

Court File No. CV-20-00649943-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

THE HONOURABLE MR.

)

FRIDAY, THE 29TH

JUSTICE PENNY

)

DAY OF OCTOBER, 2021

)

B E T W E E N:



ROYAL BANK OF CANADA

Applicant

- and -

**BARTIA TRANSPORT INC. operating as BLB TRANSPORT GROUP,
GATT LOGISTICS INC., SARBJIT KAUR, and CARL DWAIN GATT**

Respondent

DISCHARGE ORDER

THIS MOTION, made by Grant Thornton Limited (“GTL”), in its capacity as the Court-appointed receiver (in such capacity, the “**Receiver**”), without security, of all the assets, undertakings and properties of Bartia Transport Inc. operating as BLB Transport Group (“**Bartia Transport**”), and Gatt Logistics Inc. (“**Gatt**”) and together with Bartia Transport, collectively, the “**Debtors**”), for an order, amongst other things:

1. approving the activities of the Receiver as set out in the report of the Receiver dated October 19, 2021 (the “**Report**”);
2. approving the fees and disbursements of the Receiver and its counsel, Aird & Berlis LLP (“**A&B**”) together with their proposed fee accruals to discharge;
3. approving the distribution of any remaining proceeds available in the estate of the Debtors;
4. discharging GTL as Receiver of the undertaking, property and assets of the Debtors; and

5. releasing GTL from any and all liability, as set out in paragraph 5 of this Order,

was heard this day via judicial videoconference via Zoom due to the COVID-19 emergency.

ON READING the Report, the fee affidavits of the Receiver and A&B as to fees (together, the “**Fee Affidavits**”), and on hearing the submissions of counsel for the Receiver, no one else appearing although served as evidenced by the Affidavit of Christine Doyle sworn October 21, 2021;

1. **THIS COURT ORDERS** that the activities of the Receiver and its statement of receipts and disbursements, as set out in the Report, are hereby approved.

2. **THIS COURT ORDERS** that the fees and disbursements of the Receiver and its counsel, A&B, together with their proposed fee accruals to discharge as set out in the Report and the Fee Affidavits, are hereby approved.

3. **THIS COURT ORDERS** that, after payment of the fees and disbursements herein approved, and immediately prior to the filing of the Receiver’s Certificate of Completion, the Receiver be and hereby authorized and directed to pay the following amounts from the estate of Bartia Transport:

- (a) Highway Traffic Act Claims (as defined in the Report) in the amount of \$534.50 together with any additional amounts derived from future collection of receivables subject to a priority under the *Highway Traffic Act, as amended*;
- (b) the lesser of i) the Current Bartia CRA Source Deduction Priority Claim (as defined in the Report) in the amount of \$60,652.90; ii) an amount to be agreed to between CRA and the Receiver; Bartia CRA HST Priority Claim (as defined in the Report) in the amount of \$14,076.41; and,
- (c) the balance to Royal Bank of Canada to the extent of its claims against Bartia Transport.

4. **THIS COURT ORDERS** that, after payment of the fees and disbursements herein approved, and immediately prior to the filing of the Receiver’s Certificate of Completion, the Receiver be and hereby authorized and directed to pay the following amounts from the estate of Gatt:

- (a) Highway Traffic Act Claims (as defined in the Report) in the amount of \$8,374.76; and

- (b) Gatt CRA Source Deduction Priority Claim (as defined in the Report) in the amount of \$8,106.88; and,
- (c) the balance to Royal Bank of Canada to the extent of its claims against Gatt.

5. **THIS COURT ORDERS** that and upon the Receiver filing a certificate (the “**Receiver’s Certificate of Completion**”) substantially in the form appended as **Appendix “A”** to this Order certifying that it has completed the Remaining Matters described in the Report, the Receiver shall be discharged as Receiver of the undertaking, property and assets of the Debtors, provided however 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 GTL in its capacity as Receiver.

6. **THIS COURT ORDERS AND DECLARES** that GTL is hereby released and discharged from any and all liability that GTL now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of GTL while acting in its capacity as Receiver herein, save and except for any gross negligence or wilful misconduct on the Receiver’s part. Without limiting the generality of the foregoing, GTL 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 proceedings, save and except for any gross negligence or wilful misconduct on the Receiver’s part.

A handwritten signature in blue ink, appearing to read 'Ray J.', is written over a horizontal line.

APPENDIX “A”

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**BARTIA TRANSPORT INC. operating as BLB TRANSPORT GROUP,
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Respondent

RECEIVER’S CERTIFICATE OF COMPLETION

RECITALS

A. Pursuant to an Endorsement of the Ontario Superior Court of Justice (Commercial List) (the “**Court**”) made October 27, 2020, Grant Thornton Limited was appointed as the receiver (in such capacity, the “**Receiver**”) of all of the assets, properties and undertakings of Bartia Transport Inc., operating as BLB Transport Group, and Gatt Logistics Inc.

B. Pursuant to an Order of the Court dated October 29, 2021 granted by the Honourable Mr. Justice Penny (the “**Discharge Order**”), the Court authorized and directed the Receiver to carry out certain outstanding matters to complete the receivership that were proposed in the Report of the Receiver dated October 19, 2021 (the “**Report**”)(collectively, the “**Remaining Matters**”), and further provided that upon the Receiver filing a certificate with this Court certifying that the Remaining Matters had been completed, the Receiver shall thereby be immediately discharged as Receiver.

C. THE RECEIVER HEREBY CERTIFIES that the Receiver has completed the Remaining Matters in accordance with the terms of the Report and the Discharge Order.

[signature page follows]

DATED at Toronto, Ontario, this _____ day of _____, 20__.

GRANT THORNTON LIMITED solely in its capacity as the Court-appointed receiver of Bartia Transport Inc. and Gatt Logistics Inc. and not in its personal capacity.

Jake Wiebe, CPA, CA, CIRP, LIT
Senior Vice President

ROYAL BANK OF CANADA

- and -

**BARTIA TRANSPORT INC. operating as BLB TRANSPORT
GROUP, et al.**

Applicant

Respondent

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ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceedings commenced at Toronto

DISCHARGE ORDER

AIRD & BERLIS LLP

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