



Court File No. CV-20-00649154-00CL

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

THE HONOURABLE

MR. JUSTICE MCEWEN

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MONDAY, THE 18th

DAY OF JULY, 2022

B E T W E E N:

CLEARFLOW COMMERCIAL FINANCE CORP.

Applicant

-and-

**TRIGGER WHOLESALE, INC., THE EN CADRE GROUP INC.,
MARK GDAK, JAIMEE LYNN GDAK and JAIMAK REAL PROPERTIES INC.**

Respondents

APPLICATION UNDER Sections 243(1) and 47(1) of the *Bankruptcy and Insolvency Act*,
R.S.C.1985, c. B-3, Section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 and Rule
40.01 of the *Rules of Civil Procedure*

ORDER

THIS MOTION, made by Grant Thornton Limited (“GTL”) in its capacity as the Court-appointed receiver (the “**Receiver**”) of the assets, property and undertaking of Trigger Wholesale, Inc. and The En Cadre Group Inc. (collectively, the “**Debtors**”) and certain real property owned by each of Jaimak Real Properties Inc. or Jaimee Lynn Gdak, as set out in Schedule “A” (collectively, the “**Real Property**”) to the Order of Mr. Justice McEwen dated October 22, 2020 (the “**Appointment Order**”), for an order, for the relief as set out in the Notice of Motion dated July 11, 2022, was heard this day by Zoom videoconference due to the COVID-19 pandemic.

ON READING the eighth report of the Receiver dated July 11, 2022 (the "**Eighth Report**"), the affidavit of Jacob Wiebe sworn July 11, 2022 (the "**Wiebe Affidavit**"), the affidavit of Christine Mason sworn July 7, 2022 (the "**Mason Affidavit**") and on hearing the submissions of counsel for the Receiver, counsel for Clearflow Commercial Finance Corp, counsel for the Respondents and such other counsel as listed on the participant sheet, no one appearing for any other person on the service list, although properly served, as appears from the affidavit of Mariela Adriana Gasparini sworn July 11, 2022.

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that capitalized terms not defined herein shall have the meanings ascribed thereto in the Eighth Report.
3. **THIS COURT ORDERS** that the Eighth Report of the Receiver and the activities of the Receiver, as described in the Eighth Report, be and are hereby approved; provided, however that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approval.
4. **THIS COURT ORDERS** that the interim statement of receipts and disbursements as at June 30, 2022, be and is hereby approved.
5. **THIS COURT ORDERS** that the fees and disbursements of the Receiver for the period April 1, 2022 to June 30, 2022, as set out in the Wiebe Affidavit, be and is hereby approved.
6. **THIS COURT ORDERS** that the fees and disbursements of Borden Ladner Gervais LLP ("**BLG**"), legal counsel to the Receiver for the period April 1, 2022 to June 30, 2022, as set out in the Mason Affidavit, be and is hereby approved.
7. **THIS COURT ORDERS** that the settlement of certain claims advanced by Ace Lawn Care Inc. ("**Ace**") under the *Construction Act*, R.S.O. 1990, c. C.30, in respect of the supply of services and/or materials to the properties located at 157 Saugeen Beach Road, Port Elgin, Ontario (the "**Saugeen Property**"), 652 Colby Drive, Waterloo, Ontario (the "**Colby**

Property”), 265 Old Post Rd., Waterloo, Ontario (the “**Old Post Property**”) and 250 Lions Court, Waterloo, Ontario (the “**Lions Property**”), in accordance with the terms of a Settlement Agreement dated July 7, 2022 (the “**Settlement Agreement**”) between the Receiver and Ace, be and are hereby approved.

8. **THIS COURT ORDERS** that the Receiver is authorized to make a distribution to Ace in the amount of \$423,734.46, from the proceeds of the Trigger Real Property, as described in the Eighth Report, subject to the satisfaction of the terms of the Settlement Agreement.

9. **THIS COURT ORDERS** that the Receiver is authorized to make a distribution to Bank of Montreal (“**BMO**”), up to the amount of the secured obligations owing to BMO from the proceeds of sale of the Lions Property.

10. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.



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-and-

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Respondents

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

**PROCEEDING COMMENCED AT
TORONTO**

ORDER

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Group Inc.