

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

THE HONOURABLE) FRIDAY, THE 12th DAY
)
JUSTICE CONWAY) OF JUNE, 2015

BETWEEN:



ROMAS KARTAVICIUS

Applicant

- and -

OAK BAY DEVELOPMENTS INC. and OAK BAY GOLF CLUB INC.

Respondents

**IN THE MATTER OF AN APPLICATION UNDER SUBSECTION 243(1) OF THE
BANKRUPTCY AND INSOLVENCY ACT, R.S.C 1985, C.B-3, AS AMENDED, AND
SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, C.C43, AS AMENDED**

ORDER

THIS MOTION made by Deloitte Restructuring Inc., in its capacity as Receiver of all of the current and future assets, undertakings and properties of Oak Bay Developments Inc. (the “**Debtor**”) acquired for, or used in relation to 26 residential units (the “**Units**”) of The Residences of Oak Bay Golf and Country Club (collectively, the “**Property**”) for the limited purpose of administering the completion of the construction of the Units currently subject to agreements of purchase and sale with third parties (the “**APSs**”) in order to allow the Debtor to

close the sale of the Units (in that capacity, the “**Receiver**”), for an Order (i) abridging the time for service of the notice of motion and motion record herein, (ii) approving the Second Report of the Receiver dated June 2, 2015 (the “**Second Report**”) and the activities described therein, (iii) approving and accepting the Receiver’s Interim Statements of Receipts and Disbursements for the period from November 12, 2014 to May 28, 2015, (iv) approving a partial distribution of from the proceeds of sale of the Units (the “**Distributable Funds**”) to Industrial and Commercial Bank of China (Canada) (“**ICBK**”) and the balance to be paid to 2460112 Ontario Inc. (“**2460112**”) or as 2460112 otherwise directs the Receiver, (v) authorizing and directing Harris Sheaffer LLP (“**Harris Sheaffer**”) to release to the Receiver the \$20,000.00 deposit from the terminated sale of Unit 15 (the “**Unit 15 Deposit**”) (vi) approving a future distribution to 2460112, or as 2460112 otherwise directs the Receiver, consisting of the proceeds from the closing of Unit 21 once received, the Unit 15 Deposit, and any funds received by the Receiver as a result of the release of all or a portion of the deposits for the 22 Units that have closed (the “**Unit Deposits**”), subject to any changes in the Receiver’s future obligations, and (vii) approving the fees and disbursements for services rendered by the Receiver for the period from February 16, 2015 to May 8, 2015, was heard this day at Toronto.

ON READING the Receiver’s Motion Record dated June 2, 2015, the Second Report, the affidavit of Hartley Bricks sworn May 28, 2015, the affidavit of Clarence Cho sworn June 9, 2015, upon hearing the submissions of counsel for the Receiver, counsel for the Applicant, counsel for 2460112, counsel for Eden Oak (Port Severn) Inc. and counsel for ICBK, no one else appearing, and on being advised that this Order was to issue on the consent of the parties appearing today,

1. **THIS COURT ORDERS** that the time for service of the Receiver's Notice of Motion returnable June 12, 2015 (the "**NOM**"), and related motion material filed in support of that NOM (the "**Motion Material**") be and is hereby abridged, that service of the NOM and Motion Material is hereby validated, and that further service thereof is hereby dispensed with.
2. **THIS COURT ORDERS** that the Second Report dated June 2, 2015, and the actions of the Receiver and its counsel described therein, be and are hereby approved.
3. **THIS COURT ORDERS** that the Receiver's Interim Statement of Receipts and Disbursements for the period from November 12, 2014 to May 28, 2015 as set out at Appendix "F" of the Receiver's Second Report, be and is hereby accepted and approved.
4. **THIS COURT ORDERS** that the Receiver is hereby authorized and directed to pay to ICBK from the Distributable Funds the sum of \$3,477,787.81 inclusive of ICBK's legal costs up to and including June 12, 2015, plus *per diem* interest of \$495.31 from and including June 1, 2015 up to the date of payment (the "**ICBK Funds**").
5. **THIS COURT ORDERS** that Harris Sheaffer shall forthwith release to the Receiver the Unit 15 Deposit.
6. **THIS COURT ORDERS** that the balance of the Distributable Funds, the Unit 15 Deposit and any additional funds received by the Receiver from this date onward as a result of the sale of any of the Units including but not limited to any Unit Deposits currently being held by Harris Shaeffer, shall be held by the Receiver pending further Order of this Court.

7. **THIS COURT ORDERS** that the fees and disbursements of the Receiver for the period from February 16, 2015 to May 8, 2015, be and are hereby approved.



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JUN 12 2015

ROMAS KARTAVICIUS

and

Applicant

Court File No. CV-14-10703-00CL
**OAK BAY DEVELOPMENTS INC. AND OAK BAY GOLF
CLUB INC.**

Respondents

**ONTARIO
SUPERIOR COURT OF JUSTICE
[COMMERCIAL LIST]**

Proceeding Commenced at **TORONTO**

ORDER

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