

Court File No. 07-CL-6913

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
COMMERCIAL LIST**

THE HONOURABLE MADAM

)

FRIDAY, THE 25<sup>TH</sup> DAY

)

JUSTICE PEPALL

)

OF SEPTEMBER, 2009

**ED MIRVISH ENTERPRISES LIMITED AND 1 KING WEST INC.**

Applicants

- and -

**STINSON HOSPITALITY INC., DOMINION CLUB OF CANADA CORPORATION  
AND HARRY STINSON**

Respondents

**DISCHARGE ORDER**

**THIS MOTION**, made by Ira Smith Trustee & Receiver Inc. (the “**ISI**”), in its capacity as court-appointed receiver and manager (the “**Receiver**”) of the all of the assets, undertakings and properties of Stinson Hospitality Inc. (“**SHI**”), Dominion Club of Canada Corporation (“**DCC**”), The Suites at 1 King West Inc. (the “**Suites**”) and 2076564 Ontario Inc. (“**Housekeeping**”) (collectively, the “**Debtors**”), for an for an Order substantially in the form attached as Schedule A to the Receiver’s Notice of Motion dated August 17, 2009, was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Thirteenth Report of the Receiver dated August 17, 2009, filed, (the “Thirteenth Report”) and the exhibits thereto, the Affidavit of Ira Smith sworn August 17, 2009 and the Affidavit of L. Joseph Latham sworn August 17, 2009 (together, the “**Fee Affidavits**”), and upon hearing the submissions of counsel for the Receiver, counsel for the Applicants, and counsel for Segura Investments Ltd., Harry Stinson appearing in person, J. Robert Verdun appearing in person and no one appearing for the other parties served with the Receiver’s Motion Record, although duly served as appears from the Affidavit of Service of Hannah Arthurs sworn August 18, 2009:

1. **THIS COURT ORDERS** that the time for service of the Motion Record be and is hereby abridged, that the Motion is properly returnable today, that the service of the Motion Record, including the manner of service, is hereby approved and that any requirement for service of the Motion Record upon any party, other than those served, is hereby dispensed with.
2. **THIS COURT ORDERS** that the activities of the Receiver, as set out in the Thirteenth Report, are hereby approved.
3. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its counsel, as set out in the Thirteenth Report and the Fee Affidavits, are hereby approved.
4. **THIS COURT ORDERS** that, after payment of the fees and disbursements herein approved, the Receiver is authorized and directed to pay from the funds remaining in the Suites that are in its possession the following amounts:

Claimant	Amount Claimed	Amount Allowed	Amount to be Paid
Bell	\$1,677.76	\$1,677.76	\$364.42
Corporate Housing Locator	\$1,776.56	\$1,776.56	\$385.89
St. Joseph Media	\$4,234.70	\$4,234.70	\$919.82
3627730 Canada Inc. (AVW-Telav)	\$1,601.76	\$1,601.76	\$347.92
Avis Rent-a-Car	\$626.05	\$626.05	\$135.98
Bateman Mackay Chartered Accountant	\$3,460.73	\$3,460.73	\$751.70
Canada Law Book	\$1,291.57	\$1,291.57	\$280.54
Dael Thermal Group Inc.	\$5,978.19	\$5,978.19	\$1,298.52
Fisher Distributing Inc.	\$1,094.70	\$1,094.70	\$237.78
Flexco Products Limited	\$6,870.40	\$6,870.40	\$1,492.31
Gordon Adams Design Limited	\$25,552.88	\$25,552.88	\$5,550.32
Ira Smith Trustee & Receiver Inc., solely in its capacity as Court Appointed Receiver of Dominion Club of Canada Corporation	\$38,525.00	\$38,525.00	\$8,367.98
Lan-Ray Cleaners	\$3,857.10	\$1,601.32	\$347.82
Linx Mechanical	\$37,092.15	\$37,092.15	\$8,056.76
Printing and Copy Centre	\$717.29	\$717.29	\$155.80
Relational Funding Canada Corp.	\$412,368.99	\$412,368.99	\$89,570.33
Shift4 Corporation	\$360.62	\$360.62	\$78.33
Sign One	\$592.80	\$592.80	\$128.76
Spafax Canada Inc.	\$10,123.00	\$10,123.00	\$2,198.81
<b>TOTAL</b>	<b>\$567,858.02</b>	<b>\$565,602.24</b>	<b>\$122,854.00</b>

5. **THIS COURT ORDERS** that, in respect of the claim of Harry Stinson against the Suites and the amounts otherwise payable to him in connection therewith, the Receiver is authorized and directed to transfer the amount of \$1,403.50 to the Receiver's general estate accounts for distribution under paragraph 6 hereof and to make payment of the amount of \$780.71 to Harry Stinson, the foregoing in full satisfaction of all claims of Mr. Stinson against the Suites.
  
