

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**FRONTENAC MORTGAGE INVESTMENT CORPORATION**

Applicant

and

**HYDE PARK RESIDENCES INC.**

Respondent

APPLICATION UNDER Section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended, Section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C-43 and Rules 14.05(2) and (3) (d), (g) and (h) of the *Rules of Civil Procedure*

**NOTICE OF MOTION**

Deloitte Restructuring Inc. (the "Receiver"), in its capacity as the receiver and manager of certain assets, undertakings and property (the "Assets") of Hyde Park Residences Inc. ("Hyde Park"), will make a motion to a Judge on Wednesday June 10, 2015 at 10:00 a.m. or as soon after that time as the motion can be heard, at the Court House, 161 Elgin Street, Ottawa, Ontario.

**PROPOSED METHOD OF HEARING:**

The motion is to be heard orally.

**THE MOTION IS FOR:**

- (a) if necessary, an Order abridging the time for, and validating the method of, service of the Notice of Motion and directing that any further service of the Notice of Motion be dispensed with such that this motion is properly returnable on June 10, 2015;

- (b) an Order accepting and approving the Fourth Report of the Receiver and Manager to the Court dated June 9, 2015 (the "Fourth Report") and approving the activities of the Receiver described therein;
- (c) an Order approving the sale by the Receiver of the Assets to 9114785 Canada Inc. (the "Purchaser") pursuant to an Agreement of Purchase and Sale dated June 9, 2015 between the Receiver and the Purchaser; and
- (d) an Order vesting in the Purchaser Hyde Park's right, title and interest in and to the Assets.

**THE GROUNDS FOR THE MOTION ARE:**

- (a) on February 20, 2014, the Receiver was appointed as receiver and manager without security of certain assets, undertakings and property of Hyde Park pursuant to Section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. C.43;
- (b) on April 15, 2014, the Receiver presented the Court with its First Report to the Court on the status of the receivership and management and its activities to April 15, 2014;
- (c) on February 12, 2015, the Receiver presented the Court with its Second Report to the Court on the status of the receivership and management and its activities to January 26, 2015;
- (d) on June 4, 2015, the Receiver presented the Court with its Third Report to the Court dated May 28, 2015 and its Supplement to the Third Report to the Court dated June 3, 2015 on the status of the receivership and management and its activities to June 3, 2015;
- (e) on June 9, 2015, the Receiver prepared a Fourth Report to the Court regarding the status of the receivership and management and its activities to June 9, 2015;
- (f) in its Fourth Report, the Receiver states:

- (i) that it has entered into an Agreement of Purchase and Sale with the Purchaser wherein the Receiver has agreed to sell, and the Purchaser has agreed to purchase, Hyde Park's 's right, title and interest in and to the Assets; and
- (ii) that it is seeking an Order vesting in the Purchaser Hyde Park's right, title and interest in and to the Assets;
- (g) Rules 1.04, 2.03, 3.02 and 37 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194; and
- (h) such further and other grounds as counsel may advise and this Honourable Court permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the motion:

- (a) the Fourth Report to the Court of the Receiver and Manager dated June 9, 2015; and
- (b) such further and other materials as counsel may advise and this Honourable Court may permit.

DATE: June 9, 2015

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Manager of Hyde Park Residences Inc.

TO:

[http://deloitte.com/view/en CA/ca/specialsections/insolvencyandstructuringproceedings/index.htm](http://deloitte.com/view/en_CA/ca/specialsections/insolvencyandstructuringproceedings/index.htm)

FRONTENAC MORTGAGE INVESTMENT CORPORATION

Applicant

- and -

HYDE PARK RESIDENCES INC.

Respondent

Court File No. 14-59998

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PROCEEDING COMMENCED AT  
OTTAWA**

**NOTICE OF MOTION**

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