

Court File Nos. M46240, M46279 M46303
(C61854)

COURT OF APPEAL FOR ONTARIO

THE HONOURABLE ~~MADAM~~)
JUSTICE VAN RENSBURG J.A.)
FRIDAY, THE 22nd
DAY OF APRIL, 2016

BETWEEN:

BUSINESS DEVELOPMENT BANK OF CANADA

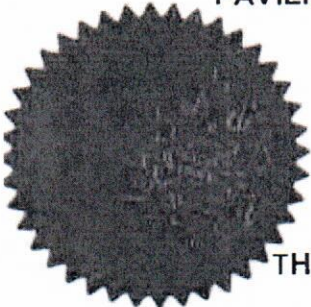
Applicant

- and -

**AVENTURA II PROPERTIES INC., PAVILION SPORTS CLUBS INC.,
PAVILION SPORTS ICE INC., PAVILION SPORTS FOOD AND BEVERAGE INC.
and PAVILION AQUATIC CLUB INC.**

Respondents

ORDER

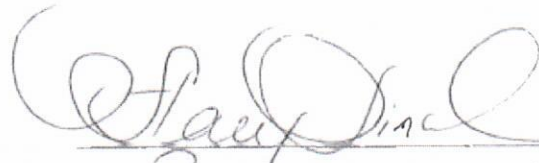


THIS MOTION, made by Revital Druckmann ("Druckmann") for leave to appeal the order of the Honourable Mr. Justice Hainey dated March 4, 2016, together with the motions made by DUCA Financial Services Credit Union Ltd. ("DUCA") and Pollard & Associates Inc. in its capacity as Receiver of the Respondents (the "Receiver"), for an Order requiring Jean-Jacques Myara ("Myara") to post security for costs of the appeal, were heard together on April 5, 2016 at Osgoode Hall, 130 Queen Street West, Toronto, judgment having been reserved to this day.

ON READING the Notices of Motion of Druckmann, DUCA and the Receiver, the Receivership Order of Mr. Justice McEwen dated September 8, 2014, the Endorsement and Order of Mr. Justice Hainey dated March 4, 2016, the Endorsements of Madam Justice Roberts JA dated March 17, 2016 and March 30, 2016 and the Compendium of evidence before Mr. Justice Hainey and on hearing the submissions of counsel for the Receiver, DUCA, Druckmann and Myara,

1. **THIS COURT ORDERS** that Druckmann's motion for leave to appeal the Order of Mr. Justice Hainey is dismissed.
2. **THIS COURT ORDERS** that Myara shall post security for costs of his appeal in the amount of \$15,000 for each of the Receiver and DUCA, by payment into court of the sum of \$30,000 on or before May 2, 2015, failing which a judge of this court may dismiss the appeal on motion.
3. **THIS COURT ORDERS** that Druckmann shall pay the costs of Druckmann's motion to the Receiver and DUCA fixed in the sum of \$10,000 each, inclusive of HST and disbursements.
4. **THIS COURT ORDERS** that Myara shall pay the costs of the Receiver's and DUCA's motions for security for costs fixed in the sum of \$5,000 each, inclusive of HST and disbursements.

This Judgment bears interest at the rate of Two Percent (2.0%) per annum from its
~~date~~ commencing April 22, 2016



Registrar - Court of Appeal

#2521209

ENTERED AT / INSCRIPT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

MAY - 6 2016

PER / PAR: *SDS*

BUSINESS DEVELOPMENT BANK OF CANADA

-and-

AVENTURA II PROPERTIES INC., et al.

Applicant

Respondents

Court File No. CV-13-10285-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
Commercial list**

Proceeding commenced at Toronto

ORDER

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