

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.)
)
JUSTICE WILTON-SIEGEL)

MONDAY, THE 24th
DAY OF OCTOBER, 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 Receiver, Pollard & Associates Inc. (the "Receiver") for an Order that the balance of the HST funds in the amount of \$144,372.88 which were ordered to be returned to the Receiver pursuant to the Order of Mr. Justice Hainey dated March 4, 2016 be paid to the Receiver and other relief was heard this day at Toronto.

ON READING the Notice of Motion of the Receiver and the Tenth Report of the Receiver dated October 14, 2016 and on Consent of the Receiver, Revital Druckmann and DUCA Financial Services Credit Union Ltd.,

1. **THIS COURT ORDERS** that the Order of Mr. Justice Hainey dated December 4, 2015 granting a Mareva injunction against Revital Druckmann (the "Mareva Order" and paragraph 3(e) of the Order of Mr. Justice Hainey dated August 15, 2016 varying the Mareva Order be varied as follows:

- (a) That the funds in the amount of \$144,372.88 be paid to the Receiver from the proceeds of the sale of 12 Malka Gate, Thornhill as further described in Schedule "A" hereto;
- (b) That the balance of the funds sought by the Receiver, \$335,911.43 be paid into the trust account of the Receiver pending settlement or final disposition of this motion;
- (c) That the balance of the sale proceeds of 12 Malka Gate, Thornhill after payment of the above sums be provided to Revital Druckmann;
- (d) That upon payment of the aforesaid sums, the Mareva Order be lifted;

2. **THIS COURT ORDERS** that the costs of the motion, reserved to the return date if applicable.

Mareva

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

#2611225

OCT 26 2016

Rm. Ittleman

OCT 26 2016

R. Ittleman, Registrar
Superior Court of Justice

PER / PAR:



SCHEDULE "A"

PCL 34-1, SEC 65M3053 ; LT 34, PL 65M3053 , T/W PT LOT 33, PL 65M3053, PT 9, 65R18256, AS IN LT1101208; (S/T LT1021290, LT1043061, LT1049157, LT1059784, LT1076297, LT1076298 & LT1082438); S/T PT 10, 65R18256, IN FAVOUR OF LOT 35, PL 65M3053, AS IN LT1105796; S/T LT1117574 ; VAUGHAN

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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