

SUPERIOR COURT
(Commercial Division)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No.: 500-11-058613-205

DATE: 4 décembre 2020

PRESIDING: The Honourable Martin Castonguay, J.S.C.

In the matter of the Notice of Intention to Make a Proposal under the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 of :

168662 CANADA INC.

Debtor / Applicant

and

RAYMOND CHABOT INC.

Trustee

ORDER EXTENDING THE NOI PROCEEDINGS

- [1] **CONSIDERING** the *Motion for a Third Order Extending the NOI Proceedings* dated December 2, 2020 (the "**Motion**"), as well as the exhibits and the affidavit of Mr. François Lapierre, filed in support thereof by the Debtor / Applicant 168662 Canada Inc. ("**Lilianne**");

JC0009

- [2] **CONSIDERING** the Notice of intention to make a proposal filed by Lilianne on August 10, 2020 in accordance with the BIA (the “**NOI**”);
- [3] **CONSIDERING** the Orders Extending the NOI Proceedings rendered by this Court on September 9, 2020, and October 22, 2020, according to which the time within which to file a proposal pursuant to subsection 62(1) of the *Bankruptcy and Insolvency Act* (the “**BIA**”) and the corresponding stay of proceedings provided for in section 69 of the BIA were extended in accordance with subsection 50.4(9) of the BIA up to and including December 6, 2020;
- [4] **CONSIDERING** the extenuating and extraordinary circumstances of COVID-19;
- [5] **CONSIDERING** the support of Raymond Chabot Inc. in its capacity as trustee to the NOI (the “**NOI Trustee**”);
- [6] **CONSIDERING** the support of the Canadian Imperial Bank of Commerce, in its capacity as Lilianne’s principal business banker;
- [7] **CONSIDERING** that Morguard, Oxford Properties, Cominar and Cadillac Fairview do not oppose the Motion;
- [8] **SEEING** the service of the Motion;
- [9] **CONSIDERING** the representations of counsel;

THE COURT HEREBY:

- [10] **GRANTS** the Motion.
- [11] **ISSUES** an order pursuant to the BIA (the “**Order**”).

SERVICE

- [12] **ORDERS** that any prior delay for the presentation of the Motion is hereby abridged and validated so that the Motion is properly returnable today and hereby dispenses with any further service thereof.
- [13] **PERMITS** service of this Order at any time and place and by any means whatsoever.

EXTENSION OF THE TIME TO FILE A PROPOSAL

- [14] **ORDERS** that, given the extenuating and extraordinary circumstances of COVID-19, the time within which to file a proposal pursuant to subsection 62(1) of the BIA and the corresponding stay of proceedings provided for in section 69 of the BIA (the “**Stay Period**”), be and are hereby extended up to and including April 30, 2021.

UNDERTAKING OF THE NOI TRUSTEE

- [15] **TAKES ACT** of the undertaking of the NOI Trustee to file a report to the Court on the State of the Debtor's Business and Financial Affairs and to report any material development no later than every 45 days following the date of this Order and to post these reports on the NOI Trustee's website.

GENERAL

- [16] **ORDERS** that Schedule A to the NOI Trustee's Report on the State of the Insolvent Person's Business and Financial Affairs containing the NOI Trustee's Report on Cash Flow Statement, the Cash Flow Statement and the Notes to the Cash Flow Statement be kept confidential and under seal until further order of this Court or upon consent of Lilianne and of the NOI Trustee.
- [17] **DECLARES** that any interested person may apply to this Court to vary or rescind the Order or seek other relief upon five (5) days notice to Lilianne, the NOI Trustee and to any other party likely to be affected by the order sought or upon such other notice, if any, as this Court may order, such application or motion shall be filed during the Stay Period ordered by this Court, unless otherwise ordered by this Court.
- [18] **DECLARES** that this Order and all other orders in these BIA proceedings shall have full force and effect in all provinces and territories in Canada.
- [19] **REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada, in the United States of America or elsewhere, to give effect to this Order and these proceedings under the BIA and to assist, Lilianne, the NOI Trustee and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to Lilianne and the NOI Trustee, as an officer of this Court, as may be necessary or desirable to give effect to the Order, to grant representative status to the NOI Trustee in any foreign proceeding or to assist Lilianne, the NOI Trustee and their respect agents in carrying out this Order.
- [20] **ORDERS** the provisional execution of this Order notwithstanding any appeal and without the necessity of furnishing any security or provision for costs whatsoever;
- [21] **THE WHOLE** without costs.



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MTRE MIGUEL BOURBONNAIS

MTRE PASCALE KLEES-THEMENS

Attorneys for the Debtor / Applicant 168662 Canada Inc.

Hearing date: December 4, 2020