

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE JUSTICE)
A.D. Kurke)

FRIDAY, THE 25TH DAY OF
FEBRUARY, 2022

BETWEEN:

CANADIAN IMPERIAL BANK OF COMMERCE

Applicant

and

NAUSS PLUMBING & HEATING INC.

Respondent



DISCHARGE ORDER

(February 25, 2022)

THIS MOTION, made by MNP Ltd., in its capacity as court appointed receiver and manager (the “**Receiver**”) of Nauss Plumbing & Heating Inc. (the “**Debtor/Bankrupt**”), for: i) an order approving the Third Report of the Receiver dated February 16, 2022 (the “**Third Report**”) as well as the conduct, decisions, and activities of the Receiver set out in the Third Report; ii) an order approving of the fees and disbursements of the Receiver and of its counsel; iii) an order approving the distribution of the remaining proceeds available in the estate of the Debtor/Bankrupt on the terms set out in the Third Report; and iii) an order discharging MNP Ltd. as Receiver of the undertaking, property and assets of the Debtor/Bankrupt and releasing it from any duties pursuant to the Order (appointing Receiver) dated November 13, 2020 (the “**Appointment Order**”), was heard this day, via videoconference, due to the COVID-19 pandemic.

ON READING the Third Report, and on hearing the submissions of counsel for the Receiver, and any such other counsel as present, no one appearing for any other person on the service list, although properly served as appears from the affidavit of Angela Makris, sworn May 16, 2022, filed:

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and of the Motion Record herein, be and is hereby validated and abridged so that this Motion is properly returnable today and hereby dispenses with any further service hereof.
2. **THIS COURT ORDERS AND DECLARES** that the Third Report and the decisions, conduct, and activities set out therein be and are hereby approved.
3. **THIS COURT ORDERS AND DECLARES** that the Receiver's Final Statement of Receipts and Disbursements as set out in the Third Report be and are hereby approved.
4. **THIS COURT ORDERS AND DECLARES** that the fees and disbursements of the Receiver and its counsel Audaxlaw PC as set out in the Third Report be and are hereby approved.
5. **THIS COURT ORDERS AND DECLARES** that after payment of the fees and disbursements herein approved, and reserving the amounts recommended by the Receiver in the Third Report for completing this matter, including fees, the Receiver is authorized and directed to distribute the monies remaining in its hands: first, to the Canada Revenue Agency in the amount of \$232,934.17; and second, to the extent any funds remain available, to the Applicant as shown in the payout statement(s) provided to the Receiver.
6. **THIS COURT ORDERS AND DECLARES** that upon payment of the amounts set out in paragraph 5 hereof (the "**Final Distribution**") and upon the Receiver filing a Discharge Certificate certifying that it has completed the other activities described in the Third Report in the form attached as Schedule "A" hereto, the Receiver shall be discharged as Receiver of the undertaking, property and assets of the Debtor/Bankrupt, 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 Ltd. in its capacity as Receiver.

7. **THIS COURT ORDERS AND DELCARES** that, upon the filing of the Discharge Certificate, MNP Ltd. is hereby released and discharged from all duties and responsibilities pursuant to the Appointment Order, as well as any and all liability that MNP Ltd. now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of MNP Ltd. while acting in its capacity as Receiver herein, save and except for any gross negligence or willful misconduct on the Receiver's part. Without limiting the generality of the foregoing, MNP Ltd. 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 willful misconduct on the Receiver's part.

ENTERED AT SUDBURY

This 25th day
Of February 2022

Court No: 7712

BY:

A handwritten signature in black ink, appearing to be 'John R. K.', written over a horizontal line.