

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**COMMERCIAL LIST**

THE HONOURABLE MR. )

MONDAY, THE 18<sup>th</sup> DAY

)

JUSTICE PENNY )

OF NOVEMBER, 2019

**ICICI BANK CANADA**

Applicant

- and -

**BAYSIDE MALL LIMITED**

Respondent

**ORDER**

**THIS MOTION**, made by the court-appointed Receiver, A. John Page & Associates Inc., for an Order approving: (i) the activities of the Receiver; (ii) the fees and expenses of the Receiver and its counsel; (iii) a final distribution; (iv) the unsealing of documents; and (v) the return of books and records; and providing for the discharge of the Receiver, and such further and other relief as to this Honourable Court may seem just, was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Notice of Motion, the Twelfth Report of the Receiver dated October 29, 2019 (the "**Twelfth Report**"), and the fee affidavits of: (i) A. John Page sworn October 30, 2019 (the "**Receiver's Fee Affidavit**"); and (ii) Heath Whiteley sworn November 12, 2019 (the "**Whiteley Fee Affidavit**"); and on hearing the submissions of the lawyer(s) present on the motion, all parties per the service list on the notice of motion having been served as appears from the affidavit of service sworn November 15, 2019.



## **APPROVAL OF ACTIVITIES**

1. **THIS COURT ORDERS** that the actions and activities of the Receiver, as set out in the Twelfth Report, are hereby approved.

## **APPROVAL OF FEES AND DISBURSEMENTS**

2. **THIS COURT FURTHER ORDERS** that the R&D To Date (included as Exhibit "J" to the Twelfth Report) is hereby approved.

3. **THIS COURT FURTHER ORDERS** that the Pro Forma Final R&D (included as Exhibit "K" to the Twelfth Report) is hereby approved.

4. **THIS COURT FURTHER ORDERS** that the fees of the Receiver for the period from November 1, 2016 and ending October 28, 2019 in the amount of \$53,611.37 plus applicable GST/HST as set forth in the Receiver's Fee Affidavit are hereby approved and allowed.

5. **THIS COURT FURTHER ORDERS** that the fees of counsel to the Receiver for the period from November 1, 2016 and ending October 28, 2019 in the amount of \$15,480.00 plus applicable GST/HST as set forth in the Whiteley Fee Affidavit are hereby approved and allowed

6. **THIS COURT FURTHER ORDERS** that the fee estimate of the Receiver for the period from October 29, 2019 through to the discharge of the Receiver (as provided for in paragraph 13 below) in the amount of \$15,877 plus applicable GST/HST as set forth in the Receiver's Fee Affidavit is hereby approved and allowed.

7. **THIS COURT FURTHER ORDERS** that the fee estimate of counsel to the Receiver for the period from October 29, 2019 through to the discharge of the Receiver (as provided for in paragraph 13 below) in the amount of \$5,000 plus applicable GST/HST as set forth in the Whiteley Fee Affidavit is hereby approved and allowed.

## **APPROVAL OF FINAL DISTRIBUTION**

8. **THIS COURT ORDERS** that, after payment of the fees and disbursements herein approved, the Receiver shall pay the monies remaining in its hands to the applicant, ICICI Bank Canada ("**ICICI**") on account of the Receiver's Certificates. For greater certainty, upon payment to ICICI in accordance herewith, the Receiver shall have no further obligation and/or liability pursuant to the Receiver's Certificates.

## **UNSEALING OF DOCUMENTS**

9. **THIS COURT ORDERS** that any and all documents ordered sealed pursuant to any prior Orders made in this proceeding (including, without limitation, the documents listed in **Schedule "A"** hereto) be and the same are hereby unsealed.

10. **THIS COURT FURTHER ORDERS AND DIRECTS** the Registrar to assist in carrying out the unsealing of documents as ordered in paragraph 9 above.

## **BOOKS AND RECORDS**

11. **THIS COURT ORDERS AND DIRECTS** the Receiver to deliver to Malik Khalid, the principal of the respondent, 1368883 Ontario Inc. (formerly, Bayside Mall Limited) the books and records provided to the Receiver pursuant to paragraph 5 of the Order of the Honourable Justice Wilton-Siegel dated December 5, 2012 (included as Exhibit "A" to the Twelfth Report) (and, for greater certainty, the books and records listed in **Schedule "B"** hereto) in accordance with arrangements to be agreed to by the Receiver.

