

Court File No. CV-24-00096502-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE	)	WEDNESDAY, THE 8TH
	)	
JUSTICE KERSHMAN	)	DAY OF JULY, 2026

BETWEEN:

DUCA FINANCIAL SERVICES CREDIT UNION LTD.

Applicant

and

2460467 ONTARIO INC.

Respondent



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

THIS MOTION made by the Lien Claimants, RONA Inc. (“**Rona**”), the Plaintiff in the Rona Action, as defined herein, and Toromont Industries Ltd. carrying on business as Battlefield Equipment Rentals (“**Toromont**”), the Plaintiff in the Toromont Action, as defined herein, on consent of the court-appointed receiver of the Respondent, 2460467 Ontario Inc., AlixPartners Restructuring, Inc. (formerly KSV Restructuring Inc.) (the “**Receiver**”), was heard this day by judicial videoconference.

ON READING the Consent of Rona, Toromont and the Receiver, filed, and hearing the submissions of counsel,

1. **THIS COURT ORDERS** that the stay of proceedings provided for in paragraph 9 of the Order of the Honourable Justice Kershman dated August 12, 2024 (the “**Receivership Order**”) in this proceeding be and hereby is lifted for the limited purpose of allowing Rona and Toromont to set down for trial, in accordance with section 37(1) of the *Construction Act*, R.S.O. 1990, c. C.30, as amended (the “*Act*”), the following actions:

- (a) an action commenced by Rona in the Belleville Superior Court of Justice on August 9, 2024, bearing Court File No. CV-24-00000345-0000 (the “**Rona Action**”); and
- (b) an action commenced by Toromont in the Belleville Superior Court of Justice on November 4, 2024, bearing Court File No. CV-24-00000462-0000 (the “**Toromont Action**”).

2. **THIS COURT ORDERS AND DECLARES** that this Order is an order for the trial of the Rona Action and the Toromont Action, in which the following liens may be enforced in accordance with the provisions of the *Act*:

- (a) the lien of the Lien Claimant, Rona, registered in the Land Registry Office for the Lands Titles Division of Hastings (No. 21) on May 17, 2024, as Instrument No. HT347155; and
- (b) the lien of the Lien Claimant, Toromont, registered in the Land Registry Office for the Lands Titles Division of Hastings (No. 21) on June 6, 2024, as Instrument No. HT348103.

3. **THIS COURT ORDERS** that in order to avoid the adverse implications of the two-year limitation period under the *Act*, the Rona Action and the Toromont Action shall be deemed to have been set down for trial in accordance with section 37(1) of the *Act*, and section 9(1) of *O. Reg. 302/18: Procedures for Actions under Part VIII of the Act*, and the trial of the Rona Action and the Toromont Action shall be listed for trial but shall not be called for trial until said matters have been pre-tried and as further directed by the Court, the trial dates to be fixed by this Court on dates to be agreed upon by the Court and counsel to the parties.

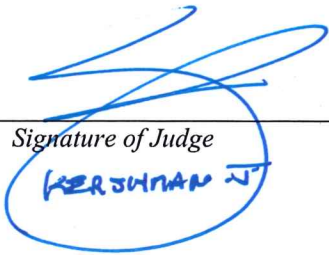
4. **THIS COURT ORDERS** that a Trial Record need not be filed in the Rona Action and the Toromont Action until so ordered by the Court or as agreed by counsel for the parties.

5. **THIS COURT ORDERS** that the Rona Action and the Toromont Action are hereby set down for trial without prejudice to the parties' rights to engage in any further process of production, discovery, and interlocutory motions in accordance with the *Rules of Civil Procedure* and/or the *Act*.

6. **THIS COURT ORDERS** that a copy of this Order be filed in the court file for each of the Rona Action and the Toromont Action.

7. **THIS COURT ORDERS** that, apart from the relief in this Order, the Rona Action and the Toromont Action continue to be stayed in accordance with the Receivership Order.

8. **THIS COURT ORDERS** that a copy of this Order shall be sent to counsel for the Receiver, the court-appointed receiver of all property, assets and undertakings of the Respondent, 2460467 Ontario Inc., by email forthwith after entry.



Signature of Judge

KERJUNAN J

Issuance on July 16, 2026

DUCA FINANCIAL SERVICES CREDIT UNION LTD.
Applicant

-and-

2460467 ONTARIO INC.
Respondent

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SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
OTTAWA

ORDER

PALLET VALO LLP

Lawyers

77 City Centre Drive

West Tower, Suite 300

Mississauga, Ontario L5B 1M5

MARIA RUBERTO (LSO # 51148D)

mruberto@pallettvalo.com

Tel/Fax: 289.805.3441

MATTHEW J. GRECO (LSO # 77993Q)

mgreco@pallettvalo.com

Direct Dial/Fax: 289.294.1076

Lawyers for the Lien Claimants, RONA Inc. and Toromont
Industries Ltd. carrying on business as Battlefield Equipment
Rentals