

Court File No. CV-23-00709180-00CL  
CV-23-00710573-00CL  
CV-23-00710267-00CL  
CV-23-00708970-00CL  
CV-23-00711612-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

B E T W E E N:

KINGSETT MORTGAGE CORPORATION AND DORR CAPITAL CORPORATION

Applicants

- and -

VANDYK – UPTOWNS LIMITED, VANDYK – HEART LAKE LIMITED, 2402871  
ONTARIO INC., VANDYK – THE RAVINE LIMITED AND VANDYK – LAKEVIEW-DXE-  
WEST LIMITED

Respondents

MCAP FINANCIAL CORPORATION

Applicant

- and -

VANDYK-THE BUCKINGHAM NORTH - GRAND CENTRAL LIMITED AND JOHN  
VANDYK

Respondents

MCAP FINANCIAL CORPORATION

Applicant

- and -

VANDYK-BACKYARD KINGS MILL LIMITED

Respondent

OTÉRA CAPITAL INC.

Applicant

- and -

2495065 ONTARIO INC.

Respondent

FIERA FP REAL ESTATE FINANCING FUND, L.P.

Applicant

- and -

VANDYK – 41 WABASH LIMITED, 10000318652 ONTARIO INC., VANDYK  
PROPERTIES INCORPORATED AND JOHN VANDYK

Respondents

APPLICATION UNDER SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY  
ACT*, R.S.C., 1985, C. B-3, AS AMENDED AND SECTION 101 OF THE *COURTS OF  
JUSTICE ACT*, R.S.O 1990, C. C.43, AS AMENDED

**MOTION RECORD**  
**(Order Approving Sale Processes)**

March 1, 2024

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TO: **SERVICE LIST**

Court File No. CV-23-00709180-00CL

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

**BETWEEN:**

**KINGSETT MORTGAGE CORPORATION AND DORR CAPITAL CORPORATION**

Applicants

- and -

**VANDYK – UPTOWNS LIMITED, VANDYK – HEART LAKE LIMITED,  
2402871 ONTARIO INC., VANDYK – THE RAVINE LIMITED AND  
VANDYK – LAKEVIEW-DXE-WEST LIMITED**

Respondents

**IN THE MATTER OF AN APPLICATION UNDER SUBSECTION 243(1) OF THE  
*BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED, AND  
SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED**

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Court File No. CV-23-00710573-00CL

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SUPERIOR COURT OF JUSTICE  
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**B E T W E E N:**

**MCAP FINANCIAL CORPORATION**

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SECTION 101 OF THE COURTS OF JUSTICE ACT, R.S.O. 1990, c. C.43, AS  
AMENDED**

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Court File No. CV-23-00710267-00CL

**ONTARIO  
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(COMMERCIAL LIST)**

**B E T W E E N:**

**MCAP FINANCIAL CORPORATION**

Applicant

- and -

**VANDYK-BACKYARD KINGS MILL LIMITED**

Respondent

**IN THE MATTER OF AN APPLICATION UNDER SECTION 243(1) OF THE  
*BANKRUPTCY AND INSOLVENCY ACT*, R.S.C., 1985, C. B-3, AS AMENDED;  
SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O 1990, C. C.43, AS  
AMENDED; AND SECTION 68 OF THE *CONSTRUCTION ACT*, R.S.O. 1990, c. C.30**

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**ONTARIO  
SUPERIOR COURT OF JUSTICE  
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Applicant

- and -

**VANDYK - 41 WABASH LIMITED, 1000318652 ONTARIO INC.,  
VANDYK PROPERTIES INCORPORATED and JOHN VANDYK**

Respondents

**APPLICATION UNDER** Section 243 of the *Bankruptcy and Insolvency Act* R.S.C.1985 c. B-3,  
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**HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF ONTARIO AS  
REPRESENTED BY THE MINISTER OF FINANCE**

