

Julie Parla for  
Unity Health

T: 416-601-8190  
F: 416-868-0678  
E: jparla@mccarthy.ca

Harvey Chaiton  
for BMO - Administrative Agent

T: 416-218-1129  
E: harvey@chaitons.com

Dec 20/19

On consent/unopposed, the <sup>Bondfield</sup> Monitor taking no position, interim order to go as signed by me re Unity exercising certain remedies under the project agreement & consequential orders.

The Jan 16/20 1/2 day hearing is now reduced to 1 HR - ~~any issues~~ before me if I am available - to deal with interim funding issues.

Additional endorsement as agreed/unopposed by the parties, to go as per Schedule A attached,

Conway J.

## Schedule A ,

### ENDORSEMENT

Unity and the Administrative Agent advise that they are in the process of obtaining a reasonable estimate of the Cost to Complete the Bonded Obligations, which will then be provided to Zurich. Any payments by Zurich shall be made to the Receiver to be held in trust and not used or disbursed until further Order of this Court, provided that the protections and limitations of liability in favour of the Receiver provided for in the Receivership Order shall continue to apply.

The payment obligation in section 2.4 of the Performance Bond in accordance with its terms is subject <sup>SC</sup> ~~only~~ to (a) the reasonable estimate of the Cost to Complete the Bonded Obligations, and (b) confirming the quantum of all payments determined to be properly made by Zurich in accordance and pursuant to the Performance Bond prior to the date hereof (the “**Potential Disputed Matters**”). If the Potential Disputed matters are not agreed to between Zurich, Unity and the Administrative Agent, they may be spoken to at a Case Conference to be booked through the Commercial List Office.

This is without prejudice to Unity or the Administrative Agent seeking an order for an interim payment from Zurich at the motion scheduled for January 16, 2020, or such other date as the parties may agree.