

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
JUSTICE HACKLAND)
FRIDAY, THE 19TH
DAY OF MARCH, 2021

B E T W E E N:

FIRST NATIONAL FINANCIAL GP CORPORATION

Applicant

- and -

GOLDEN DRAGON HO 10 INC. and GOLDEN DRAGON HO 11 INC.

Respondents

**ORDER
(Costs of Trial of Issues)**

THIS MOTION, made by Deloitte Restructuring Inc. in its capacity as the Court-appointed receiver and manager (the “**Receiver**”) of certain real property of Golden Dragon Ho 10 Inc. (the “**GDH 10 Debtor**”), municipally known as 347 Barber Street, Ottawa, Ontario (formerly known as 347 Clarence Street, Ottawa) (“**347 Barber**”), and of certain real property of Golden Dragon Ho 11 Inc. (the “**GDH 11 Debtor**” and together with the GDH 10 Debtor, collectively, the “**Debtors**”), municipally known as 345 Barber Street, Ottawa, Ontario (formerly known as 345 Clarence Street, Ottawa) (“**345 Barber**” and together with 347 Barber, the “**Property**”), was heard this day by videoconference due to the COVID-19 crisis.

ON READING the Supplemental Report to the Tenth Report of the Receiver dated March 17, 2021 and on hearing the submissions of counsel for the Receiver, counsel First National Financial GP Corporation (“**FN**”), counsel for Liahona Mortgage Investment Corp.

(“**Liahona**”), counsel for the Debtors, no one else appearing for anyone else on the service list, although served, and on being advised of the consent of FN, Liahona and the Debtors and of the support of Receiver with respect to the terms of this Order,

1. **THIS COURT ORDERS** that FN’s costs of the Trial of the Issues heard on July 22, 30, 31 and August 12 and 13, 2020 be and are hereby payable to FN by Liahona and the Debtors, jointly and severally, on a partial indemnity basis in the amount of \$208,470.25, inclusive of disbursements (including the Fuller Landau expert report) and HST (collectively, “**FN’s Trial Costs**”).
2. **THIS COURT ORDERS** that FN’s Trial Costs shall be paid from that portion of the Reserve established by paragraph 7(f)(iv) of the Interim Administration and Distribution Order dated October 23, 2019 (the “**FN Fee Reserve**”).
3. **THIS COURT ORDERS** that FN’s Trial Costs shall be allocated to the FN Fee Reserve on the basis of 73% to 345 Barber and 27% to 347 Barber.
4. **THIS COURT ORDERS** that the Receiver shall forthwith pay to Liahona and the Debtors from the surplus funds it is holding over and above the Fee Reserve the aggregate sum of \$90,402.44, to be allocated on the basis of 73% to 345 Barber and 27% to 347 Barber (the “**Payout Allocation**”).
5. **THIS COURT ORDERS** that the Receiver shall make the payment of \$90,402.44 provided for in paragraph 4 hereof by wire transfer to Conway Baxter Wilson LLP in trust. The requirement of any form of direction from Liahona, the Debtors and/or Chi Van Ho, or any other stakeholders of the estates of the Debtors, to the Receiver to make such payment to Conway Baxter Wilson LLP is hereby dispensed with. Such payment shall be allocated among Conway Baxter Wilson LLP and Martin Diegel, Barrister and Solicitor, as they may in their sole and absolute discretion agree; provided, however, that such allocation shall not impact, vary or amend the Payout Allocation.
6. **THIS COURT ORDERS** that the fees and disbursements of Blaney McMurtry LLP for the period of September 1, 2019 to and including November 4, 2019 and of Dewart Gleason LLP for the period of October 5, 2019 to and including October 17, 2019 be and are hereby approved.

Charles Hackland J.
Justice C.T. Hackland

FIRST NATIONAL FINANCIAL GP CORPORATION
Applicant

-and- **GOLDEN DRAGON HO 10 INC. et. al.**
Respondents

Court File No. CV-17-73967

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
OTTAWA

ORDER

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