

Court File Number: 31-456669

Superior Court of Justice
Commercial List

FILE/DIRECTION/ORDER

Re Bankruptcy of Henry George Cole
Plaintiff(s)
AND

Defendant(s)

Case Management ☐ Yes ☐ No by Judge: _____

Counsel	Telephone No:	Facsimile No:

- ☐ Order ☐ Direction for Registrar (No formal order need be taken out)
☐ Above action transferred to the Commercial List at Toronto (No formal order need be taken out)
☐ Adjourned to: _____
☐ Time Table approved (as follows): _____

The Bankrupt appealed a discharge order of Master Jean dated June 1, 2016. While the Trustee appeared for the purpose of assisting the Court, the predominant creditor of the Bankrupt's estate, RBC Dominion Securities Inc. (the "Creditor") carried the opposition to the appeal.

The Bankrupt and the Creditor have reached agreement on partial indemnity costs of \$5,604.80, inclusive of HST, to be paid out of the

May 1, 2017
Date

W. Hon-ht J.
Judge's Signature

☒ Additional Pages 1

Superior Court of Justice
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Judges Endorsment Continued

estate in priority to distributions to creditors in the Bankrupt's estate. The Trustee supports the agreement.

Given the role of the Creditor on this appeal and the extent of its interest in the Bankrupt's estate, I conclude that the relief sought, including the priority arrangement, in respect of payment to the Creditor of its fees is appropriate.

Order to go in the form attached.

ONTARIO
SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY AND INSOLVENCY

THE HONOURABLE H.J.

)

TUESDAY, THE 13TH

WILTON-SIEGEL

)

DAY OF DECEMBER 2016

IN THE MATTER OF THE BANKRUPTCY OF
HENRY GEORGE COLE,
OF THE CITY OF TORONTO, IN THE PROVINCE OF ONTARIO

ORDER

THIS APPEAL, made by Henry George Cole ("Cole"), from the order of Master Jean dated June 1, 2016 made in her capacity as a Registrar under the *Bankruptcy and Insolvency Act* (Canada) was heard on November 14, 2016.

UPON THIS COURT having read the Motion Records of the Cole and of KSV Kofman Inc. (formerly Duff & Phelps Canada Restructuring Inc.) in its capacity as trustee in the bankruptcy estate of Cole (the "Trustee"), and the Factums of Cole and of the creditor RBC Dominion Securities Inc. ("RBC DS"), and upon having heard oral submissions by counsel for Cole, counsel for RBC DS and counsel for the Trustee:

1. THIS COURT ORDERS that appeal is dismissed.

2. THIS COURT ORDERS that partial indemnity costs of the appeal are fixed in the amount of \$5,604.80, inclusive of HST, to be paid to RBC DS in priority to any distributions to unsecured creditors in the bankruptcy estate.

W. Hon-L. J.

CAN_DMS: \103346532\2

IN THE MATTER OF THE BANKRUPTCY OF HENRY GEORGE COLE, OF THE CITY OF
TORONTO, IN THE PROVINCE OF ONTARIO

Estate File No: 31-456669

**ONTARIO
SUPERIOR COURT OF JUSTICE
IN BANKRUPTCY AND INSOLVENCY**

Proceeding commenced at Toronto

ORDER

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