Court File No. CV-21-00656040-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE CHIEF	)	MONDAY, THE 5TH
	)	
JUSTICE MORAWETZ	)	DAY OF JULY, 2021

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
LAURENTIAN UNIVERSITY OF SUDBURY

Applicant

ORDER
(Re: Appointment of Real Estate Advisor)

THIS MOTION, made by Laurentian University of Sudbury (the "**Applicant**") pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCAA**"), for an order appointing a Real Estate Advisor, was heard this day by videoconference via Zoom in Toronto, Ontario due to the COVID-19 pandemic;

ON READING the Applicant's Notice of Motion dated June 28, 2021 and the Fifth Report of Ernst & Young Inc. (the "**Monitor**") dated June 29, 2021 (the "**Fifth Report**") and on hearing the submissions of counsel for the Applicant, counsel for the Monitor, and those other parties listed on the Counsel Slip, no one else appearing although duly served with the Applicant's Motion Record as appears from the Affidavit of Service of Derek Harland dated July 5, 2021;

UPON BEING ADVISED of the existence of various legislation, policies, guidelines and directives to which the Applicant may be subject including *The Public Sector Accountability Act*, the *Laurentian University Policy on Purchasing*, *The Procurement Guideline for Publicly Funded Organizations in Ontario*, *The Ontario Broader Public Sector (BPS) Procurement Directive* issued by the Management Board of Cabinet, effective July 1, 2011 and various Ontario Trade

Agreements (including the *Canadian Free Trade Act*) (collectively, the "**Public Sector Parameters**");

AND UPON CONSIDERING the processes and principles utilized for retaining advisors in a CCAA proceeding and the timing and other considerations applicable to the Applicant in fulfilling its obligation to conduct a real estate review pursuant to term sheets approved by this Court on April 29, 2021, and upon considering the Monitor's direct involvement and oversight in the open, competitive and transparent process for the selection of the Real Estate Advisor and its recommendation as set out in the Fifth Report;

SERVICE AND DEFINITIONS

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion and the Motion Record is hereby abridged so that this Motion is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that capitalized terms used herein that are not otherwise defined shall have the meaning ascribed to them in the Fifth Report.

REAL ESTATE ADVISOR

3. **THIS COURT ORDERS** that the Applicant is hereby authorized and directed to retain Cushman & Wakefield as the Real Estate Advisor in respect of the Mandate.

4. **THIS COURT ORDERS** that**,** to the extent that any aspect of the process leading to the selection of the Real Estate Advisor was not in accordance with any applicable Public Sector Parameters, such requirements are waived.

5. **THIS COURT ORDERS** that, subject to the approval of the Monitor as to its terms, the Applicant is hereby authorized to execute an engagement letter with the Real Estate Advisor in order to implement the terms of the Mandate.

SEALING PROVISION

6. **THIS COURT ORDERS** that the financial terms of Cushman & Wakefield's proposal, attached as Confidential Appendix "E" to the Fifth Report, is hereby sealed pending further order of the Court, and shall not form part of the public record.

GENERAL

7. **THIS COURT ORDERS** that no person shall be liable for any act done in good faith in accordance with this Order, pursuant to section 142 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43.

8. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or outside of Canada to give effect to this Order and to assist the Applicant, the Monitor and their respective 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 Applicant and to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Monitor in any foreign proceeding, or to assist the Applicant and the Monitor and their respective agents in carrying out the terms of this Order.

9. **THIS COURT ORDERS** that each of the Applicant and the Monitor be at liberty and is hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order.

10. **THIS COURT ORDERS** that this Order and all of its provisions are effective as of 12:01 a.m. Eastern Time on the date of this Order and is enforceable without any need for entry and filing.

CHIEF JUSTICE G.B. MORAWETZ

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AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF **LAURENTIAN UNIVERSITY OF SUDBURY**

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Proceedings commenced at Toronto

ORDER
(Appointment of Real Estate Advisor)

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