

ONTARIO

SUPERIOR COURT OF JUSTICE

**THE HONOURABLE MR.
JUSTICE R. SMITH**

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**TUESDAY, THE 23rd DAY
OF NOVEMBER, 2021**

**PATRICK DEWAN, DOMICILE DEVELOPMENTS INC.
1436984 ONTARIO LTD., AMIRA GABRIEL, 1496055 ONTARIO INC.
117490 CANADA LTD., the ESTATE OF SHEILA EBERTS,
2201894 ONTARIO INC., BBG EQUITY MANAGEMENT CORPORATION,
and POWELL GRIFFITHS**

Plaintiffs/Defendants by Counterclaim

-and-

**CLAUDE ALAIN BURDET, IN TRUST,
CLAUDE-ALAIN BURDET, CARLETON CONDOMINIUM CORPORATION 396,
1443957 ONTARIO INC., and ENTREPRISES TED RUBAC ENTERPRISES INC.**

Defendants/Plaintiffs by Counterclaim

ORDER

THIS MOTION, made by MNP Ltd. in its capacity as Court-appointed receiver (the "**Receiver**") of the lands, premises, units and common elements municipally known as 112 Nelson Street, Ottawa, Ontario, including all of the assets, undertakings and properties of Carleton Condominium Corporation No. 396 and the individual units thereof ("**CCC 396**") for an order: (i) approving the Second Report of the Receiver dated October 22, 2021 (the "**Second Report**"); (ii) approving the activities and conduct of the Receiver and its counsel as set out in the Second Report; (iii) unsealing certain confidential appendices (Appendices A, B, C and D) to the First Report of the Receiver dated October 6, 2020, which were sealed under Order of the Court dated November 26, 2020; (iv) approving the Receiver's Interim Statement of Receipts and Disbursements attached as Appendix 13 to the Second Report; and (v) approving final payments to creditors of CCC 396 as set out in Schedule "A" to the Notice of Motion; was heard virtually this day at 161 Elgin Street, Ottawa, Ontario.

ON READING the Motion Record of the Receiver dated November 8, 2021, the Motion Record of Marcil Lavalee, dated November 16, 2021, the Second Report, and on hearing the submissions of counsel for the Receiver and counsel for Marcil Lavallee, and on being advised that no one opposed the relief being sought,

1. **THIS COURT ORDERS AND DECLARES** that the time for service of the Motion Record is hereby 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 activities and conduct of the Receiver and its counsel described therein are hereby approved.


3. **THIS COURT HEREBY ORDERS AND DECLARES** that the Receiver's Interim Statement of Receipts and Disbursements attached as Appendix 13 to the Second Report, is hereby approved.

4. **THIS COURT ORDERS AND APPROVES** the Receiver making the following final payments to creditors of CCC 396:

1. Canada Revenue Agency (HST) in the amount \$78,473.75;
2. Nelligan O'Brien Payne LLP in the amount of \$474,897.92;
3. Low Murchison Radnoff LLP in the amount of \$340,313.61;
4. 125896 Ontario Inc. c.o.b. as Condominium Management Group in the amount of \$87,801.00;
5. Domicile Development Inc. in the amount of \$109,905.91;
6. Marcil Lavallée in the amount of \$143,723.01; and
7. Letellier Gosselin Duclos in the amount of \$62,685.80.

5. **THIS COURT ORDERS** that Appendices A (Appraisal), B (Appraisal), C (Marketing Progress Report) and D (Offer to Purchase/Sale Agreement) to the First Report of the Receiver dated October 6, 2020 which were sealed under an Approval and Vesting Order of this Court dated November 26, 2020 until further Order of this Court, be unsealed.

6. **THIS COURT ORDERS** that this Order and all of its provisions are effective as of its date and is enforceable without any need for entry and filing.


Justice R. Smith

PATRICK DEWAN, DOMICILE DEVELOPMENTS INC. et. al.

-and-

**CLAUDE ALAIN BURDET IN TRUST,
CLAUDE-ALAIN BURDET, CARLETON
CONDOMINIUM CORPORATION 396 et. al.**

**ONTARIO
SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY AND INSOLVENCY**

Proceeding commenced at Ottawa

ORDER

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Percy Ostroff (28845B)
Lawyer for MNP Ltd. in its capacity
as Receiver of CCC 396,
The Moving Party