

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

THE HONOURABLE MR.

)

MONDAY, THE 19th

JUSTICE HAINEY

)

DAY OF NOVEMBER, 2018

)

BETWEEN:



ONTARIO SECURITIES COMMISSION

Applicant

- and -

MONEY GATE MORTGAGE INVESTMENT CORPORATION

Respondent

**APPLICATION UNDER
Sections 126 and 129 of the *Securities Act*, R.S.O. 1990, C.S.5, as amended**

ORDER

THIS MOTION made without notice by Grant Thornton Limited in its capacity as Court-appointed receiver ("**Receiver**") of Money Gate Mortgage Investment Corporation ("**Money Gate**"), was heard this day at 330 University Avenue, Toronto, Ontario.

ON READING the First Report of the Receiver dated November 18, 2018 and the Appendices thereto, and on hearing the submissions of counsel for the Receiver,

1. **THIS COURT ORDERS** Toronto-Dominion Bank and TD Canada Trust (the “**Banks**”) to forthwith freeze and prevent any removal or transfer of monies or assets held in the accounts listed in **Schedule “A”** hereto (collectively, the “**Bank Accounts**”), pending a determination as to whether such monies constitute property or assets of Money Gate.
2. **THIS COURT ORDERS** that the Banks forthwith disclose, produce and deliver up to the Receiver any and all Records (as defined below) held by the Banks, including without limitation Bank Account statements and cheques, pertaining to the Bank Accounts for the period from and after November 28, 2017.
3. **THIS COURT ORDERS** that Morteza (Ben) Katebian and 2399029 Ontario Inc. (collectively, the “**Parties**”) shall forthwith disclose and produce to the Receiver all books, records, documents, papers, records and information of any kind whatsoever (“**Records**”) pertaining to their receipt and use of the approximately \$1.2 million (the “**Diverted Funds**”) they received from the \$1.6 million advanced by Money Gate to World Finance Corporation (“**WFC**”) in connection with the assignment of 30.1% of a third mortgage held by WFC over real property municipally known as 4 Birchmount Road, Toronto. The Parties shall provide to the Receiver or permit the Receiver to make, retain and take away copies thereof and grant to the Receiver unfettered access to and use of accounting, computer, software and physical facilities relating thereto, provided however that nothing in this paragraph 3 or paragraph 4 hereof shall require the delivery of Records, or the granting of access to Records, which may not be disclosed or provided to the Receiver due to the privilege attaching to solicitor-client communication or due to statutory provisions prohibiting such disclosure.

4. **THIS COURT ORDERS** that if any Records are stored or otherwise contained on a computer or other electronic system of information storage, whether by independent service provider or otherwise, all individuals, firms, corporations, governmental bodies or agencies, or other entities having notice of this Order (all of the foregoing, collectively, being "**Persons**") in possession or control of such Records shall forthwith give unfettered access to the Receiver for the purpose of allowing the Receiver to recover and fully copy all of the information contained therein whether by way of printing the information onto paper or making copies of computer disks or such other manner of retrieving and copying the information as the Receiver in its discretion deems expedient, and shall not alter, erase or destroy any Records without the prior written consent of the Receiver. Further, for the purposes of this paragraph, all Persons shall provide the Receiver with all such assistance in gaining immediate access to the information in the Records as the Receiver may in its discretion require including providing the Receiver with instructions on the use of any computer or other system and providing the Receiver with any and all access codes, account names and account numbers that may be required to gain access to the information.



ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

NOV 19 2018

PER / PAR:



SCHEDULE "A"

Bank Branch: 1085 – TD Canada Trust, 220 Commerce Valley Drive West, Unit 100,
Markham

Name: Morteza (Ben) Katebian

Account Number: 63-***25

Bank Branch: 1085 – TD Canada Trust, 220 Commerce Valley Drive West, Unit 100,
Markham

Name: 2399029 Ontario Inc.

Account Number: 54-***32

ONTARIO SECURITIES COMMISSION

- and -

Applicant

MONEY GATE MORTGAGE INVESTMENT CORPORATION

Respondent

Court File No. CV-18-00608086-00CL

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(COMMERCIAL LIST)**

Proceedings commenced at TORONTO

ORDER

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**Lawyers for the Court-appointed
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