

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

THE HONOURABLE

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THURSDAY, THE 4TH

)

MADAM JUSTICE CONWAY

)

DAY OF JUNE, 2020

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 property municipally known as 211 Woodland Acres Crescent, Vaughan, Ontario (the “**Woodland Property**”), for (a) an order directing the occupants of the Woodland Property, being Carlo and Sandra DeMaria and their children (the “**Occupants**”), to comply with the Receiver’s proposed terms of occupancy as described in the Sixth Report of the Receiver dated May 20, 2020 (the “**Sixth Report**”), and (b) approving the Receiver’s proposed sale process for the Woodland Property as described in the Sixth Report, was heard this day via videoconference.

ON READING the Sixth Report and on hearing submissions by counsel for the Receiver, for the Occupants, for Buduchnist Credit Union Limited and for Trade Capital Finance Corporation, and on consent of the Occupants,

1. THIS COURT ORDERS that the hearing of the Receiver's motion is hereby adjourned to August 12, 2020.
2. THIS COURT ORDERS that the protocol attached hereto as **Schedule "A"** (the "**Marketing Protocol**") is hereby approved, and the Receiver shall be authorized and directed to implement the Marketing Protocol if and when the balance of the Receiver's motion is granted.
3. THIS COURT ORDERS that the Occupants shall provide their full cooperation to the Receiver with respect to implementation of the Marketing Protocol if and when the balance of the Receiver's motion is granted.
4. THIS COURT ORDERS that, pending the disposition of the Receiver's motion:
 - (a) the Occupants shall pay the monthly amount of \$4,500.00 on the first day of each month by bank draft, certified cheque or wire transfer delivered to the Receiver;
 - (b) the Occupants shall provide the Receiver, monthly, with evidence that the following payments are current on the Woodland Property: (i) heat; (ii) hydro; (iii) property taxes; (iv) property insurance, (v) water/sewage, and (vi) any other utilities or municipal services supplied to the property;
 - (c) the Occupants shall not use the Woodland Property for any purpose other than a residential home;

- (d) the Occupants shall not make any alterations whatsoever to the Woodland Property, save and except with the consent of BCU and the Receiver, which consent shall not be unreasonably withheld;
- (e) the Occupants shall comply with all applicable laws, by-laws, and regulations of any governmental authority having jurisdiction over the Woodland Property; and
- (f) the Occupants shall not part with or share possession of or lease out all or any part of the Woodland Property.



Schedule “A”
211 Woodland Acres Crescent, Vaughan, Ontario
Protocol for Marketing the Property

The following steps will be taken by the Receiver’s proposed listing agent (the “**Realtor**”) to attend at 211 Woodland Acres Crescent, Vaughan, Ontario (the “**Property**”) to perform the work necessary to list the property for sale:

Initial Attendance

1. Mr. Demaria and family (the “**Occupants**”) shall provide the Receiver with dates and times for the Realtor’s initial attendance at the Property to take place. The purpose of the initial attendance is for the Realtor to view and take pictures of the interior of the home in order to be able to advise the Receiver of a proposed listing strategy, including the suggested list price.
2. The Realtor and up to one assistant shall attend the Property wearing a mask and gloves at all times. The Realtor shall limit the extent to which it touches any of the contents of the home. The Realtor and any assistant shall not use the washrooms at the Property during their attendance.
3. At the end of the attendance by the Realtor, the Realtor shall sanitize with antibacterial/germ killing cleaners any handles (doors, drawers, etc.), light switches, surfaces and counters that were touched by them.
4. This attendance is estimated to last up to two hours.

Interior Photography / 3D Walking Tour

5. Prior to listing the Property for sale, the Realtor’s photography team of up to three people shall be granted access for a four to five-hour period to complete interior photography and a 3D walking tour of the interior of the home. This second attendance will also include a “stager” to advise on how best to maximize value when the Property is listed for sale.
6. All attendees shall wear a mask and gloves at all times and will limit the extent to which they touch any of the contents of the home. The photographers and/or stager shall not use the washrooms at the Property during their attendance.
7. At the end of the attendance by the photographers and stager, the photographers and stager shall sanitize with antibacterial/germ killing cleaners any handles (doors, drawers, etc.), light switches, surfaces and counters that were touched by them.

Marketing

8. Once the Property is listed for sale, the Occupants will provide their full cooperation with the Receiver and the Realtor with respect to the marketing of the Property for sale, including facilitating showings to prospective purchasers by keeping the interior and exterior of the Property clean, neat and tidy at all times, ensuring prompt snow and ice removal from all exterior walkways, driveways, porches and stairs required for full access to the Property, arranging for lawn mowing and maintenance of landscaping for the property, and vacating the residence during daytime hours on reasonable notice when the Realtor requires it to be empty for private showings. The Realtor shall make its best efforts to arrange for any showings to take place between 9:00 a.m. and 6:00 p.m.
9. The Receiver and/or the Realtor shall provide a minimum of 24 hours prior notice of such attendance.
10. Anyone attending the Property during this period shall wear a mask and gloves at all times, shall not use the washrooms during their attendance, and will only be provided access after having completed the Realtor's standard COVID-19 questionnaire that it has implemented and used on its listings since the outbreak of COVID-19.

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PROCEEDING COMMENCED AT TORONTO

ORDER

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**Lawyers for KSV Kofman Inc., in its capacity as
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