

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE MR.	)	THURSDAY, THE 20 th DAY
	)	
JUSTICE HAINEY	)	OF FEBRUARY 2020



IN THE MATTER OF THE *COMPANIES' CREDITORS
ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR
ARRANGEMENT OF FORME DEVELOPMENT GROUP INC.
AND THE OTHER COMPANIES LISTED ON SCHEDULE "A"
HERETO (the "Applicants")

APPLICATION UNDER THE *COMPANIES' CREDITORS
ARRANGEMENT ACT*, R.S.C. 1985, c. C-36, AS AMENDED

ANCILLARY ORDER

THIS MOTION, made by KSV Kofman Inc. ("**KSV**"), in its capacity as Court-appointed monitor (in such capacity, the "**Monitor**") of the Applicants in their proceedings pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. c-36, as amended ("**CCAA**") was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the Notice of Motion and the Twelfth Report of the Monitor and the Eighth Report of the Proposal Trustee dated February 12, 2020 (the "**Report**"), together with the appendices thereto and such other materials as were filed by the parties, and on hearing the submissions of counsel for the Monitor and such other counsel as were present, no one appearing for any other person on the service list, although properly served as appears from the affidavit of Aiden Nelms sworn February 13, 2020, filed,

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record herein be and are hereby abridged and validated so that the Motion is properly returnable today.

STAY EXTENSION

2. **THIS COURT ORDERS** that the Stay Period be and is hereby extended until and including May 31, 2020.

SEALING

3. **THIS COURT ORDERS** that the Confidential Appendices to the Report shall be sealed and kept confidential pending further Order of this Court.

ANCILLARY RELIEF

4. **THIS COURT ORDERS** that, notwithstanding (i) the Undertaking (as defined in the Report) executed by the companies listed on Schedule "B" hereto (the "**Non-Applicants**") and Yuan Hua Wang ("**Mr. Wang**") dated March 11, 2019 and approved by this Court on March 18, 2019; and (ii) the *ex parte* Court Order dated January 31, 2020, amending the Undertaking; and (iii) any prior Order of this Court:

- (a) Gardiner Roberts LLP, or any other past, present or future counsel to the Non-Applicants, Mr. Wang or any other party, are precluded from being paid from the Surplus (as defined below) without further Order of the Court; and

- (b) the purchase price (including any deposits) in respect of the sale of any Non-Applicant real property (each a "**Non-Applicant Project**"), net only of any amounts owing to the mortgagee(s) of that Non-Applicant Project, will be delivered forthwith to Bennett Jones LLP ("**Bennett Jones**") to be held in trust for that Non-Applicant's remaining creditors and form part of the Surplus (as defined below).

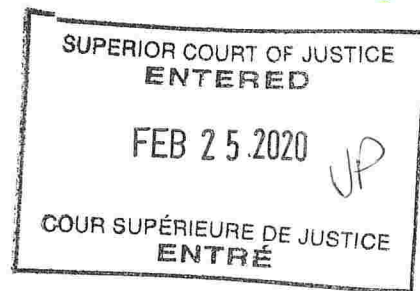
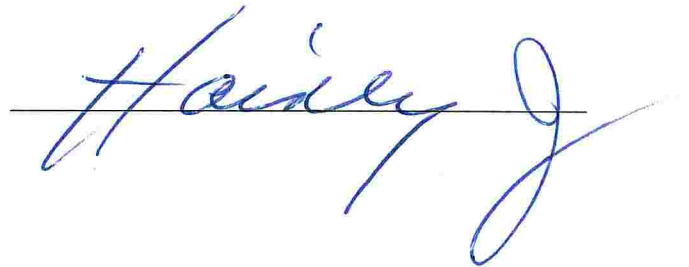
5. **THIS COURT ORDERS** that Cassels Brock & Blackwell LLP ("**CBB**") is hereby authorized and directed to transfer the surplus funds presently on deposit in CBB's trust account (the "**Surplus**"), to Bennett Jones without deduction, provided, however, that CBB may take from the Surplus the aggregate sum of \$29,958.13 (inclusive of disbursements and taxes) for payment of the remaining fees of CBB as permitted by the Undertaking and paragraph 3 of the Order of Justice Hainey dated January 31, 2020. Notwithstanding the payment of the fees of CBB as permitted herein, (a) the Monitor and other applicable stakeholders reserve the right to challenge the fees of CBB and (b) CBB reserves the right (i) to dispute the standing or ability of such parties to challenge its fees and (ii) to justify its fees.

6. **THIS COURT ORDERS** that the bankruptcy proceedings of the Bankrupt Non-Applicants (as defined in the Report) bearing Estate Numbers 31-2610122, 31- 2610116, 31-2610109 and 31-2610098 are hereby annulled.

7. **THIS COURT ORDERS AND DECLARES** that Grant Thornton Limited be and is hereby discharged in its capacity as the Trustee in Bankruptcy in the bankruptcy proceedings of the Bankrupt Non-Applicants bearing Estate Numbers 31-2610122, 31- 2610116, 31-2610109 and 31-2610098.

8. **THIS COURT ORDERS** that the Claims Procedure (as defined in the Report) will continue and that any proven Wang Claims (as defined, and upon being finally determined in the Claims Procedure Order in the within proceedings dated October 22, 2019) will constitute proven claims in the proceedings related to Mr. Wang's Notice of Intention to Make a Proposal filed on January 24, 2020 and in any future bankruptcy of Mr. Wang.

9. **THIS COURT ORDERS** that parties may make brief written cost submissions, to not exceed five (5) pages in length.



SCHEDULE "A"
APPLICANTS

3310 Kingston Development Inc.

1296 Kennedy Development Inc.

1326 Wilson Development Inc.

5507 River Development Inc.

4439 John Development Inc.

2358825 Ontario Ltd.

250 Danforth Development Inc.

159 Carrville Development Inc.

169 Carrville Development Inc.

189 Carrville Development Inc.

27 Anglin Development Inc.

29 Anglin Development Inc.

SCHEDULE "B"

THE NON-APPLICANTS

101 Columbia Development Inc.
186 Old Kennedy Development Inc.
19 Turff Development Inc.
22 Old Kennedy Development Inc.
31 Victory Development Inc.
35 Thelma Development Inc.
376 Derry Development Inc.
390 Derry Development Inc.
4 Don Hillock Development Inc.
4208 Kingston Development Inc.
4550 Steeles Development Inc.
7397 Islington Development Inc.
9500 Dufferin Development Inc.
68 Elm Development Inc.

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Proceeding commenced at Toronto

ANCILLARY ORDER

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Counsel to KSV Kofman Inc., solely in its capacity as Court-appointed monitor and not in its personal capacity