

DUCA FINANCIAL CREDIT SERVICES UNION LTD. v. 2460467 ONTARIO LIMITED.

IN THE MATTER OF SECTION 243(1) OF THE BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, C. B-3, AS AMENDED, AND SECTION 101 OF THE COURTS OF JUSTICE ACT, R.S.O 1990 C. C.43, AS AMENDED

Court File No. CV-24-00096502-0000

*Dec 11/24*

*Order to increase Receiver's  
Borrowing limit to 1,000,000 is  
approved.*

*Order signed.*

  
*Kees Munn*

ONTARIO  
SUPERIOR COURT OF JUSTICE  
PROCEEDING COMMENCED AT  
OTTAWA

MOTION RECORD OF THE RECEIVER AND MANAGER,  
KSV RESTRUCTURING INC.  
(MOTION: INCREASE OF RECEIVER'S BORROWING LIMIT)

DICKINSON WRIGHT LLP  
Barristers & Solicitors  
199 Bay Street  
Suite 2200, Box 447  
Commerce Court Postal Station  
Toronto, ON M5L 1G4

JOHN D. LESLIE (29956P)  
Tel: 416-646-3801  
Email: [jleslie@dickinson-wright.com](mailto:jleslie@dickinson-wright.com)

LISA S. CORNE (27974M)  
Tel: 416-646-4608  
Email: [lcorne@dickinson-wright.com](mailto:lcorne@dickinson-wright.com)

Lawyers for the Receiver



Court File No. CV-24-00096502-0000

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR. )  
JUSTICE KERSHMAN )  
 )  
 )

WEDNESDAY, THE 11<sup>TH</sup>  
DAY OF DECEMBER, 2024

BETWEEN:

**DUCA FINANCIAL SERVICES CREDIT UNION LTD.**

Applicant

- and -

**2460467 ONTARIO INC.**

Respondents

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**~~IN THE MATTER OF SECTION 243(1) OF THE BANKRUPTCY AND INSOLVENCY  
ACT, R.S.C. 1985, C. B-3, AS AMENDED, AND SECTION 101 OF THE COURTS OF  
JUSTICE ACT, R.S.O 1990 C. C.43, AS AMENDED~~**

**ORDER  
(Increase of Receiver's Borrowing Limit)**

**THIS MOTION**, made by KSV Restructuring Inc., in its capacity as the court-appointed receiver (in such capacity, the "Receiver") of all the property, assets and undertakings of the Respondent, for an order approving the increase of the Receiver's borrowing limit under the Receiver's Borrowing Charge (as defined in the Order of the Court dated August 12, 2024 (the "Receivership Order")) from \$500,000.00 to \$1,000,000, was heard this day by judicial videoconference.



**ON READING** the First Report of KSV Restructuring Inc. in its capacity as Receiver, dated December 5, 2024 (the "**First Report**") and on hearing the submissions of counsel for the Receiver, counsel for the Applicant, and those other parties present, no one appearing for any other person on the service list, although properly served as appears from the affidavit of service:

**SERVICE**

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

**INCREASE OF RECEIVER'S BORROWING LIMIT**

2. THIS COURT ORDERS that Paragraph 21 of the Receivership Order is amended as follows:

**THIS COURT ORDERS** that the Receiver be at liberty and it is hereby empowered to borrow from the Applicant by way of revolving credit or otherwise, such monies from time to time as it may consider necessary or desirable, provided that the outstanding principal amount does not exceed \$1,000,000 (or such greater amount that is acceptable to the Applicant and as this Court may by further Order authorize) at any time, at such rate or rates of interest as it deems advisable for such period or periods of time as it may arrange, for the purpose of funding the exercise of the powers and duties conferred upon the Receiver by this Order, including interim expenditures. The whole of the Property shall be and is hereby charged by way of a fixed and specific charge (the "**Receiver's Borrowings Charge**") as security for the

payment of the monies borrowed, together with interest, fees and charges thereon, in priority to all security interests, trusts (including, without limitation, deemed trusts), liens, charges and encumbrances, statutory or otherwise, in favour of any Person, but subordinate in priority to the Receiver's Charge and the charges as set out in sections 14.06(7), 81.4(4), and 81.6(2) of the BIA.

**GENERAL**

3. 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.



A handwritten signature in blue ink, consisting of several overlapping loops and a horizontal line, positioned above the name 'KERSHMAN, J.' which is also written in blue ink and enclosed within a blue oval.

Issued on December 11th, 2024

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