

# ENDORSEMENT SHEET FOR CIVIL MOTION/APPLICATION

**SHORT TITLE OF PROCEEDINGS:** CWB Maxium Financial Inc. v. Medical Arts Dispensary of Ottawa (2003) Ltd.

**COURT FILE NO.:** CV-24-95422

**BEFORE:** The Honourable Justice K. McVey

**HEARD ON:** August 29, 2024

**COUNSEL:** Spencer Jones, for CWB Maximum Financial Inc.  
Laura Culleton and Sheldon Title, for MNP Ltd.

**RELIEF REQUESTED:**

- ORDER SIGNED**                       **ON CONSENT**
- UNOPPOSED**                               **NO ONE APPEARED**
- ADJOURNED TO** [Click here to enter a date.](#)

## ENDORSEMENT

[1] On April 19, 2024, MNP Ltd. was appointed by the Court as Receiver over all the assets, property and undertaking of the Respondent, Medical Arts. The Receiver now asks the Court to approve an Asset Purchase Agreement dated July 19, 2024; approve the sealing of confidential appendices to the Receiver’s First Report pending the completion of the sale; approve the Receiver’s First Report and the activities described therein; approve the Receiver’s Interim Statement of Receipts and Disbursements; and approve the fees and disbursements of the Receiver and its counsel, Chaitons LLP.

[2] After reading the detailed materials filed by the Receiver and hearing the submissions of counsel, I am prepared to approve the Asset Purchase Agreement dated July 19, 2024. The Receiver conducted a competitive and fair sale process, and I am satisfied that the sale will maximize the recovery for Medical Arts’ creditors. The primary secured creditor, CWB Maxium Financial Inc., supports the sale.

[3] I am also prepared to seal the confidential appendices to the First Report which set out the purchase price agreed upon between the parties as well as the other offers received by the Receiver.



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A temporary sealing order is necessary to ensure that competitors or potential bidders do not gain an advantage if the sale transaction does not close as anticipated: see *GE Canada Real Estate Financing Business Property Co. v. 1262354 Ontario Inc.*, 2014 ONSC 1173.

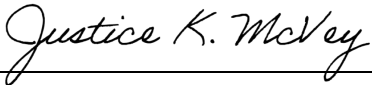
[4] The evidentiary record also satisfies me that the conduct and activities of the Receiver have been conducted in a professional, prudent, and diligent manner. Their activities to date have been undertaken in good faith and are consistent with the Order appointing them as Receiver.

[5] Through reviewing the financial records of Medical Arts, the Receiver has discovered a company receivable in the amount of \$2,254,271. Despite repeated efforts, the Receiver has been unable to obtain further information about this debt. I have no difficulty ordering Sherif Gerges, as the sole officer and director of Medical Arts, to comply with the Receiver's request to submit to them complete financial reporting.

[6] Finally, I find that the fees sought by the Receiver and its counsel are fair and reasonable.

[7] Draft orders signed as requested.

**Date: August 30, 2024**

  
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The Honourable Justice K. McVey