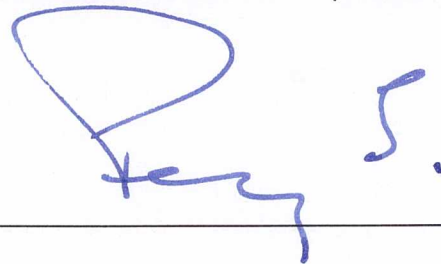
12. **THIS COURT FURTHER ORDERS AND DECLARES** that the Receiver is authorized to arrange for the disposal of the books and records listed in **Schedule "B"** hereto, in the event that such books and records have not been delivered to Malik Khalid within thirty days of the date of this order.

## **DISCHARGE OF THE RECEIVER**

13. **THIS COURT FURTHER ORDERS** that upon the Receiver filing a certificate (in substantially the form attached as **Schedule "C"** hereto) certifying that it has completed

the ancillary activities described in the Twelfth Report (the “**Discharge Certificate**”), the Receiver shall be discharged as Receiver of the undertaking, property and assets of the respondent, 1368883 Ontario Inc. (formerly, Bayside Mall Limited), 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 A. John Page & Associates Inc. In its capacity as Receiver.

14. **THIS COURT ORDERS AND DECLARES** that A. John Page & Associates Inc. is hereby released and discharged from any and all liability that A. John Page & Associates Inc. now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of A. John Page & Associates Inc. while acting in its capacity as Receiver herein, save and except for any gross negligence or wilful misconduct on the part of the Receiver. Without limiting the generality of the foregoing, A. John Page & Associates Inc. 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 part of the Receiver.



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ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

NOV 18 2019

PER / PAR:



### Schedule "A"

<b>Document</b>	<b>Sealing Order</b>
Exhibits "D" and "E" to the Third Report	Order dated November 7, 2013, paragraph 3
Exhibits "F" and "G" to the Fourth Report	Order dated June 16, 2014, paragraph 5
Exhibit "E" to the Fifth Report	Order dated August 20, 2014, paragraph 6
Exhibit "E" to the Sixth Report	Order dated January 29, 2015, paragraph 3
Exhibit "F" the Seventh Report	Order dated June 16, 2015, paragraph 2
Exhibits "F" and "G" to the Eighth Report	Order dated August 26, 2015, paragraph 2

Bayside Mall Limited		Schedule "B"			
Listing of Books and Records					
As at November 18, 2015					
				Date Range	
BOX #	Title	Details	From Year(mm/yy)	To Year(mm/yy)	
1	Receivables	Manual Receipt Book	Oct-09	Dec-12	
1	Receivables	Cash Receipts	Jan-12	Dec-12	
1	Rent Roll	Black Binder	Jan-12	Nov-12	
2	Vendors	Commission Customers Agreements	2002	2012	
3	Payables	A-R	Dec-05	Nov-12	
4	Payables	S-Y	Dec-05	Nov-12	
4	Phone Book	small Blueline phone book	N/A		
4	Purchase Orders	small red binder	Jan-12	Oct-12	
4	Purchase Orders	Copies	Dec-10	Nov-12	
4	Purchase Orders	large red binder "The Purchase Order Book"	Jul-08	Nov-12	
5	Gas Billings	Invoices	Feb-11	Nov-12	
5	Hydro Billings	Invoices	Feb-10	Oct-12	
6	Payables	A-Z	Aug-09	Nov-12	
7	Bank Statements	Habib Bank	Jan-09	Oct-12	
7	City of Sarnia Assessments		Jan-11	Dec-11	
7	Lambton County Lease		2005		
7	Lease Amendment Agreements		2005	2012	
7	Legal Documents		Jan-11	Dec-11	
7	Paid Bills	Rogers	Jan-12	Nov-12	
7	Purchase Orders	Various	Jan-11	Nov-12	
7	Roof Lease		Oct-11	Oct-11	
7	Sun Media Lease		2011		
7	Tax	HST, Corp. Tax NOA's, Retail Tax	Jan-09	Nov-12	
7	Unpaid Bills	as at Nov.28/12	Nov-12	Nov-12	
7	Vinnis Lease		2012		
8	Landlord vs. Tenant Work	Excerpts of Signed pages only	N/A		
8	Services	Agreements, Correspondence P-U	Oct-02	Dec-11	
9	Leases	S-T	Nov-96	Jun-12	
10	2012 Invoices	SAMAK Invoices (white binder)	Jan-11	Nov-12	
10	Complaints Book	(black binder)	Nov-12	Nov-12	
10	County Paid Parking	Invoices (yellow binder)	Apr-05	Oct-12	
10	Fire Safety Plan	Instruction Manual (white binder)	N/A		
10	LSSC Emergency Manual	(red binder)	Mar-11		
10	Nortel Software & Manuals	(clear Grand & Toy holder)	Feb-11		
10	Storage Unit Rentals	(red binder)	Aug-03	May-08	
10	Tenant Contacts	(black binder)	Jul-08	Jul-09	
11	Building	Work Orders, Inspections	Jun-01	Apr-07	
11	Health & Safety	Manuals and checklists	Apr-04	Aug-11	
11	Quotes	Services C-S	May-00	Oct-11	
12	Building	Repairs/Maintenance	Dec-01	Dec-09	
12	Certified Area	Certificates & Drawings	Nov-82	Sep-09	
12	Employee File	Staff Time Sheets	Jan-01	Dec-03	
12	Roof Inspections		Apr-01	Jun-06	
13	Employee Files	B-W	Feb-09	Nov-12	
13	Misc. Administration Instructions	WHMIS Expenses; WINPACK for Parking and Mall hours; WSIB Blank Forms; Mall Website Updates; Alarm System; Meter Reading Instructions	Jan-07	Jul-08	
13	Services	B-W	Dec-02	Mar-11	
13	Work Orders	RTU 1 to RTU 14	Jun-08	Oct-09	
13	Work Orders	Common Area Units M1 to M24	Jun-08	Jun-09	
13	Work Orders	Tenant Units 01 to 100B	Apr-08	Sep-09	
13	Work Orders	County of Lambton LSS HVAC C1 to C27	Oct-08	Apr-09	
13	Year End	Tenant Tax Recoveries	Jan-99	Dec-00	
14	LSS	Unit Y01A Correspondence	Jan-01	Dec-11	

