Form 27

[Rules 6.3 and 10.52(1)]

COURT FILE NUMBER

1501-00955

COURT

COURT OF QUEEN'S BENCH

OF ALBERTA

IN BANKRUPTCY AND INSOLVENCY

Clerk's Stamp EFERN SELTER BOURT JUN 1 3 2016 JUDICIAL CENTRE OF CALGARY

JUDICIAL CENTRE

**CALGARY** 

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36, as amended

**APPLICANTS** 

LUTHERAN CHURCH - CANADA, THE ALBERTA - BRITISH COLUMBIA DISTRICT, ENCHARIS COMMUNITY HOUSING AND SERVICES. **ENCHARIS MANAGEMENT AND SUPPORT** SERVICES, AND LUTHERAN CHURCH -CANADA, THE ALBERTA - BRITISH COLUMBIA

DISTRICT INVESTMENTS LTD.

**DOCUMENT** 

APPLICATION BY THE APPLICANTS

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Bishop & McKenzie LLP Barristers & Solicitors 1700-530-8<sup>th</sup> Avenue SW Calgary, Alberta T2P 3S8

Attention: Francis N.J. Taman /Ksena J. Court

Telephone: 403-237-5550

Fax: 403-263-3423

File: 103,007-003

### NOTICE TO RESPONDENT(S)

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the judge.

To do so, you must be in Court when the application is heard as shown below:

Date:

TUESDAY, JUNE 21, 2016 - Commercial List

Time:

11:00 a.m.

Where:

Calgary Courts Centre, 601 - 5th Street SW, Calgary, Alberta

Before Whom: The Honourable Justice B.E.C Romaine in Chambers

Go to the end of this document to see what else you can do and when you must do it.

## Remedy claimed or sought:

- An Order substantially in the form attached as Schedule "A":
  - (a) declaring service of notice of this application and the supporting materials to be good and sufficient, and shortening the time for service, if necessary;
  - (b) granting an extension to the stay period in these proceedings under the provisions of the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended ("*CCAA*") from the current expiry date of June 30, 2016 to September 30, 2016;
- 2. such further and other relief as this Honourable Court may allow.

## Grounds for making this application:

- 3. The Initial Order granted, among other things, a stay of all proceedings against the Applicants during the Stay Period in order to permit the Applicants to take certain steps in furtherance of their restructuring. By subsequent Orders of the Court, the stay of proceedings was extended to June 30, 2016.
- 4. Since the Initial Order, the Applicants have moved as quickly as circumstances have permitted to stabilize their operations, communicate with their stakeholders, and develop plans of compromise and arrangement to enable the Applicants to emerge from these proceedings.
- 5. An extension of the Stay Period to September 30, 2016 is necessary to implement the relief sought above and allow the Applicants to continue to stabilize their operations, communicate with their stakeholders, and further advance viable plans of compromise and arrangement to enable the Applicants to emerge from these proceedings for the benefit of all stakeholders. It will also allow sufficient time for the Sanction Hearings on the District and the DIL Plans to be heard, and allow the Applicants time to continue the liquidation of certain assets as contemplated in the plans of compromise and arrangement for the District and DIL.
- 6. The Applicants continue to work closely with the Monitor and the Monitor approves of the proposed relief and supports this application.
- 7. The Applicants are working in good faith and with due diligence in these proceedings and believe it is within the best interest of the Applicants and all stakeholders to continue in these proceedings as outlined above.

#### Material or evidence to be relied on:

- 8. Affidavit of Cameron Sherban sworn June 10, 2016;
- 9. Monitor's Twentieth Report;
- 10. Management's Report on Cash Flow filed June 8, 2016;
- 11. the pleadings and other materials filed herein; and
- 12. such other and further material as counsel may advise and this Honourable Court may permit.

## Applicable rules:

Part 6 Division 1, Rule 13.5, Part 6 Division 4

# Applicable Acts and regulations:

Companies' Creditors Arrangement Act, R.S.C. 1985, c. C-36, as amended

## Any irregularity complained of or objection relied on:

None

### How the application is proposed to be heard or considered:

In person

## WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

A person may make an application for an order restricting publication only if a judge has authority to make such an order under an enactment or at common law.