Insolvency Unit  
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Court File No. CV-23-00709180-00CL  
CV-23-00710573-00CL  
CV-23-00710267-00CL  
CV-23-00708970-00CL  
CV-23-00711612-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

B E T W E E N:

KINGSETT MORTGAGE CORPORATION AND DORR CAPITAL CORPORATION

Applicants

- and -

VANDYK – UPTOWNS LIMITED, VANDYK – HEART LAKE LIMITED, 2402871  
ONTARIO INC., VANDYK – THE RAVINE LIMITED AND VANDYK – LAKEVIEW-DXE-  
WEST LIMITED

Respondents

MCAP FINANCIAL CORPORATION

Applicant

- and -

VANDYK-THE BUCKINGHAM NORTH - GRAND CENTRAL LIMITED AND JOHN  
VANDYK

Respondents

MCAP FINANCIAL CORPORATION

Applicant

- and -

VANDYK-BACKYARD KINGS MILL LIMITED

Respondent

OTÉRA CAPITAL INC.

Applicant

- and -

2495065 ONTARIO INC.

Respondent

FIERA FP REAL ESTATE FINANCING FUND, L.P.

Applicant

- and -

VANDYK – 41 WABASH LIMITED, 10000318652 ONTARIO INC., VANDYK  
PROPERTIES INCORPORATED AND JOHN VANDYK

Respondents

APPLICATION UNDER SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY  
ACT*, R.S.C., 1985, C. B-3, AS AMENDED AND SECTION 101 OF THE *COURTS OF  
JUSTICE ACT*, R.S.O 1990, C. C.43, AS AMENDED

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# TAB 1

Court File No. CV-23-00709180-00CL  
CV-23-00710573-00CL  
CV-23-00710267-00CL  
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**ONTARIO  
SUPERIOR COURT OF JUSTICE  
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JUSTICE ACT*, R.S.O 1990, C. C.43, AS AMENDED

**NOTICE OF MOTION  
(Order Approving Sale Processes)**

KSV Restructuring Inc. (“KSV”), in its capacity as receiver and manager, and, as applicable, construction lien trustee (in such applicable capacity, the “**Receiver**”), without security, of certain real property, assets, undertakings and property of Vandyk – Heart Lake Limited, 2402871 Ontario Inc., Vandyk – The Ravine Limited, Vandyk – Backyard Kings Mill Limited, Vandyk – The Buckingham North, 2495065 Ontario Inc., Vandyk – 41 Wabash Limited and 1000318652 Ontario Inc. (the property, collectively, the “**Property**”), pursuant and subject to the terms of the Orders (Appointing Receiver) of this Court dated November 14, 2023, December 11, 2023, December 12, 2023, January 18, 2024 and January 23, 2024 will make a Motion to

Justice Steele of the Commercial List on Friday, March 8, 2024 at 10:30 a.m., or as soon after that time as the Motion can be heard.

**PROPOSED METHOD OF HEARING:** The Motion is to be heard

- In writing under subrule 37.12.1(1);
- In writing as an opposed motion under subrule 37.12.1(4);
- In person;
- By telephone conference;
- By video conference.

at the following location

<https://ca01web.zoom.us/j/67927063702?pwd=c1Z2eFN3NXB1N0xOK0lYSWtCL2ZBZz09#success>

**THE MOTION IS FOR**

1. An Order, substantially in the form of the draft order included in the Motion Record, among other things:
  - (a) abridging the time for, and validating service of, this Notice of Motion and supporting materials such that the motion is properly returnable on March 8, 2024, and dispensing with further service thereof;
  - (b) approving the Sale Processes (defined below);



- (c) authorizing the Receiver to engage Scotiabank, CBRE, JLL, Colliers and TD (all defined below) pursuant to the terms of their respective listing agreements;
  - (d) approving the Consolidated Report of the Receiver dated March 1, 2024 (the “**Consolidated Report**”) and the Receiver’s activities summarized in the Consolidated Report; and
2. Such further and other Relief as to this Honourable Court may seem just.

