

CLERK OF THE COURT
FILED

JUN 24 2015

CALGARY, ALBERTA

COURT FILE NO.: 1501-00955
COURT COURT OF QUEEN'S BENCH OF 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 MONITOR DELOITTE
RESTRUCTURING INC.**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
Gowling Lafleur Henderson LLP
1600, 421 – 7th Avenue S.W.
Calgary, AB T2P 4K9
Telephone (403) 298-1000
Facsimile (403) 263-9193

File No. A135752

Attention: Jeffrey L. Oliver

NOTICE OF APPLICATION

Deloitte Restructuring Inc. (“**Deloitte**”), in its capacity as monitor (in such capacity, the “**Monitor**”) 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**”), will make an application to a Justice presiding over the Commercial List on the day and time set out below:

Date: June 26, 2015
Time: 2:00 p.m.
Where: Calgary Courts Centre
Before Whom: The Honourable Justice P.R. Jeffrey

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

Remedy claimed or sought:

1. An Order, substantially in the form attached as Schedule “A” hereto, *inter alia*:
 - (a) abridging the time for service and filing of this Notice of Application and its supporting materials; and
 - (b) sealing the Second Confidential Supplement (the “**Second Confidential Supplement**”) to the Fourth Report of the Monitor, filed June 24, 2015 (the “**Fourth Report**”) until the closing of the sale of the Richmond Condo (defined below).
2. Such further and other relief as counsel may advise and as this Honourable Court may permit.

Grounds for making this application:

3. Pursuant to an Application filed on June 22, 2015 by the Applicants, which Application is returnable on June 26, 2015 (the “**June 26 Hearing**”), the District is seeking Court approval of the sale of a condominium located in Richmond, British Columbia (the “**Richmond Condo**”), which is legally described as follows:

Strata Lot 23 Section 27 Block 4 North Range 6 West
New Westminster District Strata Plan NW 49 together with an
Interest in the common property in proportion to the unit
Entitlement of the strata lot as shown in form 1
4. All proceeds from the Richmond Condo will be held in trust to be included in the terms of any Plan that is filed by the Applicants.
5. The Monitor has reviewed the documents associated with the sale of the Richmond Condo, including the listing agreements and the offer, which are further described in the Second Confidential Supplement.

6. The Monitor will provide the Second Confidential Supplement to this Honourable Court in advance of the June 26 Hearing. The Second Confidential Supplement contains additional detail with respect to the transactions involving the Richmond Condo.
7. The Monitor requests that the Second Confidential Supplement be sealed by the Court until the closing of the sale of the Richmond Condo in order to avoid tainting any future sale process that may be required should any of the transactions involving the Richmond Condo fail to be completed.
8. There will be no prejudice to any party as a result of the sealing of the Second Confidential Supplement, as the sealing Order will only be in effect until the close of the sale of the Richmond Condo.

Material or evidence to be relied on:

9. Pre-Filing Report of the Monitor, filed January 23, 2015;
10. The First Report of the Monitor, filed February 17, 2015;
11. The Second Report of the Monitor, filed March 23, 2015;
12. The Third Report of the Monitor, filed June 16, 2015;
13. The Fourth Report of the Monitor, filed June 24, 2015;
14. The Second Confidential Supplement;
15. The Second Confidential Affidavit of Kurtis Robinson, sworn June 21, 2015;and
16. Such other material as counsel may submit and this Court may permit.

Applicable rules:

17. Rules 6.3, 6.28(b) and 13.5 of the *Alberta Rules of Court*.

Applicable Acts and regulations:

18. *Companies' Creditors and Arrangement Act*, RSC 1985 c C-36.

Any irregularity complained of or objection relied on:

19. None.

How the application is proposed to be heard or considered:

20. 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 time shown at the beginning of this 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.