Bayside Mall Limited				
Listing of Books and Records				
As at November 18, 2015				
			Date Range	
BOX #	Title	Details	From Year(mm/yy)	To Year(mm/yy)
14	LSS	Unit Y01A Water Recoveries	Jan-01	Jun-12
14	LSS	Unit Y01A Skylight	May-03	
14	LSS	Unit Y01A Legal	Aug-00	Apr-10
14	LSS	Hydro Meter Check Changes	May-02	Jul-11
14	LSS	Parking Agreement	May-01	Oct-11
14	LSS	Construction	Apr-07	Jul-07
14	LSS (Lambton Shared Services)	Unit Y001 Cheques	Jan-08	Aug-11
15	Administration	A-C	Aug-88	Feb-12
15	Audit	Ontario Ministry of Finance	Apr-06	Jan-07
15	Audit	Bayside Mall Limited	Aug-05	Apr-06
15	Corporate	Lease Amendments, Articles of Incorporation, WSIB	Aug-99	Jun-09
15	Financial	A/R Reference Occupancy Mapping	Jul-03	
15	Financial	BDC	Aug-03	Aug-12
15	Financial	Budget 2010	Jan-10	Dec-10
15	Financial	Budget 2009	Jan-09	Dec-10
15	Financial	Budget 2007	Jan-07	Dec-07
15	Financial	Budget 2006	Jan-06	Dec-06
15	Leasing	A-C	Oct-96	Jun-12
15	Legal Documents/Leases	A-B	Nov-96	Apr-08
15	Quotes	A-C	Dec-99	Oct-11
15	Survey	Amec Earth & Environmental	Sep-03	
15	Utilities	Bluewater Power Correspondence 2005	Jan-04	Apr-12
15	Utilities	Bluewater Power Correspondence 2002-2003	Feb-02	Apr-09
15	Utilities	Boiler & Electrical	Nov-01	Nov-12
16	Misc. Correspondence	CITI Commercial - Credit Card	Jul-98	Nov-12
16	Misc. Correspondence	Coats for Kids	Jul-98	Nov-12
16	Misc. Correspondence	Cogeco	Jul-98	Nov-12
16	Misc. Correspondence	Coin Counting Machine	Jul-98	Nov-12
16	Misc. Correspondence	Commissionaires Sarnia - Parking Agreement	Jul-98	Nov-12
16	Misc. Correspondence	Community Room (Unit 19-20)	Jul-98	Nov-12
16	Misc. Correspondence	Complaints	Jul-98	Nov-12
16	Misc. Correspondence	Compliments	Jul-98	Nov-12
16	Misc. Correspondence	Computers	Jul-98	Nov-12
16	Misc. Correspondence	Consumer Price Index	Jul-98	Nov-12
16	Misc. Correspondence	Conference Centre Proposals	Jul-98	Nov-12
16	Misc. Correspondence	Correspondence	Jul-98	Nov-12
16	Misc. Correspondence	Contractor Access Sheets	Jul-98	Nov-12
16	Misc. Correspondence	Counterfeit Protection - Bank of Canada	Jul-98	Nov-12
16	Misc. Correspondence	Crawford Adjusters Canada	Jul-98	Nov-12
16	Misc. Correspondence	Credit Applications (Blank Forms)	Jul-98	Nov-12
16	Misc. Correspondence	Credit Applications (Bayside Mall Limited)	Jul-98	Nov-12
16	Misc. Correspondence	Custard Insurance Adjusters	Jul-98	Nov-12
16	Misc. Correspondence	Daily Cash Sheets	Jul-98	Nov-12
16	Misc. Correspondence	D'Angelo Art Foundation	Jul-98	Nov-12
16	Misc. Correspondence	Day Care Letters	Jul-98	Nov-12
16	Misc. Correspondence	Dead Sea Solutions	Jul-98	Nov-12
16	Misc. Correspondence	Dell Computer (M.Khalid)	Jul-98	Nov-12
16	Misc. Correspondence	DFO (Dept. of Fisheries & Oceans)	Jul-98	Nov-12
16	Misc. Correspondence	Dineen Construction	Jul-98	Nov-12
16	Misc. Correspondence	Directory of Malls	Jul-98	Nov-12
16	Misc. Correspondence	Directory of Shopping Centres	Jul-98	Nov-12
16	Misc. Correspondence	Easter	Jul-98	Nov-12
16	Misc. Correspondence	Edward Doors	Jul-98	Nov-12