## **THE GROUNDS FOR THE MOTION ARE<sup>1</sup>**

### *Background and the CCAA Proceedings*

1. The Ontario Superior Court of Justice (the “**Court**”) issued six separate receivership orders on November 14, 2023, December 11, 2023, December 12, 2023, January 18, 2024 and January 23, 2024 (collectively, the “**Receivership Orders**”) appointing KSV as the Receiver, without security, of certain real property, assets, undertakings and property of the following companies (collectively, the “**Debtors**”):

- (a) Vandyk – Uptowns Limited (“**Uptowns**”), Vandyk – Heart Lake Limited (“**Heart Lake**”), 2402871 Ontario Inc. (“**240**”), Vandyk – The Ravine Limited (“**Ravine**”) and Vandyk – Lakeview-DXE-West Limited (“**Lakeview**”), pursuant to an application commenced by KingSett Mortgage Corporation (“**KingSett**”) and Dorr Capital Corporation (“**Dorr**”);

<sup>1</sup> All capitalized terms not otherwise defined have the meanings given to them in the Consolidated Report.

- (b) Vandyk – Backyard Kings Mill Limited (“**Kings Mill**”), pursuant to an application commenced by MCAP Financial Corporation (“**MCAP**”);
- (c) Vandyk – The Buckingham North – Grand Central Limited and John Vandyk (“**Buckingham**”), pursuant to an application commenced by MCAP;
- (d) 2495065 Ontario Inc. (“**249**”), pursuant to an application commenced by Otera Capital Inc. (“**Otera**”); and
- (e) Vandyk – 41 Wabash Limited (“**Wabash**”) and 1000318652 Ontario Inc. (“**1000**”), pursuant to an application commenced by Fiera FP Real Estate Financing Fund, L.P. (“**Fiera**”, and together with KingSett, Dorr, MCAP and Otera, the “**Mortgagees**”);

2. The Debtors are part of a broader group of development companies within the Vandyk group (collectively, the “**Vandyk Group**”), which is a real estate developer with its head office in Mississauga, Ontario. The Vandyk Group mainly develops low, mid and high-rise residential projects in the Greater Toronto Area;

3. Each of the Debtors is a single-purpose real estate development company that owns a specific project that it is developing on its respective real property (each a “**Project**”, and collectively, the “**Projects**” and each real property the “**Real Property**” and collectively, the “**Real Properties**”);

4. There are mortgages registered on title to the Real Properties with amounts outstanding that continue to accrue interest and fees, as detailed in the Consolidated Report. In addition to these mortgages, several parties who provided services to the Projects have registered construction liens

on certain of the Real Properties, including, among others, construction trades and real estate consultants. Certain of the Debtors are also in arrears in respect of municipal taxes;

### *Sale Processes*

5. The Receiver is seeking authority to conduct the Sale Processes (as defined and described in the Consolidated Report) for the Property of 240, Ravine, Heart Lake, 249, Kings Mill, Buckingham, Wabash and 1000 (the “**Companies**”);

6. In consultation with the Mortgagees (which differ by Project), the Receiver invited a number of national real estate brokerages to submit proposals to market for sale the Property owned by each of the Companies (collectively, the “**RFP**”). All of the solicited realtors submitted proposals by the respective RFP deadline;