#### **SCHEDULE "A"**

COURT FILE NUMBER

1501-00955

Clerk's Stamp

COURT

COURT OF QUEEN'S BENCH

OF ALBERTA

IN BANKRUPTCY AND INSOLVENCY

JUDICIAL CENTRE

**CALGARY** 

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36, as amended

**APPLICANTS** 

LUTHERAN CHURCH - CANADA, THE ALBERTA - BRITISH COLUMBIA DISTRICT, ENCHARIS COMMUNITY HOUSING AND SERVICES, ENCHARIS MANAGEMENT AND SUPPORT SERVICES, AND LUTHERAN

CHURCH – CANADA, THE ALBERTA – BRITISH COLUMBIA DISTRICT INVESTMENTS LTD.

DOCUMENT

ORDER

(Extend Stay)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF

PARTY FILING THIS

**DOCUMENT** 

Bishop & McKenzie LLP Barristers & Solicitors 1700, 530 - 8<sup>th</sup> Avenue SW Calgary, Alberta T2P 3S8

Attention: Francis N. J. Taman / Ksena J. Court

Telephone: 403-237-5550

Fax: 403-243-3623

File No.: 103,007-003

DATE ON WHICH ORDER WAS PRONOUNCED:

**TUESDAY, JUNE 21, 2016** 

LOCATION WHERE ORDER WAS PRONOUNCED:

CALGARY, ALBERTA

NAME OF JUSTICE WHO MADE THIS ORDER:

**JUSTICE B.E.C. ROMAINE** 

**UPON THE APPLICATION** of Lutheran Church – Canada, the Alberta – British Columbia District (the "District"), EnCharis Community Housing and Services ("ECHS"), EnCharis Management and Support Services ("EMSS"), and Lutheran Church – Canada, the Alberta – British Columbia District Investments Ltd. ("DIL") (collectively the "Applicants"); **AND UPON HAVING READ** the Application, the Affidavit of Cameron Sherban; **AND UPON READING** the Reports of the Monitor; **AND UPON HEARING** counsel for the Applicants, counsel for the Monitor, counsel for the District Creditors' Committee, counsel for the DIL Creditors' Committee, and other interested parties;

#### IT IS HEREBY ORDERED AND DECLARED THAT:

#### **SERVICE**

- 1. Service of notice of the application for this Order, and all supporting materials, as set out in the Affidavit of Charlene Everett respecting the Application filed June 13, 2016 is good and sufficient, and the time for notice hereof is shortened to the time actually given.
- 2. All capitalized terms not otherwise defined in this Order shall have the meaning ascribed to them in the Initial Order granted by the Honourable Justice K.D. Yamauchi in this Action dated January 23, 2015 (the "Initial Order").

### **EXTENSION OF STAY**

3. The Stay Period as defined in the Initial Order is hereby extended up to and including September 30, 2016.

Justice of the Court of Queen's Bench of Alberta

COURT FILE NUMBER

1501-00955

COURT

COURT OF QUEEN'S BENCH

OF ALBERTA

IN BANKRUPTCY AND

INSOLVENCY

JUDICIAL CENTRE

**CALGARY** 

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, R.S.C. 1985, c. C-36, as amended

**APPLICANTS** 

LUTHERAN CHURCH - CANADA,

THE ALBERTA - BRITISH

COLUMBIA DISTRICT, ENCHARIS

COMMUNITY HOUSING AND

SERVICES, ENCHARIS

MANAGEMENT AND SUPPORT SERVICES, AND LUTHERAN CHURCH – CANADA, THE

ALBERTA -- BRITISH COLUMBIA DISTRICT INVESTMENTS LTD.