<b>Bayside Mall Limited</b>				
<b>Listing of Books and Records</b>				
<b>As at November 18, 2015</b>				
			Date Range	
BOX #	Title	Details	From Year(mm/yy)	To Year(mm/yy)
16	Misc. Correspondence	Equipment List - HVAC	Jul-98	Nov-12
16	Misc. Correspondence	Electrical Safety Authority	Jul-98	Nov-12
16	Misc. Correspondence	Emergency Information	Jul-98	Nov-12
16	Misc. Correspondence	Energy Exchange	Jul-98	Nov-12
16	Misc. Correspondence	Entasis	Jul-98	Nov-12
16	Misc. Correspondence	Environment - Min. of	Jul-98	Nov-12
16	Misc. Correspondence	Equipment & HVAC Checklist	Jul-98	Nov-12
16	Misc. Correspondence	Express Personnel	Jul-98	Nov-12
16	Misc. Correspondence	Fact Sheet	Jul-98	Nov-12
16	Misc. Correspondence	Farmers Market	Jul-98	Nov-12
16	Misc. Correspondence	Fillion, Brian	Jul-98	Nov-12
16	Misc. Correspondence	Film in Bayside	Jul-98	Nov-12
16	Misc. Correspondence	Fire - March 2002	Jul-98	Nov-12
16	Misc. Correspondence	Fire Alarm Systems	Jul-98	Nov-12
16	Misc. Correspondence	Fire Alarm	Jul-98	Nov-12
16	Misc. Correspondence	Fire Extinguishers	Jul-98	Nov-12
16	Misc. Correspondence	First Friday	Jul-98	Nov-12
16	Misc. Correspondence	Flags	Jul-98	Nov-12
16	Misc. Correspondence	Fogler Rubinoff LLP	Jul-98	Nov-12
16	Misc. Correspondence	201 Front Street Tenants	Jul-98	Nov-12
16	Misc. Correspondence	Garage: Payouts for Customer Damages	Jul-98	Nov-12
16	Misc. Correspondence	George St. Parking Expansion	Jul-98	Nov-12
16	Misc. Correspondence	Gift Certs.	Jul-98	Nov-12
16	Misc. Correspondence	Goodwill Donation Centre	Jul-98	Nov-12
16	Misc. Correspondence	Give a Kid a Christmas	Jul-98	Nov-12
16	Misc. Correspondence	Grocery Space Unit 82	Jul-98	Nov-12
16	Misc. Correspondence	HASCheck	Jul-98	Nov-12
16	Misc. Correspondence	Health Centres - Mail Merge	Jul-98	Nov-12
16	Misc. Correspondence	Health Unit - Proposal	Jul-98	Nov-12
16	Misc. Correspondence	Hoekstra Lien (2005)	Jul-98	Nov-12
16	Misc. Correspondence	Holiday Inn Sarnia	Jul-98	Nov-12
16	Misc. Correspondence	Home Depot	Jul-98	Nov-12
16	Misc. Correspondence	Hospital Activity Book for Children	Jul-98	Nov-12
16	Misc. Correspondence	Howie, Wayne	Jul-98	Nov-12
16	Misc. Correspondence	Hyrdo Deregulation	Jul-98	Nov-12
16	Misc. Correspondence	Hydro Save on Energy Lighting	Jul-98	Nov-12
17	Misc. Correspondence	ICICI Bank of Canada	Jun-02	Oct-12
17	Misc. Correspondence	Imperial Theatre	Jun-02	Oct-12
17	Misc. Correspondence	Inspection on Expansion Tank	Jun-02	Oct-12
17	Misc. Correspondence	Insurance Claims	Jun-02	Oct-12
17	Misc. Correspondence	In Tech Risk Management	Jun-02	Oct-12
17	Misc. Correspondence	Industry Theatre	Jun-02	Oct-12
17	Misc. Correspondence	Innivity	Jun-02	Oct-12
17	Misc. Correspondence	Inn of the Good Shepherd	Jun-02	Oct-12
17	Misc. Correspondence	Insight Data	Jun-02	Oct-12
17	Misc. Correspondence	Intercon Security Limited	Jun-02	Oct-12
17	Misc. Correspondence	J.M.S. Real Estate Services	Jun-02	Oct-12
17	Misc. Correspondence	Key Releases	Jun-02	Oct-12
17	Misc. Correspondence	Labour, ONT. Ministry of	Jun-02	Oct-12
17	Misc. Correspondence	Lambton College Charge-backs	Jun-02	Oct-12
17	Misc. Correspondence	Leasing Reports	Jun-02	Oct-12
17	Misc. Correspondence	Legal Examinations	Jun-02	Oct-12
17	Misc. Correspondence	Legion, BR. 26	Jun-02	Oct-12
17	Misc. Correspondence	Liquidation World	Jun-02	Oct-12



