

Court File No. CV-24-00729106-00CL

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

THE HONOURABLE

)

FRIDAY, THE 10TH

JUSTICE CAVANAGH

)

DAY OF JANUARY, 2025

)

ROYAL BANK OF CANADA

Applicant

- and -

MOORE BROTHERS TRANSPORT INC.

Respondent

**APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND
INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED AND SECTION 101 OF THE
COURTS OF JUSTICE ACT, R.S.O. 1990, c. C.43, AS AMENDED**

ORDER

THIS MOTION, made by Royal Bank of Canada (“**RBC**”) for an Order pursuant to section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended (the “**BIA**”) and section 101 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended (the “**CJA**”), appointing msi Spergel inc. (“**Spergel**”) as receiver (in such capacity, the “**Receiver**”), without security, of all the assets, undertakings and properties of CBM Rentals Inc. (“**CBM**”) and granting related ancillary relief, was heard in writing on this day.

ON READING the Notice of Motion and the Motion Record of RBC dated December 11, 2024, and the consents of CBM and Spergel, and no one appearing for any other stakeholder although duly served as appears from the affidavit of service, as filed,

SERVICE

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

GENERAL

2. **THIS COURT ORDERS** that, upon the granting of this Order, the title of these proceedings shall be and is hereby amended to the following:

ROYAL BANK OF CANADA

Applicant

- and -

MOORE BROTHERS TRANSPORT LTD. and CBM RENTALS INC.

Respondents

APPLICATION UNDER SUBSECTION 243(1) OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3, AS AMENDED AND SECTION 101 OF THE *COURTS OF JUSTICE ACT*, R.S.O. 1990, c. C.43, AS AMENDED

and the registrar is hereby directed to change and modify its court records as necessary so as to reflect this change in the title of proceeding.

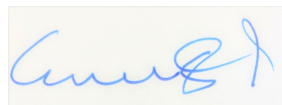
APPOINTMENT

3. **THIS COURT ORDERS** that pursuant to section 243(1) of the BIA and section 101 of the CJA, Spergel is hereby appointed as Receiver, without security, of all the assets, undertakings and properties of CBM acquired for, or used in relation to the business carried on by CBM and all proceeds thereof (collectively, the “**CBM Property**”).

4. **THIS COURT ORDERS** that the definitions of “Debtor” and “Property” as stated in the Receivership Order, granted in this proceeding by this Court on December 9, 2024, are hereby amended such that: (i) as of the date of the Receivership Order, the definition of “Debtor” refers *nunc pro tunc* to Moore Brothers Transport Ltd. (and not the erroneously-named Moore Brothers Transport Inc.); and (ii) as of the date of this Order, the definition of “Debtor” refers to both Moore Brothers Transport Ltd. and CBM, and the definition of “Property” is augmented to also include the CBM Property.

GENERAL

5. **THIS COURT ORDERS** that this Order and all of its provisions are effective as today’s date and is enforceable without the need for entry or filing.



ROYAL BANK OF CANADA
Applicant

- and -

MOORE BROTHERS TRANSPORT INC.
Respondent

Court File No. CV-24-00729106-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceedings commenced at Toronto

ORDER
(appointing Receiver)

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