6. **THIS COURT ORDERS** that, after payment of the fees and disbursements herein approved, the Receiver is authorized and directed to pay from the proceeds of the realization of the assets of the Debtors, other than the Suites, that are in its possession the following amounts:
  - (a) to Ed Mirvish Enterprises Limited the amount of \$742,674.77 on account of its secured claim; and
  - (b) to Segura Investments Ltd. the amount of \$47,137.91 on account of its secured claim.
  
- 6A. **THIS COURT ORDERS** that the Receiver is authorized and directed to retain the sum of \$100,000.00 as a reserve (the "**Reserve**") for fees, disbursements and costs which it may incur in connection with, *inter alia*, any pending or threatened motions seeking leave to commence proceedings against the Receiver or its counsel, and the Receiver is authorized and direct to pay to Segura any amount of the Reserve which is not required to pay the fees, disbursements or costs incurred by the Receiver in such matters.

7. **THIS COURT ORDERS** that the Receiver is authorized and directed to assign to Segura the Receiver's right, title and interest in and to the award of costs against Robert Verdun contained in the Order of this Honourable Court dated May 29, 2009 and the award of costs against Robert Verdun contained in the endorsement of the Honourable Justice Rouleau in Court File Nos. M37703 and M37876.
  
8. **THIS COURT ORDERS AND DIRECTS** Toronto Standard Condominium Corporation 1703 ("TSCC 1703") to cooperate with the Receiver by sending a copy of this Order, as issued and entered, by electronic mail to the electronic addresses of the unit holders of TSCC 1703 currently listed with the property manager retained by TSCC 1703, and to provide the Receiver with proof of such delivery in the form of an Affidavit within 5 days of the date of this Order; provided that the Receiver is directed to pay to TSCC 1703 its reasonable costs associated with the electronic service of this Order, to a maximum of \$2,000.00.
  
9. **THIS COURT ORDERS** that, upon the filing with this Court of a Certificate of the Receiver confirming (i) payment of the amounts set out in paragraphs 4, 5, 6 and 6A hereof, (ii) execution of an assignment as referred to in paragraph 7 hereof, and (iii) receipt of the affidavit referred to in paragraph 8 hereof, the Receiver shall be discharged as Receiver of the undertaking, property and assets of the Debtors.
  
10. **THIS COURT ORDERS** that notwithstanding its discharge, the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all


approvals, protections and stays of proceedings in favour of ISI in its capacity as Receiver.

11. **THIS COURT ORDERS AND DECLARES** that, effective upon the filing with this Court of the Certificate of the Receiver referred to in paragraph 9 above, ISI, in its capacity as both Monitor and Receiver, and all of its directors, officers, employees and agents, and Goodmans LLP and all partners and employees thereof (collectively the “**Receiver Parties**”), are hereby released and discharged from any and all liability that the Receiver Parties now have or can, may or shall have hereafter by reason of, or in any way arising out of, or in connection with the Receiver Parties’ conduct, involvement or duties with respect to the Debtors or in any way in connection with these proceedings, save and except for gross negligence or willful misconduct. Without limiting the generality of the foregoing, the Receiver Parties are hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in these proceedings, save and except for gross negligence or willful misconduct.



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

OCT 05 2009

PER / PAR:  Joanne Nicoara  
Registrar, Superior Court of Justice

**ED MIRVISH ENTERPRISES  
LIMITED AND 1 KING WEST INC.**

and

**STINSON HOSPITALITY INC.,  
DOMINION CLUB OF CANADA  
CORPORATION AND HARRY  
STINSON**

Applicants

Respondents

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**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

**DISCHARGE ORDER**

**GOODMANS LLP**

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