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Court File No. 07-CL-6913

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) **FRIDAY, THE 5TH DAY**
)
MADAM JUSTICE PEPALL) **OF OCTOBER, 2007**

ED MIRVISH ENTERPRISES LIMITED AND 1 KING WEST INC.

Applicants

- and -

**STINSON HOSPITALITY INC., DOMINION CLUB OF CANADA CORPORATION
AND HARRY STINSON**

Respondents

ORDER

(RECEIVER'S REPORT AND INTERIM MANAGEMENT)

THIS MOTION, made by Ira Smith Trustee & Receiver Inc., in its capacity as court-appointed receiver and manager (the "Receiver") of all of the assets, undertakings and properties of Stinson Hospitality Inc., Dominion Club of Canada Corporation, The Suites at 1 King West Inc. and 2076564 Ontario Inc. (collectively, the "Debtors"), for an order, *inter alia*, approving the First Report of the Receiver dated October 1, 2007 (the "First Report") and the actions and activities of the Receiver detailed therein.

ON READING the First Report and the exhibits thereto, as filed with this Honourable Court, and the Affidavits of Ira Smith sworn October 1,, 2007 and Joseph Latham sworn October 1, 2007, and on hearing the submissions of counsel for the Receiver, the Debtors, Harry Stinson, Ed Mirvish Enterprises Limited, 1 King West Inc. and Toronto Standard Condominium Corporation 1703, no one appearing for the other persons listed in Schedule "A"

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hereto, although duly served as appears from the Affidavit of Service of Lela Wyner, sworn October 1, 2007, filed,

SERVICE

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record herein is hereby abridged to the date of actual service, that the service, including the manner of service of the motion materials, is hereby approved and validated, that the motion is properly returnable today, and that all parties entitled to notice of this motion have been properly served and further service thereof is hereby dispensed with.

FIRST REPORT

2. **THIS COURT ORDERS** that the First Report and the actions and activities of the Receiver as reported therein be and are hereby approved.

INTERIM MANAGEMENT AGREEMENT

3. **THIS COURT ORDERS** that the interim management agreement between the Receiver and CK Atlantis Inc. (the "Interim Management Agreement"), attached as Exhibit "E" to the First Report, and the terms and conditions contained therein, be and are hereby approved.

4. **THIS COURT ORDERS** that the Receiver is hereby authorized to execute and enter into the Interim Management Agreement and to perform its obligations thereunder.

CONSULTING REPORT

5. **THIS COURT ORDERS** that the consulting report of CK Atlantis Inc. dated September 24, 2007, regarding the operations of the rental management program, the food and beverage services and other related activities forming the operations of The Suites at 1 King West, be and

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is hereby sealed and shall remain sealed until further Order of this Honourable Court on at least 7 days' notice to the Receiver.

FEES AND DISBURSEMENTS

6. **THIS COURT ORDERS** that the fees and disbursements of the Receiver for the Receiver Application Period (as defined in the Affidavit of Ira Smith sworn October 1, 2007) and the fees and disbursements of the Receiver's counsel, Goodmans LLP, for the Goodmans Application Period (as defined in the Affidavit of Joseph Latham sworn October 1, 2007) be and are hereby approved.

GENERAL

7. **THIS COURT ORDERS** that the Receiver shall serve a copy of this Order by ordinary mail upon each person served with notice of this motion.

A handwritten signature in cursive script, reading "A. K. Paell, J.", is written over a horizontal line.

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