

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE MR. ) THURSDAY, THE 6<sup>TH</sup>  
 )  
JUSTICE KOEHNEN ) DAY OF AUGUST, 2020

**MELVYN EISEN, TRUSTEE**

Applicant

- and -

**DIAM DANFORTH PROPERTY INC.**

Respondent

**APPLICATION UNDER** Section 243(1) of the *Bankruptcy and Insolvency Act*  
Section 101 of the *Courts of Justice Act*, and Section 68(1) of the *Construction Act*

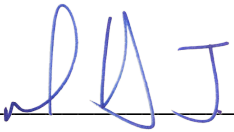
**DISTRIBUTION ORDER**

**THIS MOTION**, made by Rosen Goldberg Inc., in its capacity as the Court-appointed non-possessory receiver and construction lien trustee (in this capacity, the “**Receiver**”) of the real property municipally known as 2359 Danforth Avenue, Toronto, Ontario and all other property, assets and undertakings of DIAM Danforth Property Inc. (the “**Debtor**”) acquired for, or used in relation to a business carried on by the Debtor, for an order approving payment of fees claimed by the Applicant was heard this day by judicial videoconference via Zoom at Toronto, Ontario due to the COVID-19 crisis.

**ON READING** the Third Report of the Receiver dated July 10, 2020 and on hearing the submissions of counsel for the Receiver, the Applicant and certain of the beneficiaries of the second and third mortgages no one appearing for any other person on the service list, although duly served as appears from the affidavit of service of Chad Kopach sworn July 13, 2020, filed,

1. **THIS COURT ORDERS** that the Receiver shall make a distribution from the funds of the estate of the Debtor to Melvyn Eisen in the amount of \$20,000.00 inclusive of HST in full satisfaction of his claims for fees pursuant to his invoice dated July 8, 2020.

2. **THIS COURT ORDERS** that this Order is effective from today's date and is not required to be entered.

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**IN THE MATTER OF SECTION 243(1) OF THE *BANKRUPTCY AND  
INSOLVENCY ACT* AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*  
BETWEEN MELVYN EISEN, TRUSTEE, APPLICANT, AND DIAM  
DANFORTH PROPERTY INC., RESPONDENT**

Court File No. CV-20-00640347-00CL

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***ONTARIO***  
**SUPERIOR COURT OF JUSTICE**  
**COMMERCIAL LIST**  
**Proceeding commenced in TORONTO**

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**DISTRIBUTION ORDER**

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Lawyers for the Applicant, Melvyn Eisen, Trustee