

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

THE HONOURABLE )  
JUSTICE CONWAY )  
MONDAY, THE 21<sup>st</sup>  
DAY OF JUNE, 2021

B E T W E E N:

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*

**ORDER**

**THIS MOTION** made by Miller Thomson LLP (“**Miller Thomson**”), counsel to 49 investors (the “**OT Investor Clients**”) in the second-ranking mortgage registered in favour of the Olympia Trust Company (the “**OT Mortgage**”), for an Order for payment of costs out of the proceeds of sale of 2359 Danforth Avenue, Toronto (the “**Property**”) in respect of its representation of the OT Investor Clients in the within Receivership, was heard this day by Zoom videoconference.

**ON READING** Miller Thomson's Notice of Motion dated May 31, 2021, and the Affidavit of Michelle Martins sworn May 31, 2021, filed, and upon hearing the submissions of counsel for the Receiver and for Miller Thomson, no other parties attending, although duly served as appears from the Affidavit of Service of Michelle Martins sworn June 7, 2021, filed;

1. **THIS COURT ORDERS** that the Receiver shall make a distribution from the proceeds of sale of the Property to Miller Thomson in the amount of \$22,500.00 plus H.S.T., for a total payment of \$25,425.00, in respect of costs incurred to date as counsel to the OT Investor Clients in the within Receivership.

A handwritten signature in blue ink, appearing to read "Conway J.", is written over a horizontal line.

MELVYN EISEN, TRUSTEE  
Applicant

and DIAM DANFORTH PROPERTY INC.  
Respondent

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

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SUPERIOR COURT OF JUSTICE  
[COMMERCIAL LIST]**

Proceeding commenced at TORONTO

**ORDER**

**MILLER THOMSON LLP**

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Lawyers for certain investors in the Olympia Trust  
Company second mortgage