

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

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.C43, AS  
AMENDED

B E T W E E N

**ROMAS KARTAVICIUS**

Applicant

- and -

**OAK BAY DEVELOPMENTS INC. and OAK BAY GOLF CLUB INC.**

Respondents

**NOTICE OF MOTION**

The applicant will make a motion to a judge sitting on the Commercial List on Monday the 22nd day of June, 2015 at 10:00 a.m. or as soon after that time as the motion can be heard at the court house, 330 University Avenue, 8th Floor, Toronto, Ontario.

**PROPOSED METHOD OF HEARING:** The motion is to be heard (*choose appropriate option*)

~~in writing under subrule 37.12.1(1) because it is (insert one of on consent, unopposed or made without notice);~~

~~in writing as an opposed motion under subrule 37.12.1(4);~~

orally.

**THE MOTION IS FOR** *(state here the precise relief sought).*

1. an order substituting Deloitte Restructuring Inc. (“Deloitte”) with Pollard & Associates Inc. as court appointed receiver of the respondent, Oak Bay Developments Inc.; and
2. such further and other relief as to this Honourable Court may seem just.

**THE GROUNDS FOR THE MOTION ARE:** *(specify the grounds to be argued, including a reference to any statutory provision or rule to be relied on)*

1. pursuant to the order of the Honourable Justice Wilton-Siegel dated November 12, 2014, Deloitte was appointed as receiver over the property, assets and undertakings of the respondent, Oak Bay Developments Inc.;
2. the applicant seeks to have Deloitte substituted with Pollard & Associates Inc.;
3. Deloitte has agreed to be substituted;
4. Pollard & Associates Inc. has consented to act; and
5. such further and other grounds as counsel may advise and this Honourable Court accepts.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the motion *(list the affidavits or other documentary evidence to be relied on).*

1. the consent of the Deloitte in its capacity as receiver herein;
2. the consent of Pollard & Associates Inc. to act as substitute receiver herein;
3. the consent of Eden Oak (Port Severn) Inc.;
4. the consent of 2460112 Ontario Inc.; and
5. such further and other evidence as counsel may advise and this Honourable Court permit.

June 17, 2015

**CHANG ADVOCACY  
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Applicant

-and-

OAK BAY DEVELOPMENTS INC. ET AL.  
Respondents

Court File No. CV-14-10703-00CL

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PROCEEDING COMMENCED AT TORONTO

**NOTICE OF MOTION**

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