

No. S-238583
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between

THE TORONTO-DOMINION BANK

Petitioner

and

HBJR HOLDINGS LTD.

Respondent

ORDER MADE AFTER APPLICATION

BEFORE) THE HONOURABLE JUSTICE) 26/JUN/2024
))
) Stephens)

ON THE APPLICATION of BDO Canada Limited in its capacity as the Receiver and Manager of all of the assets, undertakings and property of HBJR Holdings Ltd. (the “**Receiver**”) coming on for hearing at Vancouver, British Columbia on 26/JUN/2024 and on hearing Heather A. Frydenlund, counsel for the Receiver, and nobody else appearing although duly served; and upon reading the materials filed herein;

THIS COURT ORDERS that:

1. The activities of the Receiver, as set out in the Receiver’s First and Second Reports (together, the “**Reports**”), are hereby approved.
2. The fees and disbursements of the Receiver and its legal counsel Owen Bird Law Corporation, as set out in the Reports and affidavits #1 of C. Bowra and S. Stephens, including the estimated fees to conclude the within receivership proceedings (the “**Final Professional Amounts**”), be and are hereby approved, and the Receiver is authorized to pay the Final Professional Amounts to itself and its counsel.

3. After payment of the Final Professional Amounts, the Receiver is directed and authorized, without further order of this court, to distribute to the plaintiff, The Toronto-Dominion Bank, the balance of the funds held by the Receiver as well as any further funds received.


Upon payment of the amounts set out in paragraph 3 hereof,

4. The Receiver ~~is hereby~~ ^{shall be} discharged as Receiver of the assets and property of HBJR Holdings Ltd., provided that notwithstanding its discharge herein: (a) the Receiver shall remain receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein; and (b) the Receiver shall continue to have the benefit of the provisions of all orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of BDO Canada Limited in its capacity as Receiver.

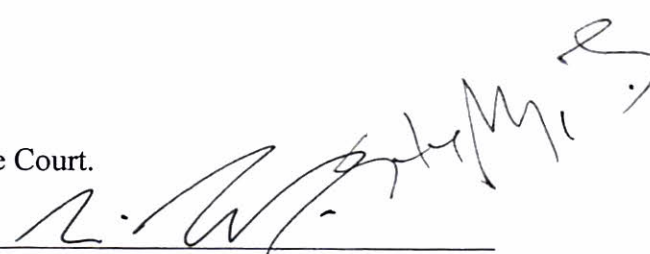
5. BDO Canada Limited is hereby released and discharged from any and all liability that it now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of BDO Canada Limited while acting in its capacity as the Receiver in the within proceedings, save and except for any gross negligence or wilful misconduct on the Receiver's part. Without limiting the generality of the foregoing, BDO Canada Limited is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within receivership proceeding, save and except for any gross negligence or wilful misconduct on the Receiver's part.

6. The Receiver has liberty to apply for such further or other directions or relief as may be necessary or desirable to give effect to this Order.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



Signature of lawyer for the Receiver,
Heather A. Frydenlund

By the Court.


Registrar



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OWEN BIRD LAW CORPORATION
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PO Box 1
Vancouver, BC V6B 0S6
Attention: Scott H. Stephens
File No. 39920-0002
