

Form 23.03

2021



Hfx. No. 503367

Supreme Court of Nova Scotia

Between:

**CANADIAN IMPERIAL BANK OF  
COMMERCE**, a chartered bank

Plaintiff

and

**3304051 NOVA SCOTIA LIMITED**, a body  
corporate

Defendant

### Notice of Motion

**To:** The persons listed in Schedule "A"

#### Motion

The Plaintiff moves for an order appointing Deloitte Restructuring Inc. as Receiver of the Defendant's property under Section 243 of the *Bankruptcy and Insolvency Act*, section 77 of the *Companies Act*, and Civil Procedure Rule 73.02(2)(a).

#### Time and place

The motion is to be heard by a judge on February 11, 2021, at 9:30 a.m. in the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia. The moving party says that the motion will take a half hour or less.

#### References

The moving party relies on the following legislation, Rules, or points of law:

1. The Applicant is a secured creditor of the Respondent, and the Respondent has not paid debts to the Applicant and others as they became due. The Respondent is therefore an insolvent person within the meaning of the *Bankruptcy and Insolvency Act*, R.S.C., c. B-3, as amended.
2. Section 243 of the *Bankruptcy and Insolvency Act*, provides that on application by a secured creditor, a court may appoint a receiver to take

possession of all or substantially all of the property of an insolvent person, exercise control over the insolvent person's property or business and take any other actions the Court considers advisable, just or convenient.

3. Civil Procedure Rule 73.02(2)(a) provides that a party who claims for the appointment of a receiver may make a motion for an order appointing a receiver if a judge determines, after hearing the application, that the appointment should be made.
4. Section 77 of the Companies Act, R.S.N.S. 1989, c. 81, as amended, provides that upon an application by any interested person, a court may make any order it thinks fit including an order appointing a receiver.

### **Evidence**

The evidence in support of the motion is as follows:

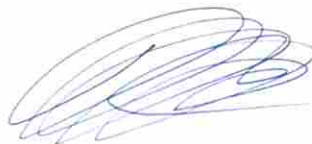
- a) affidavit of Kyle Lane sworn on January 18, 2021, already on file herein;
- b) affidavit of Glenda MacDonald sworn on January 18, 2021, already on file herein.
- c) A report from Deloitte Restructuring Inc, to be filed.

### **Possible order against you**

You may file an affidavit and a brief, attend the hearing of the motion, and state your position on whether the proposed order should be made. If you do not attend, the judge may grant an order without further notice to you.

### **Signature**

Signed February 3, 2021



---

D. Bruce Clarke, Q.C.  
Burchells LLP  
Suite 1800 – 1801 Hollis Street  
Halifax, NS B3J 3N4  
Phone: (902)-423-6361  
Fax: (902)-420-9326  
Solicitor for the Plaintiff

**Schedule "A" – Service List**

<b>Person</b>	<b>Contact</b>	<b>Method of Service</b>
3304051 Nova Scotia Limited	No officers, directors or recognized agent	Delivery to registered office, 1300-1969 Upper Water Street, Halifax, NS B3J 3R7
Canadian Imperial Bank of Commerce	Bruce Clarke, QC	<a href="mailto:bclarke@bruchells.ca">bclarke@bruchells.ca</a>
Hawthorne Capital Inc.	Maurice Chaisson, QC	<a href="mailto:mchaisson@stewartmckelvey.com">mchaisson@stewartmckelvey.com</a>
Katalyst Wind Inc.	Amy Chan, Recognized Agent	Delivery to registered office, 300 Prince Albert Road, Unit 216, Dartmouth, NS B2Y 4J2
Maritime Pressureworks Limited	Brian Creighton	<a href="mailto:bcreighton@creightonshatford.ca">bcreighton@creightonshatford.ca</a>
RiverRoad Holdings Inc.	Michael Simms, Recognized Agent	<a href="mailto:Michael.simms@mcinnescooper.com">Michael.simms@mcinnescooper.com</a>
Thornridge Holdings Limited	Maurice Chaisson, QC	<a href="mailto:mchaisson@stewartmckelvey.com">mchaisson@stewartmckelvey.com</a>
VFS Canada Inc.	238 Wellington St., E., 3 <sup>rd</sup> Floor Aurora, ON L4F 1J5 Fax: (905) 726-5525	<a href="mailto:infocanada@vfsco.com">infocanada@vfsco.com</a>