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 CLERK OF THE COUR FILED AUG 12 2018

CALGARY, ALBERTA

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 1700-530-8th 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:

FRIDAY, SEPTEMBER 2, 2016 - Commercial List

Time:

3:00 p.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:

- 1. 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 September 30, 2016 to the earlier of December 31, 2016 or the date that the Monitor's Certificate is filed;
- 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 September 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 the earlier of December 31, 2016 or the date that the Monitor's Certificate is filed is necessary to implement the DIL and District Plans.
- 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:

- Affidavit of Charles Bougie sworn August 12, 2016;
- 9. Monitor's Twenty Third Report;

- 10. the pleadings and other materials filed herein; and
- 11. 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:

FRIDAY, SEPTEMBER 2, 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 Charles Bougie; **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, 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 August \_\_\_\_\_, 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 the earlier of:
  - a. December 31, 2016; or
  - b. the date that the Monitor's Certificate is filed.

Justice of the Court of Queen's Bench of Alberta