



No. S202352
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE TORONTO-DOMINION BANK

PETITIONER

AND:

DDK VENTILATION PRODUCTS LTD.

RESPONDENT

ORDER MADE AFTER APPLICATION

BEFORE)
) THE HONOURABLE MADAM JUSTICE)
) BAKER) June 15, 2021
)
)

ON THE APPLICATION OF MNP Ltd. (“MNP”), in its capacity as court-appointed receiver and manager (in such capacity, the “Receiver”) of all of the assets, undertakings and property (the “Property”) of DDK Ventilation Products Ltd. (“DDK” or the “Debtor”) coming on for hearing at Vancouver, British Columbia on this day and on hearing Fergus McDonnell, counsel for the Receiver; AND NO ONE ELSE, although duly served, AND UPON READING the material filed, including the Receiver’s Second and Final Report to the Court dated May 28, 2021 (the “Second Report”);

THIS COURT ORDERS AND DECLARES THAT:

1. The activities of the Receiver as set out in the Second Report are hereby approved.
2. The Receiver’s statement of receipts and disbursements, in the form attached as Appendix “A” to the Second Report, is hereby approved.

3. The fees and disbursements of the Receiver in the amount of \$252,883.93, as summarized in the Second Report, and attached as Appendix “B” therein, are hereby approved.

4. The Receiver’s estimated further fees and disbursements of approximately \$8,500, plus applicable taxes, for the period of May 1, 2021 to the completion of this matter be and are hereby approved.

5. The fees and disbursements of the Receiver’s legal counsel, Fasken Martineau DuMoulin LLP (“Fasken”), in the amount of \$111,575.38, as set out in the Second Report and Affidavit #1 of Fergus McDonnell affirmed May 28, 2021, are hereby approved.

6. Fasken’s estimated further fees and disbursements of approximately \$11,200, plus applicable taxes, for the period of April 1, 2021 to the completion of this matter be and are hereby approved.

7. The Receiver is hereby authorized and directed to make the following distributions (collectively, the “**Priority Claims**”):

- (i) \$14,351.54 to Service Canada;
- (ii) \$5,927.57 to the Ministry of Finance; and
- (a) \$1,179.27 to WorkSafe BC.

8. After payment of (i) the Priority Claims, (ii) the fees of the Receiver as herein approved, and (iii) the fees and disbursements of Fasken as herein approved, the Receiver shall pay to the Petitioner all funds remaining in its hands, subject to the Receiver maintaining sufficient funds to complete the administration of the receivership.

9. Upon payment of the amounts set out in paragraph 8 hereof and upon the Receiver filing a certificate certifying that it has completed the remaining outstanding activities described in the Second Report, the Receiver shall be discharged as Receiver of the assets, undertakings and property of the Debtor, provided 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 as Receiver.

10. MNP, in its capacity as Receiver, shall incur no liability or obligation as a result of its appointment or the carrying out of the provisions of the Order of The Honourable Madam Justice Marzari made March 2, 2020, appointing the Receiver, save and except:

- (a) any gross negligence or wilful misconduct on its part; or
- (b) amounts in respect of obligations imposed specifically on receivers by applicable legislation.

Nothing in this Order shall derogate from the protections afforded MNP, in its capacity as Receiver, by section 14.06 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended (the “BIA”), or by any other applicable legislation.

11. Notwithstanding any provision herein, this Order shall not affect any person to whom notice of these proceedings was not delivered as required by the BIA and regulations thereto, any other applicable enactment or any other Order of this Court.

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12. THIS COURT HEREBY REQUESTS the aid and recognition of any court, tribunal, regulatory or administrative body, wherever located, to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



Signature of Fergus McDonnell
Lawyer for MNP Ltd.

BY THE COURT

REGISTRAR

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FASKEN MARTINEAU DU MOULIN LLP

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