<b>Bayside Mall Limited</b>				
<b>Listing of Books and Records</b>				
<b>As at November 18, 2015</b>				
			Date Range	
BOX #	Title	Details	From Year(mm/yy)	To Year(mm/yy)
17	Misc. Correspondence	Lovers Warehouse	Jun-02	Oct-12
17	Misc. Correspondence	Lyndon Security	Jun-02	Oct-12
17	Misc. Correspondence	Manley's Orders	Jun-02	Oct-12
17	Misc. Correspondence	Marketing Meeting 2008	Jun-02	Oct-12
17	Misc. Correspondence	Marketing 2011	Jun-02	Oct-12
17	Misc. Correspondence	Marks Work Wearhouse	Jun-02	Oct-12
17	Misc. Correspondence	Marriot Call Centre	Jun-02	Oct-12
17	Misc. Correspondence	Mastercard	Jun-02	Oct-12
17	Misc. Correspondence	MCO Issues	Jun-02	Oct-12
17	Misc. Correspondence	Mentor Media Scam	Jun-02	Oct-12
17	Misc. Correspondence	Min. of Labour	Jun-02	Oct-12
17	Misc. Correspondence	Moneith & Sutherland	Jun-02	Oct-12
17	Misc. Correspondence	Ms Society of Canada	Jun-02	Oct-12
17	Misc. Correspondence	Murals	Jun-02	Oct-12
17	Misc. Correspondence	NSF Cheques Returned	Jun-02	Oct-12
17	Misc. Correspondence	Nguyen, Tia - Car Accident	Jun-02	Oct-12
17	Misc. Correspondence	Overrun Costs	Jun-02	Oct-12
17	Misc. Correspondence	Parking Letters for Leaking Vehicles	Jun-02	Oct-12
17	Misc. Correspondence	Parking Passes	Jun-02	Oct-12
17	Misc. Correspondence	Parking - Underground Garage	Jun-02	Oct-12
17	Misc. Correspondence	Patton Cormier & Associates	Jun-02	Oct-12
17	Misc. Correspondence	Potential New Tenants	Jun-02	Apr-12
17	Misc. Correspondence	Poore Investments	Jun-02	Oct-12
17	Misc. Correspondence	Pre-Natal Health Fairs	Jun-02	Oct-12
17	Misc. Correspondence	Promotions Committee	Jun-02	Oct-12
17	Misc. Correspondence	Parking Signs	Jun-02	Oct-12
17	Misc. Correspondence	Parksmart	Jun-02	Oct-12
17	Misc. Correspondence	Samak Management Policies	Jun-02	Oct-12
18	Misc. Correspondence	2008 Ran Info	Oct-99	Jul-12
18	Misc. Correspondence	Arcturus Realty Stuff	Oct-99	Jul-12
18	Misc. Correspondence	Bell (Pay Phones, Cheques)	Oct-99	Jul-12
18	Misc. Correspondence	Card Deposit	Oct-99	Jul-12
18	Misc. Correspondence	Deposit Cash Report	Oct-99	Jul-12
18	Misc. Correspondence	E-Cash	Oct-99	Jul-12
18	Misc. Correspondence	e-Station.com Inc.	Oct-99	Jul-12
18	Misc. Correspondence	Hip Coin Inc.	Oct-99	Jul-12
18	Misc. Correspondence	Hunger House Toys	Oct-99	Jul-12
18	Misc. Correspondence	Indemnity (STA) Forms	Oct-99	Jul-12
18	Misc. Correspondence	Meeting Minutes	Oct-99	Jul-12
18	Misc. Correspondence	MPAC Rental Data Request Backup 2010	Oct-99	Jul-12
18	Misc. Correspondence	NuCo Vending	Oct-99	Jul-12
18	Misc. Correspondence	RANS Jan'07	Oct-99	Jul-12
18	Misc. Correspondence	Rental Advice Notice Corrections	Oct-99	Jul-12
18	Misc. Correspondence	Sarnia Parking Authority	Oct-99	Jul-12
18	Misc. Correspondence	Starburst Coin	Oct-99	Jul-12
18	Misc. Correspondence	Tele Vending Candy Machines	Oct-99	Jul-12
18	Misc. Correspondence	Threshold Financial Tech	Oct-99	Jul-12
18	Misc. Correspondence	Vacancy Tracking	Jan-06	Dec-06
18	Misc. Correspondence	Xeroz Manuals	Oct-99	Jul-12
19	Leases	A-B	Nov-03	Oct-12
20	Leases	C-G	Jul-03	Nov-12
21	Leases	H-J	May-97	Nov-12
22	Leases	L-M	Feb-94	May-12
23	Leases	M-S	Jan-03	Oct-12

