

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE) THURSDAY, THE 6th DAY
)
JUSTICE ^{D.}BROWN) OF FEBRUARY, 2014

B E T W E E N:

PEOPLES TRUST COMPANY

Applicant

- and -

ROSE OF SHARON (ONTARIO) RETIREMENT COMMUNITY

Respondent

ORDER

THIS MOTION made by Peoples Trust Company ("**Peoples**") for an Order declaring that Peoples is entitled to priority over the claims of certain persons, including without limitation the claims of certain life lessees against the Property (as defined below) or its proceeds, whether under Right to Occupy Agreements ("**RTOAs**") or otherwise, and any tenants of such life lessees (collectively, "**Life Lease Claimants**"), with respect to the property owned and operated by Rose of Sharon (Ontario) Retirement Community ("**Rose of Sharon**") known municipally as 15-17 Maplewood Avenue, Toronto, Ontario and/or units in the said building (the "**Property**"), save and except for any construction lien claims found to be valid and prior by a judge presiding over the Superior Court of Justice (Commercial List).

ON READING Peoples' Compendium and the documents contained therein, Peoples' Factum, Supplementary Factum, and Reply Factum, Unimac Group Ltd.'s ("Unimac") Factum the Fifth Report of Deloitte Restructuring Inc. in its capacity as Receiver and Manager of Rose of Sharon (the "**Receiver**"), and on hearing the submissions of counsel for Peoples, the Receiver, Unimac, ^{and 2383431 Ontario Inc.} and Leon Hui and Trisura Guarantee Insurance Company, no one appearing for any other party although duly served as appears from the Affidavits of Service of Haddon Murray sworn September 4, 2013, September 6, 2013, October 25, 2013 and December 13, 2013.

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Amended Notice of Motion and the Compendium herein is hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service thereof.

PRIORITY

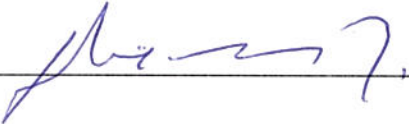
3. **THIS COURT ORDERS AND DECLARES** that Peoples is entitled to priority over the claims of all persons, including Unimac and Leon Hui, claiming an interest in units 207, 301, 303, 309, 1105, PH1, and PH8 in the Property and the proceeds thereof except for any construction lien claims found to be valid and prior by a judge presiding over the Superior Court of Justice (Commercial List).

4. **THIS COURT ORDERS** that Unimac and Leon Hui, jointly and severally, pay Peoples its costs of this motion, fixed in the amount of \$8,000, within 30 days of the date of this Order.

GENERAL

5. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

6. **THIS COURT ORDERS** that the Receiver be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order, and that the Receiver is authorized and empowered to act as a representative in respect of the within proceedings for the purpose of having these proceedings recognized in a jurisdiction outside Canada.



A handwritten signature in blue ink, appearing to be "John J. ...", is written over a horizontal line.

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

FEB 26 2014

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PEOPLES TRUST COMPANY
Applicant

v.

ROSE OF SHARON (ONTARIO) RETIREMENT COMMUNITY
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**ONTARIO SUPERIOR COURT OF JUSTICE
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GOWLING LAFLEUR HENDERSON LLP

Barristers and solicitors
1 First Canadian Place
100 King Street West, Suite 1600
TORONTO, Ontario
M5X 1G5

Clifton Prophet
LSUC No.: 34845K

Telephone: (416) 862-3509
Facsimile: (416) 862-7661

Lawyers for the Applicant,
Peoples Trust Company