



Court File No. CV-15-68-00

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

)

THURSDAY, THE 3RD

JUSTICE LEROY

)

DAY OF SEPTEMBER, 2020

)

IN THE MATTER OF SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, C. B-3, AS AMENDED, SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O 1990 C. C.43, AS AMENDED, AND SECTION 68 OF THE *CONSTRUCTION LIEN ACT*, R.S.O. 1990, C. C.30, AS AMENDED

B E T W E E N:

HARBOUR EDGE MORTGAGE INVESTMENT CORPORATION

Applicant

- and -

**HARDEN ENTERPRISES INCORPORATED
AND SOUTHWINDS ENTERPRISES LIMITED**

Respondents

ORDER

THIS MOTION, made by Rosen Goldberg Inc., in its capacity as the Court-appointed receiver (the “**Receiver**”) of the assets, undertaking and property of Harnden Enterprises Incorporated and Southwinds Enterprises Limited (collectively, the “**Debtors**”), for an order:

1. approving the Third Report of the Receiver dated August 25, 2020 (the “**Third Report**”), the Supplement to the Third Report dated August 31, 2020 (the “**Supplement**”) and the activities of the Receiver described therein;
2. approving the Receiver’s Statement of Receipts and Disbursements for the period from March 26, 2015 to August 10, 2020;

3. providing directions to the Receiver regarding distribution of the Reserve as (as defined in the Third Report) and authorizing the Receiver to distribute the Reserve in accordance with the distribution recommended in the Third Report, and the Supplement;
4. approving the fees and disbursements of the Receiver and its counsel;
5. discharging Rosen Goldberg Inc. as Receiver; and
6. releasing Rosen Goldberg Inc., from any and all liability, as set out in paragraph 7 of this Order,

was heard this day by zoom video conference at the Kingston Courthouse at 5 Court Street in Kingston, Ontario, as a result of Covid 19.

ON READING the Third Report and the Supplement, the affidavits of Brahm Rosen sworn August 18, 2020 and the affidavit of Lisa Corne sworn August 24, 2020 (collectively, the “**Fee Affidavits**”), and on hearing the submissions of counsel for the Receiver, counsel for Harbour Edge Mortgage Investment Corporation, counsel for Cecil Harnden, counsel for the City of Kingston, and Jamie McGarvey, representative of Sousa Ready Mix, no one else appearing although served;

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion, the Motion Record, the Third Report, and the Supplement is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS**, without prejudice to any claims of Cecil Harnden, that the Third Report and the Supplement, and the activities of the Receiver described therein are hereby approved.
3. **THIS COURT ORDERS** that the receiver’s Statement of Receipts and Disbursements for the period March 26, 2015 to August 10 2020 attached as Appendix G to the Third Report is hereby approved.
4. **THIS COURT ORDERS** the fees and disbursements of the Receiver and its counsel, Dickinson Wright LLP, as described in the Third Report and the Fee Affidavits, are hereby approved.

5. **THIS COURT ORDERS** that the Receiver be and is hereby authorized and directed to distribute the Reserve (as defined in the Third Report) in accordance with the distribution recommended by the Receiver in its Third Report and Supplement as set out in Schedule “A” hereto;

6. **THIS COURT ORDERS** that the balance of the motion is adjourned until September 17, 2020 at 9:00 a.m. before the Honourable Justice Leroy, by Zoom videoconference.

Justice R. Leroy

ENTERED AT KINGSTON
UNSCRIT A KINGSTON

SEPTEMBER 3, 2020

IN BOOK NO. 73-21
AU REGISTRE NO. 73-21

Schedule "A"

Payee	Amount
Wylie Electric o/a 1425786 Ontario Inc.	\$ 6,012.70
Antonio Mendes Co. o/a Antonio Mendes Construction	6,324.50
Sousa Ready Mix	52,663.03
Jeff Byron Pumps & Water Treatment	2,852.07
Wicklown	968.63
Work of Art Masonry Ltd.	1,612.22
BGM Metalworks	290.92
Antonio Mendes Construction	17,482.63
Kingston Plate & Glass	5,973.20
Action Flooring	3,933.18
Commercial Door Systems Ltd.	201.45
Grass Roots	1,183.88
HMC Contracting Ltd.	3,530.11
Otis	3,052.68
Select Door & Frame	3,105.82
TOTAL	\$109,187.02

**HARBOUR EDGE MORTGAGE INVESTMENT
CORPORATION**

Applicant

-and- **HARNDEN ENTERPRISES INCORPORATED et al**

Respondent

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PROCEEDING COMMENCED AT
KINGSTON

ORDER

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Lawyers for the Receiver, Rosen Goldberg Inc.

