

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) TUESDAY, THE 16TH
)
JUSTICE CONWAY) DAY OF APRIL 2024

B E T W E E N:

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

AND IN THE MATTER OF THE COMPROMISE OR ARRANGEMENT OF **ORIGINAL
TRADERS ENERGY LTD. and 2496750 ONTARIO INC.**

Applicants

ORDER

THIS MOTION, made by the Respondents Glenn Page (“Page”) and 2658658 Ontario Inc. (the “Page Respondents”) to vary the Mareva Order issued by this Court on January 16, 2024 (the “Mareva Order”) to permit the payment of legal fees and expenses, was read this day, at 330 University Avenue, Toronto;

ON BEING ADVISED that: (a) the Monitor in Appendix “C” to its Sixth Report dated November 8, 2023 states that to date it has identified that \$825,933.55 in funds used to improve the property jointly owned by Page and Mandy Cox (“Cox”) as their matrimonial home located at 118 Main Street North, Waterdown, Ontario (the “Waterdown Property”), originated from the Applicants; and (b) Lenczner Slight LLP currently holds in trust (i) \$100,000 deposited by or on behalf of the Page Respondents in October 2023, and (ii) the sum of \$1,874,058.28, being the net proceeds of sale of the Waterdown Property (the “Waterdown Proceeds”), deposited and held

pursuant to the Orders of the Ontario Superior Court dated November 10, 2023 and the Mareva Order;

AND ON BEING ADVISED that the Page Respondents, Cox and the Monitor consent to this Order, with the Page Respondents and Cox so consenting without any admission of wrongdoing or liability on their part,

1. **THIS COURT ORDERS** that the Mareva Order is varied only as specifically set out in this Order.

2. **THIS COURT ORDERS** that Lenczner Slaght LLP shall forthwith transfer \$825,933.55 of the Waterdown Proceeds (the “Transferred Funds”) to a bank account as directed by the Monitor, and these funds shall be received by the Applicants on account of allegations made by the Monitor against the Page Respondents and Cox in respect of funds originating from the Applicants used to improve the Waterdown Property. The Transferred Funds shall henceforth be the property of the Applicants, and none of the Page Respondents, Cox, nor any corporation or entity controlled by any of them, shall have any claim or right whatsoever in respect of these Transferred Funds.

3. **THIS COURT ORDERS** that the payment of the Transferred Funds to the Monitor is and shall be without prejudice to any defence of the Page Respondents and/or Cox to any allegations made by the Monitor, the Applicants or any creditors or stakeholders of the Applicants. With the exception of the Transferred Funds henceforth being the property of the Applicants, as set out in paragraph 2 of this Order, neither the doctrines of issue estoppel nor *res judicata* shall apply to the fact of the payment of the Transferred Funds to the Monitor on account of the allegations made against the Page Respondents and Cox.

4. **THIS COURT ORDERS** that nothing in this Order shall prevent the Monitor or the Applicants from bringing further motions to seek further damages or recovery of funds or assets in excess of the Transferred Funds from any of the Page Respondents or Cox based upon the Monitor's ongoing investigation. In the event that Cox is ultimately held to owe damages to the Applicants in respect of allegations relating to funds originating from the Applicants being used to improve the Waterdown Property, up to 50% of the Transferred Funds shall be applied first in respect of any such damages that may be owed by Cox solely on her own account, and thereafter up to 100% of the Transferred Funds shall be applied next in respect of any such damages that may be owed by Cox on a joint and several basis with Page.

5. **THIS COURT ORDERS** that Lenczner Slaght LLP is and shall be permitted to apply the Page Respondents' \$100,000 deposit (referenced in the preamble to this Order as held in the Lenczner Slaght LLP trust account) against the Page Respondents' outstanding legal accounts of Lenczner Slaght LLP.

6. **THIS COURT ORDERS** that, after transferring the Transferred Funds to the Monitor, Lenczner Slaght LLP is and shall be permitted to apply \$524,062.50 of the Waterdown Proceeds against the Page Respondents' outstanding legal accounts of Lenczner Slaght LLP.

7. **THIS COURT ORDERS** that, after transferring the Transferred Funds to the Monitor and applying the specified funds against their outstanding accounts under paragraph 6 of this Order, Lenczner Slaght LLP shall thereafter transfer the remaining \$524,062.50 of the Waterdown Proceeds (the "Remaining Proceeds") to the Goldblatt Partners LLP trust account. Subject to further order of the Court, the Remaining Proceeds may be used strictly to pay existing and future

legal accounts in respect of Cox. For greater certainty, Page shall henceforth have no interest in or entitlement to the Remaining Proceeds.

8. **THIS COURT ORDERS** that Quadrus Investment Services Ltd. (“Quadrus”) shall forthwith liquidate the investments presently held by Page in the Self-Directed Tax Free Savings Account bearing Plan Account Number 693577468 (“TFSA Account”) and following the liquidation of the TFSA Account, Quadrus shall forthwith transfer the entirety of these funds held in the TFSA Account (the “TFSA Funds”) to the trust account of Lenczner Slaght LLP.

9. **THIS COURT ORDERS** that Lenczner Slaght LLP shall forthwith after receipt transfer 50% of the TFSA Funds received from Quadrus to the Monitor as a partial payment of the \$100,000 costs order made by the Court against the Page Respondents and in favour of the Monitor on February 15, 2024. The balance of the February 15, 2024 costs order shall be paid to the Monitor from the net proceeds of the sale of the Italian Yacht after payment of any brokerage and sales commissions and the costs incurred by the Monitor in insuring and preparing the Italian Yacht for sale, including the costs associated with addressing customs duties, and prior to the determination of the entitlement to the net proceeds from the sale of the Italian Yacht in accordance with paragraph 3(m) of the Order of Justice Kimmel dated July 17, 2023 (“Yacht Sale Order”) or the payment of any Reimbursable Costs to any of the Page Respondents. For greater certainty, nothing in this order shall prevent any party from claiming Reimbursable Costs pursuant to the Yacht Sale Order.

10. **THIS COURT ORDERS** that, after transfer of the funds to the Monitor under paragraph 9 of this Order, Lenczner Slaght LLP shall deposit the remaining 50% of the TFSA Funds received

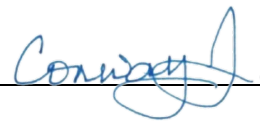
from Quadrus into its trust account and may use those funds for the ongoing legal fees of the Page Respondents.

11. **THIS COURT ORDERS** that the Page Respondents' retainer held in the trust account of KSV Advisory Inc. may be applied in the amount of \$18,809.98 for the payment of outstanding advisory fees for the Page Respondents.

12. **THIS COURT ORDERS** that the TD Aeroplan Visa Infinite credit card being Account Number 4520 8830 4525 9621 ("TD Visa Card") shall be unfrozen forthwith and the Page Respondents are entitled to use the TD Visa Card for living and personal expenses, strictly provided that any payments for charges incurred on the TD Visa Card shall not be paid from any funds or assets frozen by the Mareva Order. The Monitor will forthwith provide a copy of this Order to the TD Bank and communicate that the Mareva Order does not apply to the TD Visa Card.

13. **THIS COURT ORDERS** that, except as expressly set out in this Order, the Mareva Order shall remain in full force and effect until further Order of this Court.

Date of issuance
April 16, 2024

A handwritten signature in blue ink, appearing to read "Conway", is written over a horizontal line.

ORIGINAL TRADERS ENERGY LTD.
Applicant

Court File No. CV-23-00693758-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

PROCEEDING COMMENCED AT TORONTO

ORDER

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