**Schedule "C"**

Court File No. CV-12-9911-00CL

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**COMMERCIAL LIST**

**ICICI BANK CANADA**

Applicant

- and -

**BAYSIDE MALL LIMITED**

Respondent

**DISCHARGE CERTIFICATE**

RECITALS

A. Pursuant to the Order of the Honourable Justice Wilton-Siegel dated December 5, 2012, A. John Page & Associates Inc. was appointed Receiver of the undertaking, property and assets of the respondent.

B. Pursuant to the Order of the Honourable Mr. Justice Penny dated November 18, 2019 (the "**Discharge Order**"), this certificate shall be filed with the Registrar of this Court upon the completion of the ancillary activities described in the Twelfth Report of the Receiver dated October 29, 2019 (the "**Twelfth Report**").

THE RECEIVER CERTIFIES the following:

1. The Receiver has completed all matters required by this Court, including the distribution of funds and the ancillary activities described in the Twelfth Report and as approved by the Discharge Order.

2. Attached to this certificate is a copy of the Actual Final R&D (as defined in the Twelfth Report).

3. Pursuant to the filing of this Certificate with the Registrar of this Court, the Receiver is discharged as of this filing date, all in accordance with the Discharge Order.

Filed, this \_\_\_\_\_ day of \_\_\_\_\_, 2019

A. JOHN PAGE & ASSOCIATES INC.  
In its capacity as Receiver of 1368883 Ontario Inc.  
(formerly Bayside Mall Limited)

Per: \_\_\_\_\_

Name: A. John Page  
Title: President

**B E T W E E N:**

**ICICI BANK CANADA**  
Applicant

- AND -

**BAYSIDE MALL LIMITED**  
Respondent

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**  
  
(PROCEEDING COMMENCED AT TORONTO)

**ORDER**  
(re Twelfth Report)

**Heath P.L. Whiteley**  
(L.S.U.C. No. 38528P)

Tel: (905) 773-7700  
Fax: (905) 773-7666

Email: [heath@whiteleylitigation.com](mailto:heath@whiteleylitigation.com)

310 Stouffville Road  
Richmond Hill, Ontario  
L4E 3P4

Lawyer for the Receiver