



Court File No.: CV-15-10832-00CL

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

**THE HONOURABLE**

)

**THURSDAY, THE 19<sup>TH</sup> DAY**

)

**REGIONAL SENIOR JUSTICE**

)

**OF FEBRUARY, 2015**

)

**MORAWETZ**

)

**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 TARGET CANADA CO., TARGET  
CANADA HEALTH CO., TARGET CANADA MOBILE GP  
CO., TARGET CANADA PHARMACY (BC) CORP.,  
TARGET CANADA PHARMACY (ONTARIO) CORP.,  
TARGET CANADA PHARMACY CORP., TARGET  
CANADA PHARMACY (SK) CORP., and TARGET CANADA  
PROPERTY LLC**

**Applicants**

**ORDER**

**(Motion Re: Non-application of Stay)**

**THIS MOTION** made by Fiera Properties Limited ("**Fiera Properties**") for an Order,  
*inter alia*:

- (a) Abridging the time for service of the materials herein, if necessary, and validating service thereof;
- (b) declaring the stay of proceedings under paragraphs 18 and 20 of the Amended and Restated Initial Order of the Honourable Mr. Justice Morawetz dated January 15,

2015 (the “**Amended and Restated Initial Order**”) issued in the Target Canada et al. proceedings pursuant to the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36 (the “**Stay**”) does not apply to: (i) the Purchase Agreement (defined below); and (ii) the transaction contemplated by the Purchase Agreement, in order to permit the parties to preserve and exercise their rights and remedies under the Purchase Agreement; and

- (c) Sealing Confidential Exhibit “H” to the Affidavit of David Pappin, sworn January 28, 2015, pending further Order of the Court;

was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Affidavits of David Pappin sworn January 28, 2015, and February 18, 2015, and the respective Exhibits thereto, filed, and on hearing the submissions of counsel for Fiera Properties, counsel for the Monitor, counsel for the Target Canada Entities, counsel for Narland Properties (Haney) Ltd. and Haney Mall Limited Partnership, and such other parties in attendance at the hearing as indicated on the Counsel Slip, no one appearing for any other party although duly served as appears from the Affidavits of Service of Thomas Gertner and Matthew Karabus, each sworn February 18, 2015;

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

2. **THIS COURT ORDERS AND DECLARES** that the Stay contained in paragraphs 18 and 20 of the Amended and Restated Initial Order does not apply in respect of the Agreement of Purchase and Sale dated July 4, 2014, made among Insurance Corporation of British Columbia, as purchaser, and Haney Mall Limited Partnership, as vendor, and the related addenda and amendments thereto, including the assignment thereof to Fiera Properties (collectively, the “**Purchase Agreement**”).

3. **THIS COURT ORDERS** that **Confidential Exhibit "H"** to the Affidavit of David Pappin, sworn January 28, 2015, be and is hereby sealed and shall not form part of the public record, pending further Order of this Court.

*W.D. Francis RST*

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

FEB 19 2015

*NB*

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 TARGET CANADA CO., TARGET CANADA HEALTH CO., TARGET CANADA MOBILE GP CO., TARGET CANADA PHARMACY (BC) CORP., TARGET CANADA PHARMACY (ONTARIO) CORP., TARGET CANADA PHARMACY CORP., TARGET CANADA PHARMACY (SK) CORP., and TARGET CANADA PROPERTY LLC

- Applicants

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**(COMMERCIAL LIST)**  
**(PROCEEDING COMMENCED AT TORONTO)**

**ORDER**  
**(Motion Re: Non-application of the Stay)**

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