

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

THE HONOURABLE MR.) TUESDAY , THE 27th
)
JUSTICE MCEWEN) DAY OF AUGUST, 2019

IN THE MATTER OF THE *COMPANIES' CREDITORS
ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF FORME DEVELOPMENT GROUP INC.
AND THE OTHER COMPANIES LISTED ON SCHEDULE "A"
HERE TO (the "Applicants")

APPLICATION UNDER THE *COMPANIES' CREDITORS
ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED



ORDER

THIS MOTION, made by KSV Kofman Inc. ("**KSV**"), in its capacity as Court-appointed monitor (in such capacity, the "**Monitor**") of the Applicants in their proceedings pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. c-36, as amended ("**CCAA**"), for an Order, *inter alia*: (i) authorizing and directing the Monitor to make certain distributions following the delivery of the Monitor's Certificate as contemplated by the 63 Elm Approval and Vesting Order (as defined in the Notice of Motion), (ii) authorizing and directing the Monitor to make certain distributions following the delivery of the Monitor's Certificate as contemplated by the 59 Elm Approval and Vesting Order (as defined in the Notice of Motion) and (iii) sealing the Confidential Appendix of the Eighth Report of the Monitor dated August 22, 2019 (the "**Eighth**

Report") pending further order of the Court, was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion of the Monitor and the Eighth Report, together with the appendices thereto, and on hearing the submissions of counsel for the Monitor, and such other parties as were present, no one else appearing although duly served as appears from the affidavit of service of Aiden Nelms sworn August 22, 2019 filed;

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record herein be and are hereby abridged and validated so that the Motion is properly returnable today.

63 ELM PROPERTY

2. **THIS COURT ORDERS** that following the delivery of the Monitor's Certificate contemplated by the 63 Elm Approval and Vesting Order granted on the date hereof, the Monitor is authorized and directed to:

- (a) first, make one or more payments to Royal LePage Real Estate Professionals for its commission, being 3.5% of the sale price of 63 Elm (as defined in the Eighth Report);
- (b) second, make one or more payments to the City of Richmond Hill for the property tax arrears relating to 63 Elm;

- (c) third, remit the HST payable in respect of the sale of 63 Elm to the Canada Revenue Agency; and
- (d) fourth, make one or more distributions to Home Trust Company ("**Home Trust**"), or as it may direct, until the amounts owing to Home Trust under its first registered mortgage on 63 Elm is paid in full.

59 ELM PROPERTY

3. **THIS COURT ORDERS** that following the delivery of the Monitor's Certificate contemplated by the 59 Elm Approval and Vesting Order granted on the date hereof, the Monitor is authorized and directed to:

- (a) first, make one or more payments to Royal LePage Real Estate Professionals for its commission, being 3.5% of the sale price of the 59 Elm (as defined in the Eighth Report);
- (b) second, make one or more payments to the City of Richmond Hill for the property tax arrears relating to 59 Elm;
- (c) third, remit the HST payable in respect of the sale of 59 Elm to the Canada Revenue Agency; and
- (d) fourth, make one or more distributions to Home Trust Company ("**Home Trust**"), or as it may direct, until the amounts owing to Home Trust under its first registered mortgage on 59 Elm is paid in full.

SEALING

4. **THIS COURT ORDERS** that the Confidential Appendix to the Eighth Report shall be sealed and kept confidential pending further order of this Court.



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

AUG 27 2019

PER / PAR: 

SCHEDULE "A"
APPLICANTS

3310 Kingston Development Inc.
1296 Kennedy Development Inc.
1326 Wilson Development Inc.
5507 River Development Inc.
4439 John Development Inc.
2358825 Ontario Ltd.
250 Danforth Development Inc.
159 Carrville Development Inc.
169 Carrville Development Inc.
189 Carrville Development Inc.
27 Anglin Development Inc.
29 Anglin Development Inc.

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF FORME DEVELOPMENT GROUP INC. AND THE OTHER COMPANIES LISTED ON SCHEDULE "A" HERETO (the "Applicants")

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

Proceeding commenced at Toronto

ANCILLARY AND SEALING ORDER

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Counsel to KSV Kofman Inc., solely in its capacity as Court-appointed monitor and not in its personal capacity