

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

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

**THE HONOURABLE MR.**

**JUSTICE HAINEY**

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**FRIDAY, THE 4<sup>th</sup>**

**DAY OF MARCH, 2016**



**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 the Receiver, Pollard & Associates Inc. (the "Receiver"), for, among other things, an Order continuing an Order granted by Mr. Justice Halney dated December 4, 2015 against Revital Druckmann and continued on December 11, 2015, January 29, 2016 and February 26, 2016 (the "Mareva Order"), the immediate repatriation of funds belonging to the Receiver and approval of the activities of the Receiver was heard on February 26, 2016 at 330 University Avenue, 8th Floor, Toronto, Ontario, judgment having been reserved to this day.**

**ON READING** the Notice of Motion of the Receiver returnable on January 29, 2016, the Fifth, Sixth and Seventh Reports of the Receiver and Schedules thereto, the Affidavits of Revital Druckmann sworn December 11, 2015, December 28, 2015 and February 17, 2016 and Exhibits thereto, the Affidavit of Josie Violin sworn January 26, 2016 and Exhibits thereto, the Affidavit of Jean Jacques Myara sworn February 17, 2016 and Exhibits thereto, the Affidavit of Henry Karl sworn February 19, 2016 and Exhibits thereto, the Affidavits of Dorothy Chrapek sworn February 18, 2016 and February 19, 2016 and Exhibits thereto, the Affidavits of Timothy Dunn sworn January 26, 2016, February 18, 2016 and February 22, 2016 and Exhibits thereto, the Transcript of the Cross Examination of Revital Druckmann held February 19, 2016 and Exhibits thereto, the Transcript of the Cross Examination of Henry Karl held February 23, 2016 and Exhibits thereto and the Final Report of Collins Barrow Toronto Limited dated May 15, 2015 and Schedules thereto and on hearing the submissions of counsel for the Receiver, DUCA Financial Services Credit Union Ltd., Revital Druckmann and Jean-Jacques Myara,

1. **THIS COURT ORDERS AND DECLARES** that the proceeds of a refund of Harmonized Sales Tax in the amount of \$986,594.96 originally payable to the Respondent Pavillon Sports Clubs Inc. which was misappropriated by the Respondents and diverted to a bank account controlled by Revital Druckmann (the "HST Funds") are assets subject to the Receivership Order granted by the Honourable Mr. Justice McEwen dated September 8, 2014 (the Receivership Order").

2. **THIS COURT ORDERS AND DECLARES** that Jean-Jacques Myara has no interest in the HST Funds and Jean-Jacques Myara's claim to an interest in the HST Funds is dismissed.

3. **THIS COURT ORDERS AND DECLARES** that the Receiver is entitled to possession of the HST Funds under the terms of the Receivership Order.

4. **THIS COURT ORDERS** that:

- (a) The Toronto Dominion Bank shall pay to the Receiver forthwith all funds held in a Non Registered Asset Management Account in the name of Revital Druckmann bearing account #1471 8106243;
- (b) Royal Bank of Canada shall pay to the Receiver forthwith all funds held in a Non-Registered Investment Account in the name of Revital Druckmann bearing account #409895901;
- (c) Royal Bank of Canada shall pay to the Receiver forthwith the sum of \$6,233.91 held in account #409895901 in the name of Revital Druckmann;
- (d) The Toronto Dominion Bank shall pay to the Receiver forthwith the balance of funds held in account #1471 6305497 held in the name of S. Stern, bearing;

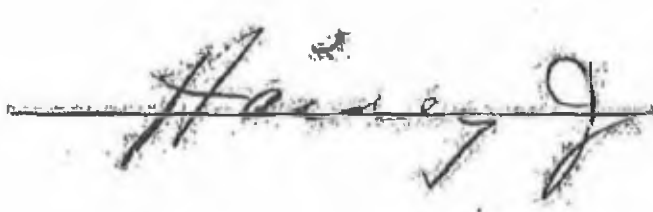
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(e) Revital Druckmann shall deliver to the Receiver a 2015 Volkswagen Jetta (the "Jetta") which was purchased with the HST Funds and the Receiver shall be authorized to sell the Jetta and retain the proceeds as proceeds subject to the Receivership Order.

5. **THIS COURT ORDERS** that the Mareva Order be and is hereby continued until further Order of this Court, without prejudice to any interim motion that may be made by Revital Druckmann to vary the terms of the Mareva Order.

6. **THIS COURT ORDERS** that the activities of the Receiver as set out in the Fifth, Sixth and Seventh Reports of the Receiver be and are hereby approved.

7. **THIS COURT ORDERS** that the Receiver is entitled to its costs of this motion against Revital Druckmann and Jean-Jacques Myara, subject to written submissions by all parties as to costs.



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**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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Solicitors for the Receiver,  
Pollard & Associates Inc.