

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MADAM) FRIDAY, THE 15TH
JUSTICE CONWAY) DAY OF MARCH, 2024

BETWEEN:

**C & K MORTGAGE SERVICES INC. o/a RESCOM CAPITAL and CANADIAN
WESTERN TRUST COMPANY**

Plaintiffs

and

**11282751 CANADA INC., GAZI BELAYET HOSSAIN,
STEVEN GALLEN and DEBRA GALLEN**

Defendants

**ORDER
(Sale Process Order)**

THIS MOTION made by Rosen Goldberg Inc. (“**RGI**”) in its capacity as court appointed receiver (the “**Receiver**”) without security, of the lands and premises municipally known as 170 Burton Avenue, Barrie, Ontario (the “**Property**”), owned by the defendant, 11282751 Canada Inc. (the “**Debtor**”), for an Order that, among other things, approves a sale process to be conducted by the Receiver, was heard this day at by judicial videoconference.

ON READING the first report of the Receiver dated March 8, 2024 (the “**First Report**”) and schedules thereto, and on hearing the submissions of counsel for the Receiver and anyone else appearing for any other party on the Service List as duly served as appears from the affidavit of service of Marianne D’ Souza sworn March 8, 2024, filed;

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and Motion Record is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

RECEIVER'S ACTIVITIES

2. **THIS COURT ORDERS** that the First Report and the activities of the Receiver as described therein are hereby approved. provided, however, that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approval. BC

SALE PROCESS APPROVAL

3. **THIS COURT ORDERS** that the sale process and procedures described in the First Report (the "Sale Process") are hereby approved and the Receiver is hereby authorized to carry out the Sale Process and take such steps as it considers necessary and desirable in carrying out its obligations thereunder, all subject to approval by this Court of any sale transaction resulting from the Sale Process.

4. **THIS COURT ORDERS** that the Receiver and its affiliates, partners, directors, officers, employees, legal advisors, representatives, agents and controlling persons shall have no liability with respect to any and all losses, claims, damages or liabilities of any nature or kind to any person in connection with or as a result of the Receiver performing its duties under the Sale Process, except to the extent such losses, claims, damages or liabilities arise or result from the gross negligence or willful misconduct of the Receiver, as determined by this Court in a final order that is not subject to appeal or other review.

5. **THIS COURT ORDERS** that the Receiver may apply to the Court for directions with respect to the Sale Process at any time on at least seven (7) days' notice to the Service List established in these proceedings or such other notice as directed or permitted by the Court.

6. **THIS COURT ORDERS** that, pursuant to clause 7(3)(c) of the *Canada Personal Information Protection and Electronic Documents Act*, the Receiver shall disclose personal information of identifiable individuals to prospective purchasers or bidders for the Property and to their advisors, but only to the extent desirable or required to negotiate and attempt to complete a

sale of the Property (a “**Sale**”). Each prospective purchaser or bidder to whom such personal information is disclosed shall maintain and protect the privacy of such information and limit the use of such information to its evaluation of a Sale, and if it does not complete a Sale, shall return all such information to the Receiver, or in the alternative destroy all such information. The purchaser of any Property shall be entitled to continue to use the personal information provided to it, and related to the Property purchased, in a manner which is in all material respects identical to the prior use of such information by the Debtor, and shall return all other personal information to the Receiver, or ensure that all other personal information is destroyed.

7. **THIS COURT ORDERS** that this Order and all of its provisions are effective as of the date of issuance without the need for entry or filing.



**C & K MORTGAGE SERVICES INC. o/a RESCOM
CAPITAL, et al.**
Plaintiffs

- and -

**11282751 CANADA INC., GAZI
BELAYET HOSSAIN, et al.**
Defendants
Court File No. CV-24-00712796-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)

Proceeding commenced at
TORONTO

ORDER
(Approving Sales Process)

MANIS LAW

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