

Court File No. CV-24-00011930-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) FRIDAY, THE 28TH
JUSTICE A.D. KURKE) DAY OF MARCH, 2025



THE TORONTO-DOMINION BANK

Applicant

- and -

**DR. R. BOLJKOVAC DENTISTRY PROFESSIONAL CORPORATION operating as
NORWOOD FAMILY DENTISTRY AND RENE EMIL BOLJKOVAC**

Respondents

DISTRIBUTION AND DISCHARGE ORDER

THIS MOTION, made by Albert Gelman Inc. in its capacity as the Court-appointed receiver (the "Receiver") of the undertaking, property and assets of Dr. R. Boljkovac Dentistry Professional Corporation operating as Norwood Family Dentistry (the "Debtor"), for an order:

1. That the time for service, filing and confirmation of the Notice of Motion and Motion Record be abridged so that this motion is properly returnable today and hereby dispensing with further service and confirmation hereof;
2. Approving the activities of the Receiver as set out in the Second Report of the Receiver dated March 18, 2025 (the "Second Report") and 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 the approval of the Second Report;

3. Approving the fees of the Receiver and its counsel (the "Professional Fees") and the Remaining Fees and Disbursements, as defined and detailed in the Second Report, and payment thereof;
4. Approving the Receiver's Statement of Receipts and Disbursements as defined and detailed in the Second Report (the "Statement of Receipts and Disbursements");
5. Approving the proposed distribution, as detailed in the Second Report (the "Proposed Distribution");
6. Discharging Albert Gelman Inc. as Receiver of the undertaking, property and assets of the Debtor on the filing of the Discharge Certificate, as defined and provided for in the Second Report; and
7. Releasing Albert Gelman Inc. from any and all liability, as set out in paragraph 7 of this Order,

was heard this day at 155 Elm Street, Sudbury, Ontario.

ON READING the Receiver's Notice of Motion dated March 19, 2025, the Second Report, the affidavits of the Receiver and its counsel as to the Professional Fees (the "Fee Affidavits"), and on hearing the submissions of counsel for the Receiver, no one else appearing although served as evidenced by the Affidavits of Service of Sydney Inghelbrecht sworn March 19, 2025, filed;

1. THIS COURT ORDERS that the time for service, filing and confirmation of the Notice of Motion and the Motion Record be abridged so that this motion is properly returnable today and hereby dispensing with further service and confirmation hereof;
2. THIS COURT ORDERS that the activities of the Receiver, as set out in the Second Report, are hereby approved and 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 the approval of the Second Report, as detailed therein.

3. THIS COURT ORDERS that the Professional Fees and the Remaining Fees and Disbursements, as set out in the Second Report and the Fee Affidavits, and payment thereof, be and are hereby approved.

4. THIS COURT ORDERS that the Statement of Receipts and Disbursements be and is hereby approved.

5. THIS COURT ORDERS that, after payment of the Professional Fees herein approved, and subject to the Remaining Fees and Disbursements, the Receiver be and is authorized and directed to make the Proposed Distribution, as follows:

- (a) To pay the Deemed Trust Claim, as defined and detailed in the Second Report; and
- (b) The balance of the funds residing in the Receiver's account, including future funds that may be generated, to The Toronto-Dominion Bank, up to the total amount of the Debtor's indebtedness to The Toronto-Dominion Bank at the time of such distribution.

6. THIS COURT ORDERS that upon payment of the amounts set out in paragraphs 3 and 5 hereof and upon the Receiver filing the Discharge Certificate, as provided for in the Second Report, certifying that it has completed the other activities described in the Second Report, the Receiver shall be discharged as Receiver of the undertaking, property and assets of the Debtor, provided however that notwithstanding its discharge herein (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of Albert Gelman Inc. in its capacity as Receiver.

7. THIS COURT ORDERS AND DECLARES that Albert Gelman Inc. is hereby released and discharged from any and all liability that Albert Gelman Inc. now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Albert Gelman Inc. while acting in its capacity as Receiver herein, save and except for any gross negligence or wilful misconduct on the Receiver's part. Without limiting the generality of the foregoing, Albert

Gelman Inc. is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within receivership proceedings, save and except for any gross negligence or wilful misconduct on the Receiver's part.

Date of Issuance
April 1, 2025



Justice, Ontario Superior Court of Justice

THE TORONTO-DOMINION BANK

-and-

DR. R. BOLJKOVAC DENTISTRY PROFESSIONAL CORPORATION
operating as NORWOOD FAMILY DENTISTRY, et al.

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PROCEEDING COMMENCED AT
SUDBURY, ONTARIO

ORDER

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