

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**THE HONOURABLE MR.  
JUSTICE TURNBULL**

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**FRIDAY, THE 1<sup>st</sup> DAY  
OF OCTOBER, 2010**

**B E T W E E N:**

**COLLEGE OF OPTOMETRISTS OF ONTARIO**

Applicant

– and –

**SHS OPTICAL LTD., DUNDURN OPTICAL LTD. and  
JOHN DOE, all carrying business under the name of  
GREAT GLASSES; JOANNE MARIE BERGEZ and  
BRUCE BERGEZ**

Respondents

– and –

**COLLEGE OF OPTICIANS OF ONTARIO**

Intervenor

– and –

**THE ATTORNEY GENERAL FOR ONTARIO**

Intervenor

**ORDER**

**THIS MOTION** made by Deloitte & Touche Inc., in its capacity as Court-appointed receiver (the “Receiver”) of certain assets, property and undertakings of Great Glasses, SHS Optical Ltd., Dundurn Optical Ltd., Joanne Marie Bergez, Bruce Bergez (the “Debtors”) and the businesses operated at the locations listed on Schedule “A” (the “Locations”) attached hereto, was heard this day at 45 Main Street East, Hamilton, Ontario.

**ON READING** the Second Report to the Court of the Receiver dated 24 September 2010

(the "Second Report"), the Affidavit of Daniel Weisz sworn 24 September 2010 (the "Weisz Affidavit"), the Affidavit of Roger Jaipargas sworn 24 September 2010 (the "Jaipargas Affidavit"), and on hearing the submissions of counsel for the Receiver, the Attorney General for Ontario, the College of Opticians of Ontario, the College of Optometrists of Ontario and such other counsel as may be present, and on hearing the submissions of Mr. Bruce Bergez, and on reading the Affidavit of Service of Jessica Beare sworn 27 September 2010,

**SERVICE**

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion, the Second Report and the Motion Record be and is hereby abridged so that this motion is properly returnable today and any requirement for further service of the Notice of Motion, the Second Report and the Motion Record is hereby dispensed with.

**APPROVAL OF ACTIVITIES**

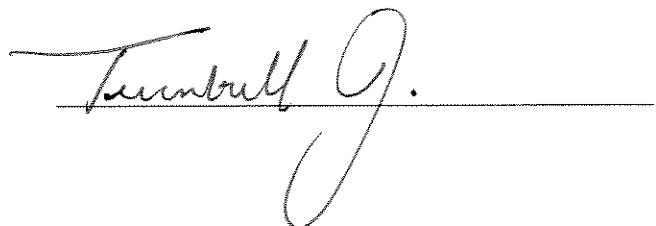
2. **THIS COURT ORDERS** that the Second Report and the activities of the Receiver as described therein be and are hereby approved.

**DIRECTIONS TO THE RECEIVER**

3. **THIS COURT DIRECTS** that the Receiver should consent, on such terms as the Receiver considers appropriate, to the termination by the landlords of the leases held by SHS Optical Ltd. and/or Bruce Bergez for the stores located at (i) 1250 Steeles Avenue East, Milton, Ontario, and (ii) 1025 Plains Road East, Burlington, Ontario.

4. **THIS COURT DIRECTS** that the Receiver may consent to the disposition of the equipment currently in the Receiver's possession from the store located at 1250 Steeles Avenue East, Milton, Ontario to Studio 1 International in exchange for a credit to be applied against storage fees presently owed by the Receiver to Studio 1 International in connection with these proceedings.

ENTERED AT HAMILTON
IN Book No. 249
as Document No. 560
on OCT 1/10
by. SB



## SCHEDULE "A"

1. 1025 Plains Road, Burlington, Ontario.
2. 1550 Upper James Street, Hamilton, Ontario.
3. 50 Dundurn Street South, Hamilton, Ontario.
4. 119 Osler Drive, Unit 7, Dundas, Ontario.
5. 1250 Steeles Avenue East, Milton, Ontario.
6. 300 King George Road, Brantford, Ontario.
7. *<Deleted by Order of the Court, dated August 23, 2010>*
8. 220 North Service Road, Oakville, Ontario.
9. 95 Saginaw Parkway, Unit 6, Cambridge, Ontario.
10. 125 Queensway, Etobicoke, Ontario.
11. 132 Front Street East, Toronto, Ontario.
12. 808 York Mills Road, Toronto, Ontario.
13. 26-17 Worthington Avenue, Brampton, Ontario.
14. 393 Danforth Avenue, Toronto, Ontario.
15. 1070 Major Mackenzie Drive East, Richmond Hill, Ontario.
16. 20-9200 Bathurst Street, Thornhill, Ontario.
17. 285 Geneva Street, St. Catharines, Ontario.
18. 565 Woodlawn Road West, Guelph, Ontario.
19. 1865 Lakeshore Road West, Mississauga, Ontario.
20. 1319 Commissionaires Road, London, Ontario

**COLLEGE OF  
OPTOMETRISTS  
OF ONTARIO**

-and-  
**SHS OPTICAL LTD., DUNDURN  
OPTICAL LTD. and JOHN DOE, all  
carrying on business under the name  
of GREAT GLASSES; JOANNE  
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BERGEZ**

-and-  
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OPTICIANS  
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**THE ATTORNEY  
GENERAL FOR ONTARIO**

Applicant

Intervenor

Intervenor

Respondents

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDINGS COMMENCED AT HAMILTON

**ORDER**

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