



Court File No. CV-13-10365-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

**THE HONOURABLE
JUSTICE MCEWEN**

**THURSDAY, THE 23th DAY
OF APRIL, 2015**

B E T W E E N:

THE TORONTO-DOMINION BANK

Applicant

– and –

FAIRVIEW NURSING HOME LIMITED

Respondent

**APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND
INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED**

ORDER

THIS MOTION, MADE BY BDO CANADA LIMITED, in its capacity as receiver (in such capacity, the “**Receiver**”), appointed in accordance with the Order of Justice D. Brown dated December 20, 2013 in relation to the assets, undertakings, and properties (the “**Property**”) of Fairview Nursing Home Limited (the “**Debtor**”), for an Order approving the Second Report to Court of the Receiver dated April 17, 2015 (the “**Report**”) and the Receiver’s conduct and activities outlined therein and directing payment of certain monies and proceeds held by the Receiver in satisfaction of the senior secured claims of The Toronto-Dominion Bank (“**TD**”), was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Report and on hearing the submissions of counsel for the Receiver and those counsel listed on the Counsel Slip, no one appearing for any other person on the Service List, although properly served as appears from the Affidavit of Alma Cano, sworn April 17, 2015, filed:

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

APPROVAL OF REPORT

2. **THIS COURT ORDERS** that the Report, and the activities of the Receiver outlined therein be and are hereby approved.

DISTRIBUTION

3. **THIS COURT ORDERS** that the Receiver is hereby authorized and directed to pay the sum of \$562,778.95, plus per diem interest in the amount of \$80.64 from April 16, 2015 to the date of payment, to TD from monies and sale proceeds held by the Receiver, in full and final satisfaction of the claims of TD against the Debtor and the Property.

4. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States 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.

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

APR 23 2015

NB



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(PROCEEDING COMMENCED AT TORONTO)

ORDER

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