7. Following the RFP process, in consultation with the Mortgagees, the Receiver selected: (i) Scotiabank Capital Inc. (“**Scotiabank**”) to sell 240’s Property; (ii) CBRE Limited (“**CBRE**”) to sell 249’s Property; (iii) Jones Lang LaSalle Real Estate Services, Inc. (“**JLL**”) to sell Kings Mill’s and Buckingham’s respective Property; (iv) Colliers Macaulay Nicolls Inc., Brokerage (“**Colliers**”) to sell Wabash’s and 1000’s respective Property; and (v) TD Cornerstone Commercial Realty Inc. (“**TD**”) and CBRE to sell the Heart Lake’s and Ravine’s respective Property. These decisions were based on, among other things, each realtor’s knowledge of the specific Projects undertaken by the Companies, their familiarity with the applicable market, their proposed marketing processes, their commission structures, the experience of their teams, including prior experience conducting sale processes in the context of receivership proceedings, and feedback from the applicable Mortgagee(s);

8. The recommended Sale Processes for each of the Companies' respective Property, and related timelines, are set out in the Consolidated Report and include the following phases:

- (a) Phase 1 – preparing marketing materials and prospect identification to be completed by March 11 or 29, 2024, depending on the Company;
- (b) Phase 2 – marketing, followed by bid deadlines, four to six weeks from launch or as otherwise determined by the Receiver and applicable realtor, in each case depending on the Company;
- (c) Phase 3 – short listing of offers and selection of successful bids two weeks from the offer bid deadlines, selected bidders to perform final due diligence 30 to 60 days from selection of successful bidders, and sale approval motion(s) and closing(s) 15 to 30 days from the date that the selected bidders confirm applicable conditions have been satisfied or waived;

9. The timelines were developed by the realtors in consultation with the Receiver. The timelines assume that the Court approves the Sale Processes on the return of this motion and that the Sale Processes launch on or around that same date. To the extent that the Sale Processes are delayed, the timelines may be adjusted accordingly;

10. Additional terms of the Sale Processes are set out in the Consolidated Report, including that any transaction(s) entered into by the Receiver will be subject to Court approval;

11. The Receiver recommends that the Court issue an order approving the Sale Processes for the following reasons:

- (a) the Sale Processes are commercially reasonable and appropriate at this time due to:
  - (i) the early development stage of the Projects; (ii) the illiquidity of the Projects, including the rate at which interest continues to accrue; (iii) feedback from the Mortgagees; and (iv) the lack of other viable options, including an unconditional refinancing sufficient to repay in full all of the applicable mortgagees;
- (b) the Sale Processes represent fair, open and transparent processes developed with input from the selected realtors, and are intended to canvass the market broadly on an efficient basis to obtain the highest and best price;
- (c) the Sale Processes and provide the Receiver with the timelines, procedures and flexibility that it believes are necessary to maximize the value of the Companies' respective Property;
- (d) the Sale Processes represent procedures commonly used to sell real estate development projects, including by KSV in other Court-supervised real property sale processes; and
- (e) each of the selected realtors is a leading national brokerage, with the experience and expertise to market the Companies' respective Property, including knowledge of the markets in which the Real Properties are located and a marketing plan tailored to each Real Property and Project;

### *Listing Agreements*

12. The listing agreements with certain of the realtors have been finalized. The other listing agreements are presently being advanced and are expected to be finalized by the return of this motion;

13. Each of the realtors will spend considerable time and effort preparing for and marketing each of the Real Properties. Accordingly, each of the listing agreements includes a work fee in the event that a Real Property is acquired by a mortgagee through a credit bid. In each case, the work fees are structured to be less than the commissions to which the brokers would be entitled if they sold the Real Properties to a third party. These fees may vary by Property based on the magnitude of the secured mortgages and the unique attributes and complexities of each Property. In the Receiver's view, these fees are commercially reasonable and appropriate in the circumstances;

14. Given that 240's and 249's respective Projects were both being developed as part of the same Grand Central Mimico development by the Vandyk Group, 240's and 249's respective Property will be marketed jointly by Scotiabank and CBRE. The respective Mortgagees (KingSett and Otera) are supportive of the joint marketing mandate;

15. Ravine's and Heart Lake's respective Property will also be marketed jointly by CBRE and TD, as this will allow for broader marketing. The Mortgagee (Kingsett) is supportive of the joint marketing mandate;

