

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

THE HONOURABLE MR./MME.
JUDGE CAVANASH

) MONDAY, the 7th day of
)
) DECEMBER, 2020.
)

**IN THE MATTER OF Section 101 of the *Courts of Justice Act*, RSO 1990, c C43,
as amended, and in the matter of Section 243 (1) of the
Bankruptcy and Insolvency Act, RSC 1985, c B3, as amended**

BETWEEN:

ROYAL BANK OF CANADA

APPLICANT

AND

DISTINCT INFRASTRUCTURE GROUP INC., DISTINCT INFRASTRUCTURE
GROUP WEST INC., DISTINCTTECH INC., IVAC SERVICES INC.,
IVAC SERVICES WEST INC., AND CROWN UTILITIES LTD.

RESPONDENTS

ORDER

THIS MOTION, made by ADAM TRELA (the "**Moving Party**"), the Plaintiff in Court File No. CV-19-00613901-0000 issued in the Ontario Superior Court of Justice (Toronto) (the "**Action**"), for an Order lifting the stay of proceedings as against DistinctTech Inc. ("**Distinct**"), was read this day at 393 University Avenue, Toronto.

ON READING the Notice of Motion, the Affidavit of Karen Campbell-Prince and the Exhibits attached thereto, upon reading the Consent of Deloitte Restructuring Inc., in its capacity as Trustee in Bankruptcy (the "**Trustee**") of DistinctTech Inc. and in its capacity as Receiver (the "**Receiver**") of DistinctTech Inc. pursuant to the Receivership Order dated March 11, 2019 (the "**Receivership Order**") issued by the Ontario Superior Court of Justice (Commercial List) Court File No. CV-19-00615270-00CL, all of which being filed on an unopposed basis,

1. THIS COURT ORDERS that the stay created by the Receivership Order and Section 69.3(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended, is hereby lifted for the sole purpose of permitting the Moving Party to continue the Action to seek recourse under Insurance Policy issued to Distinct by Continental Casualty Company (Policy Number MPR 2992317) effective November 1, 2016 (the "**Policy**").

2. THIS COURT ORDERS that in connection with the continuation of the Action, there shall be no involvement required of the Trustee or the Receiver in the Action and the Receiver and Trustee will not incur any costs in connection with the Action or the Policy, including any payments of premiums deductibles under the Policy.

3. THIS COURT ORDERS that the Trustee and the Receiver shall not be examined for discovery, nor shall it be required to file an Affidavit of Documents.

4. THIS COURT ORDERS THAT (i) no costs will be sought against the Receiver or the Trustee in connection with the Action or this Motion by the Moving Party; (ii) no steps will need to be taken by the Receiver or the Trustee in connection with the Action or the Policy or this Motion by the Moving Party; and (iii) any claim asserted as against DistinctTech Inc. by the Moving Party would be unsecured.

5. THIS COURT ORDERS that the time for service of the Notice of Motion and the Motion is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.



ROYAL BANK OF CANADA
APPLICANT

-AND-

DISTINCT INFRASTRUCTURE GROUP INC. ET AL.
RESPONDENTS

(Short title of proceeding)

Court File No. CV-19-00615270-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at TORONTO
IN THE MATTER OF Section 101 of the
Courts of Justice Act, RSO 1990, c C43,
as amended, and in the matter of Section
243 (1) of the Bankruptcy and Insolvency
Act, RSC 1985, c B3, as amended

ORDER

DYE & DURHAM CFS

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creditor of Distinttech Inc.