

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

THE HONOURABLE *Mr. Justice*
)
)
Penny

WEDNESDAY, THE 16TH
DAY OF JANUARY, 2019



BETWEEN:

BUDUCHNIST CREDIT UNION LIMITED

Applicant

- and -

**2321197 ONTARIO INC., CARLO DEMARIA, SANDRA DEMARIA,
2321198 ONTARIO INC., SASI MACH LIMITED and VICAR HOMES LTD.**

Respondents

ORDER

This motion, made by KSV Kofman Inc., in its capacity as court-appointed receiver and manager (the “**Receiver**”) of the real property located at 46 Puccini Drive, Richmond Hill, Ontario (the “**Puccini Property**”), for an order approving the Occupancy Agreement between Afif Saad, Mona Saad and Isaam Saad (collectively, the “**Occupants**”) and the Receiver attached as Appendix “D” (the “**Occupancy Agreement**”) to the Second Report of the Receiver dated January 10, 2019 (the “**Second Report**”), and for certain other relief as set out in its Notice of Motion, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Second Report of the Receiver, and on hearing submissions by counsel for the Receiver, and for such other parties as appeared at the hearing of the motion,

1. THIS COURT ORDERS that the Occupancy Agreement is hereby approved.
2. THIS COURT ORDERS that, upon the filing by the Receiver of a certificate substantially in the form attached hereto as **Schedule "A"**, the Receiver shall have possession of the Puccini Property and shall be granted a writ of possession substantially in the form attached hereto as **Schedule "B"**.
3. THIS COURT ORDERS that the Second Report and the activities of the Receiver as described therein are hereby approved.



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

JAN 16 2019

PER / PAR:



Schedule "A"

Court File No. CV-18-00608356-00CL

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

BETWEEN:

BUDUCHNIST CREDIT UNION LIMITED

Applicant

- and -

**2321197 ONTARIO INC., CARLO DEMARIA, SANDRA DEMARIA,
2321198 ONTARIO INC., SASI MACH LIMITED and VICAR HOMES LTD.**

Respondents

RECEIVER'S CERTIFICATE

RECITALS

A. Pursuant to an Amended and Restated Receivership Order in this proceeding dated December 4, 2018, KSV Kofman Inc. was appointed receiver and manager (the "**Receiver**") of the real property located at 46 Puccini Drive, Richmond Hill, Ontario (the "**Puccini Property**").

B. Pursuant to an Order in this proceeding dated January 16, 2019, this Court approved the Occupancy Agreement between Afif Saad, Mona Saad and Isaam Saad (collectively, the "**Occupants**") and the Receiver attached as Appendix "D" (the "**Occupancy Agreement**") to the Second Report of the Receiver dated January 10, 2019 (the "**Second Report**"), and ordered that, upon the filing by the Receiver of a certificate substantially in the form attached thereto, the Receiver shall have possession of the Puccini Property and shall be granted a writ of possession substantially in the form attached thereto.

THE RECEIVER CERTIFIES the following:

1. The Receiver has provided to the Occupants a notice to vacate the Puccini Property in accordance with the Occupancy Agreement, and the notice period has expired.
2. This Certificate was delivered by the Receiver at _____ [TIME] on _____ [DATE].

KSV Kofman Inc., in its capacity as court-appointed receiver and manager of the Puccini Property, and not in its personal capacity

Per: _____

Name:

Title:

Schedule "B"

Court File No. CV-18-00608356-00CL

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

BETWEEN:

BUDUCHNIST CREDIT UNION LIMITED

Applicant

- and -

**2321197 ONTARIO INC., CARLO DEMARIA, SANDRA DEMARIA,
2321198 ONTARIO INC., SASI MACH LIMITED and VICAR HOMES LTD.**

Respondents

(Court seal)

WRIT OF POSSESSION

TO the Sheriff of the Regional Municipality of York

Under an Order of this court made on January 16, 2019 in favour of KSV Kofman Inc., in its capacity as court-appointed receiver and manager of the real property located at 46 Puccini Drive, Richmond Hill, Ontario (the "**Puccini Property**"), YOU ARE DIRECTED to enter and take possession of the following land and premises in your county or district:

Municipal Address: 46 Puccini Drive, Richmond Hill, Ontario L4E 2Y6

Legal Description: PIN 03208 - 3618 LT, PT LOT 26, PLAN M807, PT 1, 65R34410;
Town of Richmond Hill

AND YOU ARE DIRECTED to give possession of the above land and premises without delay to KSV Kofman Inc., in its capacity as court-appointed receiver and manager of the Puccini Property.

Date _____

Issued by _____

Local Registrar

Address of court office: 330 University Avenue, 7th Floor
Toronto ON M5G 1R7

BUDUCHNIST CREDIT UNION LIMITED

Applicant

- and -

**2321197 ONTARIO INC., CARLO DEMARIA, SANDRA
DEMARIA, 2321198 ONTARIO INC., SASI MACH LIMITED and
VICAR HOMES LTD.**

Respondents

Court File No: CV-18-00608356-00CL

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

PROCEEDING COMMENCED AT TORONTO

ORDER

CHAITONS LLP
5000 Yonge Street, 10th Floor
Toronto, ON M2N 7E9

George Benchetrit
Tel: (416) 218-1141
Fax: (416) 222-8402
Email: george@chaitons.com

**Lawyers for KSV Kofman Inc., in its capacity as
Receiver of the Puccini Property**