim;
8. Authorizing and directing the Receiver to distribute all remaining receivership funds to Daniel Menard and Vivian Menard (the "Menards") on account of their secured claim after payment of the amounts set out above; and
9. Discharging and releasing the Receiver once payments of the above-noted amounts are made;

was heard this day at the Courthouse, 161 Elgin Street, Ottawa, Ontario.

ON READING the Notice of Motion and the Final Report, and the Factum and Authorities filed by the Receiver, and on hearing the submissions of counsel for the Receiver, no one else appearing or attending although duly served as evidenced by the Affidavits of Service of Roxanne Chapman, sworn on March 9, 2021, filed,

1. **THIS COURT ORDERS AND DECLARES** that the method of service of the Notice of Motion and the Receiver's Final Report and the Factum and Authorities filed by the Receiver is hereby validated such that this motion has been validly secured and is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS AND DECLARES** that the Receiver's Final Report is hereby approved and that the activities and conduct of the Receiver and that of its legal counsel as set forth in the Final Report are hereby ratified and approved.
3. **THIS COURT ORDERS AND DECLARES** that the Receiver's Final SRD is hereby ratified and approved.
4. **THIS COURT ORDERS AND DECLARES** that the fees and disbursements of the Receiver and of its legal counsel, all as particularized in the Final Report, are hereby ratified and approved and directs and authorizes the Receiver to pay all such fees and disbursements from available receivership funds.
5. **THIS COURT AUTHORIZES AND DIRECTS** the Receiver to pay a second and final distribution to BDC in the amount of \$60,088.04 from available receivership funds on account of its secured mortgage claim.
6. **THIS COURT AUTHORIZES AND DIRECTS** the Receiver to pay a first and final distribution to BNS in the amount of \$73,128.00 from available receivership funds on account of its secured claim.
7. **THIS COURT AUTHORIZES AND DIRECTS** the Receiver to pay a first and final distribution to ESDC in the amount of \$24,391.85 from available receivership funds on account of its statutory priority claim.
8. **THIS COURT AUTHORIZES AND DIRECTS** the Receiver to distribute all remaining receivership funds to the Menards on account of their secured claim after payment of the amounts set out at paragraphs 4 through 7 of this Order above.

9. **THIS COURT ORDERS AND DECLARES** that upon payment of the amounts set out in paragraphs 4 through 8 of this Order above, the Receiver shall be discharged as Receiver of the Property (as described and defined above and in the Final Report) 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 of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of MNP in its capacity Receiver.
10. **THIS COURT ORDERS AND DECLARES** that MNP is hereby released and discharged from any and all liability that MNP now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of MNP while acting in its capacity as Receiver herein, save and except for any gross negligence or wilful misconduct on the Receiver's part. Without limiting the generality of the foregoing, MNP 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.
11. **THIS COURT ORDERS AND DECLARES** that this Order shall take effect without any further formality.

Sally Gomery J.

THE HONOURABLE MADAM JUSTICE SALLY GOMERY

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ON/LE	03/25/2021
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BUSINESS DEVELOPMENT BANK OF CANADA
Applicant

- and -

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Respondent

Court File No.: CV-19-00081440-0000

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RECEIVERSHIP OF BEAUMEN WASTE MANAGEMENT
SYSTEMS LTD., of the Town of Renfrew, in the Province
of Ontario**

Proceedings commenced at Ottawa

ORDER

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