16. The Receiver believes that the Sale Processes should be commenced immediately, which view is supported by the applicable Mortgagees;

***Other Grounds***

17. The provisions of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended, and section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended and the inherent and equitable jurisdiction of this Court;

18. Rules 2.03, 3.02 and 37 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, as amended; and

19. Such further and other grounds as counsel may advise and this Honourable Court may deem just.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the Motion:

1. The Consolidated Report of KSV in its capacity as Receiver dated March 1, 2024; and
2. Such further and other evidence as the lawyers may advise and this Honourable Court may permit.

March 1, 2024

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Lawyers for KSV Restructuring Inc., in its  
capacity as Receiver

TO: **THE SERVICE LIST**



MCAP FINANCIAL CORPORATION et al  
Applicants

- and -

VANDYK-BACKYARD KINGS MILL LIMITED et al  
Respondents

Court File No. CV-23-00709180-00CL  
CV-23-00710573-00CL  
CV-23-00710267-00CL  
CV-23-00708970-00CL  
CV-23-00711612-00CL

APPLICATION UNDER SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C., 1985, C. B-3, AS AMENDED AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O 1990, C. C.43, AS AMENDED

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

PROCEEDING COMMENCED AT TORONTO

**NOTICE OF MOTION**

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Lawyers for KSV Restructuring Inc., in its capacity as Receiver

# TAB 2

Court File No. CV-23-00709180-00CL  
CV-23-00710573-00CL  
CV-23-00710267-00CL  
CV-23-00708970-00CL  
CV-23-00711612-00CL

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE  
JUSTICE STEELE

)  
)  
)

FRIDAY, THE 8<sup>TH</sup>  
DAY OF MARCH, 2024

B E T W E E N:

*(Court Seal)*

KINGSETT MORTGAGE CORPORATION AND DORR CAPITAL CORPORATION

Applicants

- and -

VANDYK – UPTOWNS LIMITED, VANDYK – HEART LAKE LIMITED, 2402871  
ONTARIO INC., VANDYK – THE RAVINE LIMITED AND VANDYK – LAKEVIEWDXE-  
WEST LIMITED

Respondents

MCAP FINANCIAL CORPORATION

Applicant

- and -

VANDYK-THE BUCKINGHAM NORTH - GRAND CENTRAL LIMITED AND JOHN  
VANDYK

Respondents

MCAP FINANCIAL CORPORATION

Applicant

- and -

VANDYK-BACKYARD KINGS MILL LIMITED

Respondent

OTÉRA CAPITAL INC.

Applicant

- and -

2495065 ONTARIO INC.

Respondent

FIERA FP REAL ESTATE FINANCING FUND, L.P.

Applicant

- and -

VANDYK – 41 WABASH LIMITED, 10000318652 ONTARIO INC., VANDYK  
PROPERTIES INCORPORATED AND JOHN VANDYK

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**ORDER**  
**(Sale Process)**

**THIS MOTION**, made by KSV Restructuring Inc. in its capacity as the Court-appointed receiver and manager and, as applicable, construction lien trustee (in such capacity, the “Receiver”), without security, of certain real property, assets, undertakings and property of Vandyk – Heart Lake Limited, 2402871 Ontario Inc., Vandyk – The Ravine Limited, Vandyk – Backyard Kings Mill Limited, Vandyk – The Buckingham North, 2495065 Ontario Inc., Vandyk

– 41 Wabash Limited and 1000318652 Ontario Inc. (collectively, the “**Debtors**”, and such property, collectively, the “**Property**”), pursuant and subject to the terms of the Orders of this Court dated November 14, 2023, December 11, 2023, December 12, 2023, January 18, 2024 and January 23, 2024 (collectively, the “**Receivership Orders**”) for an order, *inter alia*, approving the proposed Sale Processes (as defined and described in the Consolidated Report of the Receiver dated March 1, 2024 (the “**Consolidated Report**”)) in respect of the Property was heard this day by judicial videoconference via Zoom in Toronto, Ontario.