**DOCUMENT** 

**SERVICE LIST** 

SERVICE RECIPIENT	EMAIL ADDRESS	PHONE/FAX	RECIPIENT STATUS
Deloitte Restructuring Inc.	ikeeble@deloitte.ca;	PH: 403-267-1777	Monitor
	vanallen@deloitte.ca	FX: 403-718-3681	
Attn: Jeff Keeble and			
Vanessa Allen	1		
700-850-2 <sup>nd</sup> Street SW			
Caigary, AB T2P 3K4			
Cassels Brock & Blackwell	joliver@casselsbrock.com	PH: 403-298-1000	Counsel to Monitor
LLP		FX: 403-263-9193	
Attn: Jeffrey Oliver			
10 <sup>th</sup> flr, 888 – 3 <sup>rd</sup> Street SW			
Calgary, AB T2P 5E9			
LCC Worker Benefits	LCCBenefits@ellement.ca	PH: 1-800-588-4226	Creditor
(pension plan)			
			NOTE – NOT
Janice Otto			SERVED AS PER
503, 1780 Wellington Ave			REQUEST RECEIVED
Winnipeg, MB R3H 1B3			FROM LCC WORKER
			BENEFITS JULY 9,
			2015

McMillan Binch	adam.maerov@mcmillan.ca;	PH: 403-215-2752	Counsel for
	marc-elie.scott@mcmillan.ca	FX: 403-531-4720	Lutheran Church -
Attn: Adam Maerov and			Canada
Marc-Elie Scott			
1700-421-7 Ave SW			
Calgary, AB T2P 4K9			
Concentra Trust	dhutchison@mlt.com	PH: 403-693-4305	Counsel for
		FX: 403-508-4349	Concentra Trust
Attn: Dean Hutchison			which is a secured
1600-520-3 <sup>rd</sup> Avenue SW			creditor
Calgary, AB T2P OR3			
Alberta Health Services	jill.curtis@albertahealthservices.ca;		Counsel for Alberta
			Health Services who
Attn: Jill Curtis			is a contingent
10301 Southport Road SW			creditor
Calgary, AB T2W 1S7			
CEF Depositors		-	Creditors of the
on pepoone,			District
Notice of Monitor's website			District
address mailed by regular			
mail to last known address			
January 26, 2015 per			
- · · · · · · · · · · · · · · · · · · ·			
Affidavit of Mailing filed			
February 4, 2015	10)	BU 400 000 4405	0 16 055
CEF Creditors Committee	simardc@bennettjones.com	PH: 403-298-4485	Counsel for CEF
		FX: 403-265-7219	Creditors'
Attn: Christopher Simard			Committee
Bennett Jones		٠.	
4500-855-2 Street SW			
Calgary, AB T2P 4K7			
Office of the Public Trustee	Janice.elmquist@gov.ab.ca	PH: 403-297-6541	Representative of
		FX: 403-297-2823	Minor CEF
Attn: Janice Elmquist			depositors
Suite 900			
444~7 Avenue SW			
Calgary, AB T2P 0X8			
Borden Ladner Gervais LLP	rgurofsky@blg.com	PH: 403-232-9774	Counsel for Vic
		FX: 403-266-1395	Fisher and Elfie
Attn: Robyn Gurofsky			Fisher
1900-520-3 <sup>rd</sup> Ave SW			
Calgary, AB T2P OR3			

Allan Garber Professional	allan@garberlaw.ca	PH: 587-400-9311	Counsel for Sharon
Corporation	and the gar be naw.ca	FX: 587-400-9313	Sherman
Corporation		FA. 367*400*3313	Sherman
Attn: Allan A. Garber			
108,17707-105 Avenue			
Edmonton, AB TSS 1T1			
DIL Depositors			Account holders in
DIL Depositors	1		DIL Account noiders in
Notice of Monitor's website	1		DIL
address mailed by regular			
mail to last known address	•		
1			
January 26, 2015 per			
Affidavit of Mailing filed			
February 4, 2015 DIL Creditors Committee	dnishim.una@fialdla	DII. 403 300 0500	Council 6 DII
DIL Creditors Committee	dnishimura@fieldlaw.com	PH: 403-260-8500	Counsel for DIL
Attus Bassa Aliabinassa		FX: 403-264-7084	Creditors'
Attn: Doug Nishimura			Committee
Field LLP			
400-604-1 <sup>st</sup> Street SW			
Calgary, AB T2P 1M7			
McLeod Law LLP	bturnquist@mcleod-law.com	PH: 403-873-3728	Counsel for the
		FX: 403-271-1769	Estate of Eileen
Attn: Brett Turnquist			Burton (former
300-14505 Bannister Road			Village resident)
SE,			
Calgary, AB T2X 3J3			1
Bank of Montreal			Secured creditor at
10199-101 Street,			PPR against ECHS,
Edmonton, AB T5J 3Y4			EMSS, and District
IOS Financial Services			Secured creditor at
2300 Meadowvale Blvd,			PPR against ECHS
Suite 200, Mississauga, ON			
L5N 5P9			
Xerox Canada Ltd.			Secured creditor at
33 Bloor St. E. 3 <sup>rd</sup> Floor,			PPR against EMSS
Toronto, ON M4W 3H1			
National Leasing Group Inc.			Secured creditor at
1525 Buffalo Place,			PPR against EMSS
Winnipeg, MB R3T 1L9			

