

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE CHIEF	)	WEDNESDAY, THE 25th
	)	
JUSTICE MORAWETZ	)	DAY OF JANUARY, 2023

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

VESTING ORDER

THIS MOTION, made by Laurentian University of Sudbury (the “**Applicant**”) for an order vesting in James Crispo and Dominique Ansell (together, the “**Purchasers**”) the Applicant’s right, title and interest, if any, in and to the real property described at Schedule “A” hereto on an “as-is, where-is” basis (the “**Subject Property**”), was heard this day by Zoom judicial video conference in accordance with the *Guidelines to Determine Mode of Proceeding in Civil*, effective April 19, 2022.

ON READING the Applicant’s Motion Record dated January 11, 2023 and on hearing the submissions of counsel for the Applicant, counsel for the Monitor, and such other counsel that appeared on the motion, and on being satisfied that all known parties who could be affected by or who may have an interest in the transfer of the Subject Property to the Purchasers have received proper notice and have been served with the Motion Record herein, and upon being further advised that the Ministry of Lands and Forests (now the Ministry of Northern Development, Mines, Natural Resources and Forestry) has consented to Instrument No. LT264521 and Instrument No. LT264533 being added to Schedule “C” and therefore expunged from title pursuant to this Vesting Order, no one appearing for any other person entitled to

receive notice of this motion, although properly served as appears from the affidavit of service of Derek Harland sworn January 12, 2023, filed;

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

2. **THIS COURT ORDERS** that, upon the registration by the Applicant of an entered copy of this Vesting Order on title to the Subject Property in accordance with paragraph 3 herein, all of the Applicant's right, title and interest, if any, in and to the Subject Property shall vest in the Purchasers.

3. **THIS COURT ORDERS** that upon the registration by the Applicant in the Land Title Division for the Land Registry Office No. 53 for Sudbury (the "**Land Registry Office**") of an Application for Vesting Order in the form prescribed by the *Land Titles Act* (Ontario) and attaching an entered copy of this Vesting Order, the Land Registrar for the Land Registry Office is hereby directed to enter the Purchasers as the registered owners of the Subject Property identified and described in Schedule "A" hereto in fee simple and open the appropriate Property Identifier Number for the Subject Property in the name of the Purchasers, subject only to the instrument identified and described in Schedule "B", and is hereby directed to delete and expunge from title to the Subject Property all of the instruments listed in Schedule "C" hereto, such that those instruments shall not appear on the Property Identifier Number opened by the Land Registrar for the Subject Property.

4. **THIS COURT ORDERS** that, notwithstanding:

- (a) the pendency of these proceedings;
- (b) any applications for a bankruptcy order now or hereafter issued pursuant to the *Bankruptcy and Insolvency Act* (Canada) in respect of the Applicant and any bankruptcy order issued pursuant to any such applications; and
- (c) any assignment in bankruptcy made in respect of the Applicant;

the vesting of the Subject Property in the Purchasers pursuant to this Vesting Order shall be binding on any trustee in bankruptcy that may be appointed in respect of the Applicant and shall not be void or voidable by creditors of the Applicant, nor shall it constitute nor be deemed to be a fraudulent preference, assignment, fraudulent conveyance, transfer at undervalue, or other reviewable transaction under the *Bankruptcy and Insolvency Act* (Canada) or any other applicable federal or provincial legislation, nor shall it constitute oppressive or unfairly prejudicial conduct pursuant to any applicable federal or provincial legislation.

Chief Justice G.B. Morawetz

Schedule “A” – Subject Property

Part of Parcel 34100, Section SES being Part Broken Lot 1, Concession 1 MCKIM Location 145 designated as Part 1 on Reference Plan 53R21719; Greater Sudbury

Being Part of PIN 73593-0406(LT)

Schedule “B” – Instruments to Remain registered on title to the Subject Property

1. 53R21719 Plan Reference deposited September 13, 2022

Schedule “C” – Instruments to be deleted and expunged from title to the Subject Property

1. LT264521 Crown Patent registered January 29, 1969
2. LT264533 Notice Agreement registered January 30, 1969
3. SD414794 Application to Register Court Order registered February 12, 2021
4. SD442590 Application to Register Court Order registered January 28, 2022
5. SD466093 Charge registered November 24, 2022
6. SD467679 Application to Amend based on Court Order registered December 15, 2022

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

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

Proceedings commenced at Toronto

VESTING ORDER

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