**ON READING** the Notice of Motion of the Receiver, the Consolidated Report (including the appendices thereto), and on hearing the submissions of counsel for the Receiver and such other parties as were present, no one else appearing although duly served as appears from the Affidavit of Service of Marleigh Dick dated March ●, 2024,

#### **SERVICE AND DEFINITIONS**

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service hereof.
2. **THIS COURT ORDERS** that capitalized terms used in this Order and not otherwise defined herein shall have the meanings ascribed to them in the Consolidated Report.

#### **APPROVAL OF SALE PROCESSES**

3. **THIS COURT ORDERS** that the Sale Processes be and are hereby approved. The Receiver is hereby authorized to carry out the Sale Processes and to take such steps as it considers necessary or desirable in carrying out its obligations thereunder, including entry into realtor listing

agreements as set out in the Consolidated Report. For greater certainty, the completion of any transaction pursuant to the Sale Processes (each, a “**Transaction**”) shall be subject to prior approval of this Court being obtained.

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 Processes, except to the extent such losses, claims, damages or liabilities arise or result from gross negligence or wilful 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 Processes at any time on at least seven (7) days’ notice to the service lists established in these proceedings or such other notice as directed or permitted by the Court.

#### **PIPEDA**

6. **THIS COURT ORDERS** that, pursuant to clause 7(3)(c) of the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5 and any similar legislation in any other applicable jurisdictions the Receiver is hereby authorized and permitted to disclose and provide to its agents and any potential purchasers in the Sale Processes personal information of identifiable individuals, but only to the extent required to negotiate or attempt to complete a Transaction. Each person 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 for the purpose of effecting a Transaction, and, if it does not complete a Transaction, shall return all such information to the

Receiver or, in the alternative, destroy all such information and provide confirmation of its destruction to the Receiver. Any purchaser under a Transaction shall maintain and protect the privacy of such information and, upon closing of a Transaction, shall be entitled to use the personal information provided to it in a manner that is in all material respects identical to the prior use of such information by the Debtors, and shall return all other personal information to the Receiver, or ensure that all other personal information is destroyed and provide confirmation of its destruction to the Receiver.

#### **APPROVAL OF THE CONSOLIDATED REPORT AND THE RECEIVER'S ACTIVITIES**

7. **THIS COURT ORDERS** that the Consolidated Report, and the activities of the Receiver described therein, be and 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.

#### **GENERAL**

8. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal and regulatory or administrative bodies, having jurisdiction in Canada or in any other foreign jurisdiction, to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals and regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

9. **THIS COURT ORDERS** that this Order and all of its provisions are effective as of 12:01 a.m. (Eastern Time) on the date of this Order without the need for entry or filing.

---

*(Signature of judge, officer or registrar)*



MCAP FINANCIAL CORPORATION et al  
Applicants

- and -

VANDYK-BACKYARD KINGS MILL LIMITED et al  
Respondents

Court File No. CV-23-00709180-00CL  
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**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

PROCEEDING COMMENCED AT TORONTO

**ORDER  
(SALE PROCESS APPROVAL ORDER)**

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Lawyers for KSV Restructuring Inc., in its capacity as Receiver

MCAP FINANCIAL CORPORATION et al  
Applicants

- and -

VANDYK-BACKYARD KINGS MILL LIMITED et al  
Respondents

Court File No. CV-23-00709180-00CL  
CV-23-00710573-00CL  
CV-23-00710267-00CL  
CV-23-00708970-00CL  
CV-23-00711612-00CL

APPLICATION UNDER SECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C., 1985, C. B-3, AS AMENDED AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O 1990, C. C.43, AS AMENDED

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
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**MOTION RECORD  
(ORDER APPROVING SALE PROCESSES)**

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