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Alberta Securities	Edward.Asare-Quansah@asc.ca;	PH: 403-355-3889	T
Commission	Vi.Pickering@asc.ca		
Commission	VI.Pickering@asc.ca	FX: 403-297-2210	
Attn. Vi Diakovina /Educard			-
Attn: Vi Pickering/Edward			
Asare-Quansah			
600-250-5 <sup>th</sup> Street SW			
Calgary, AB T2P 0R4			
ARS Collection Agency of	sstephens@owenbird.com	PH: 604-691-7521	Counsel for banking
Canada Inc. operating as		FX: 604-632-4447	software provider
Fiserv			
Attn: Scott H. Stephens			
Owen Bird Law Corporation			
Bentall 3, Suite 2900			
595 Burrard Street			
PO Box 49130	•		
Vancouver, BC V7X 1J5			
Attn: Errin Poyner	epoyner@smrlaw.ca	Ms. Poyner:	Counsel for group of
Sugden, McFee & Roos LLP	kjackson@fasken.com	PH: 604-687-7700	Depositors
700-375 Water Street	Klackson@lasken.com		Depositors
		FX: 604-687-5596	
Vancouver, BC V6B 5C6		Adu la disassi.	
and		Mr. Jackson:	
Attn: Kibben Jackson		PH: 604-631-4786	
Fasken Martineau		FX: 604-632-4786	
2900-550 Burrard Street			
Vancouver, BC V6C 0A3			
Attn: Christa Nicholson	nicholsonc@jssbarristers.ca	PH: 403-571-1520	
Jensen Shawa Solomon		FX: 403-571-1528	
Duguid Hawkes LLP			
Suite 800, 304-8th Ave SW			
Calgary, AB T2P 1C2			
Attn: Deborah Berlach	dberlach@sblegal.ca	PH: 416-366-1400	Counsel for District
Stieber Berlach LLP	and indifferentiation	FX: 416-366-1466	Insurer
18 <sup>th</sup> flr, 130 Adelaide St. W.		1 V. 410-200-1400	mourer
Toronto, ON M5H 3P5			
Encon Group Inc.	Michael johnson @march sorr	DU: 700 017 40F3	D9 O In
Encon Group inc.	Michael.johnson@marsh.com	PH: 780-917-4852	D&O Insurer for the
a/a Manch Canada Lineta d		FX: 780-429-1422	District and DIL
c/o Marsh Canada Limited			
Attn: Michael Johnson			
10180-101 Street NW, Suite			
680			
Edmonton, AB T5J 3S4	<u></u>		

Northbridge General	rbucsis@westlandinsurance.ca	PH: 403-640-0264	D&O Insurer for
Insurance Corporation		(x107)	ECHS and EMSS
		FX: 1-866-422-7990	
c/o Westland Insurance			
Brokers Ltd.			
Attn: Ross Bucsis			
24-8180 Macleod Trail SE			
Calgary, AB T2H 2B8			
ClaimsPro Special Risk	myron.zaharia@scm.ca	PH: 780-930-5604	Adjustor for
Division		FX: 780-489-8841	EnCharis Community
			Housing and
Attn: Myron Zaharia			Services
101, 5083 Windermere			
Blvd SW			
Edmonton, AB T6W 0J5			

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