

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE JUSTICE
B. CONWAY

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FRIDAY THE 11TH DAY OF
APRIL, 2025

B E T W E E N:

BUDUCHNIST CREDIT UNION LIMITED

Plaintiff

- and -

2454904 ONTARIO INC.

Defendant

ORDER

THIS MOTION, made by the Plaintiff (“**BCU**”), for various Orders relating to monies held by BCU on deposit to the credit of the Defendant (and Judgment Debtor) 2454904 Ontario Inc. (“**245**”), originally returnable on December 5, 2022, was heard this day by judicial video conference via Zoom.

ON READING the Affidavit of Vagmi Patel, and on being advised that Trade Capital Finance Corp., the Plaintiff in favour of whom a Mareva Order was granted by Justice Ricchetti in action no. CV-15-2110-00 (Brampton) on May 6, 2015 and varied, *inter alia*, by Justice Emery on March 24, 2016 (the “**Mareva Order**”) to add 245 as a Mareva Respondent, does not oppose the relief set out in paragraph 1 of this Order and consents to variation to the Mareva Order so as to permit BCU to proceed in accordance with

paragraph 1 of this Order, and on being advised that another alleged secured creditor of 245, J&T Trust, does not oppose the relief requested,

1. **THIS COURT ORDERS** that BCU is hereby authorized to enforce the Judgment of the Honourable Dietrich J., dated August 30, 2021, against the current assets held in the accounts of 245 at BCU bearing account number 69380, inclusive of all sub accounts (which are together valued at approximately CA\$158,000.00), by exercise of BCU's right of set-off against the account balances;

2. **THIS COURT ORDERS** that, to the extent necessary to permit BCU to effect the enforcement contemplated in paragraph 1 of this Order, the Mareva Order (including its later amendments) be and hereby is, so varied.

3. **THIS COURT FURTHER ORDERS** that BCU shall serve this Order on 2454904 Ontario Inc. in accordance with Rule 16.03(6) of the *Rules of Civil Procedure* and that BCU shall not proceed with the enforcement contemplated by this Order until 31 days after the mailing contemplated by Rule 16.03(6). If 2454904 Ontario Inc. expresses to BCU or its counsel any opposition to the enforcement within the 31 days then BCU shall not enforce this Order without further direction from this Court.

4. **THIS COURT MAKES NO AWARD** as to costs for this appearance.



The Honourable Justice B. Conway

BUDUCHNIST CREDIT UNION LIMITED
Plaintiff

- and -

2454904 ONTARIO INC.
Defendant

**ONTARIO
SUPERIOR COURT OF JUSTICE**
Proceeding Commenced at **Toronto**

ORDER

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