SCHEDULE "A"

**Order
Rule 9.1**

COURT FILE NO.: 1501-00955
COURT COURT OF QUEEN'S BENCH OF 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 **SEALING ORDER**

**ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION
OF PARTY
FILING THIS
DOCUMENT** Gowling Lafleur Henderson LLP
1600, 421 – 7th Avenue S.W.
Calgary, AB T2P 4K9

Telephone (403) 298-1000
Facsimile (403) 263-9193

File No. A135752

Attention: Jeffrey L. Oliver

**DATE ON WHICH ORDER WAS
PRONOUNCED:** June 26, 2015

**LOCATION AT WHICH ORDER
WAS MADE:** Calgary, Alberta

**NAME OF JUSTICE WHO MADE
THIS ORDER:** The Honourable Justice P.R. Jeffrey

UPON THE APPLICATION of counsel for Deloitte Restructuring Inc., in its capacity as monitor (in such capacity, the “**Monitor**”) of 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. (collectively the “**Applicants**”) for a sealing order in relation to the Second Confidential Supplement (the “**Second Confidential Supplement**”) to the Fourth Report of the Monitor, filed June 24, 2015 (the “**Fourth Report**”); **AND UPON HEARING** counsel for the Monitor, counsel for the Applicants and any other parties present; **AND UPON HAVING READ** the Pre-Filing Report of the Monitor, filed January 23, 2015, the First Report of the Monitor, filed February 17, 2015, the Second Report of the Monitor, filed March 23, 2015; the Third Report of the Monitor, filed June 16, 2015; the Fourth Report of the Monitor, filed June 24, 2015; and the Second Confidential Supplement;

IT IS HEREBY ORDERED THAT:

1. All parties entitled to notice of this application have been served with notice of this application and that the time for service is hereby abridged such that service effected on the parties served with notice of this application shall be good and sufficient notice of this application.
2. Division 4 of Part 6 of the Alberta Rules of Court does not apply to this Application.
3. The Second Confidential Supplement shall, until the Monitor delivers a certificate to the Court substantially in the form attached as Schedule “A” to this Order, certifying that the sale of the Richmond Condo has closed substantially in accordance with the terms of the purchase and sale agreement for the Richmond Condo, be sealed and kept confidential, to be shown only to a Justice of the Court of Queen’s Bench of Alberta, and accordingly, shall be filed with the Clerk of the Court who shall keep the Second Confidential Supplement in a sealed envelope, which shall clearly be marked “SEALED PURSUANT TO THE ORDER OF THE HON. MR. JUSTICE P.R. JEFFREY DATED JUNE 26, 2015”.
4. Any party may apply to set aside this Order upon providing the Monitor and all other interested parties with five (5) days notice of such application.

Justice of the Court of Queen's
Bench of Alberta

Schedule "A"

COURT FILE NO.: 1501-00955

COURT COURT OF QUEEN'S BENCH OF 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 **MONITOR'S CERTIFICATE (Richmond Condo)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Gowling Lafleur Henderson LLP
1600, 421 – 7th Avenue S.W.
Calgary, AB T2P 4K9

Telephone (403) 298-1000
Facsimile (403) 263-9193

File No. A135752

Attention: Jeffrey L. Oliver

RECITALS

A. Pursuant to an Order of the Honourable Justice K.D. Yamauchi of the Court of Queen's Bench of Alberta, judicial District of Calgary (the "**Court**") dated January 23, 2015, Deloitte Restructuring Inc. was appointed as the Monitor of the Applicants.

B. Pursuant to an Order of the Court dated June 26, 2015 (the "**Approval and Vesting Order (Richmond Condo)**"), the Court approved the agreement of purchase and sale made as of May 28, 2015 between the District and the Purchaser, as that term is defined in the Approval and Vesting Order (Richmond Condo) and provided for the vesting in the Purchaser all of the District's right, title and interest in and to the Lands, as that term is defined in the Approval and Vesting Order (Richmond Condo), which vesting is to be effective with respect to the Lands

upon the delivery by the Monitor to the Purchaser of a certificate confirming the payment by the Purchaser of the purchase monies for the Lands to the District.

THE MONITOR CERTIFIES THE FOLLOWING:

1. The Purchaser (or its nominee) has paid and the District has received the purchase monies for the Lands;
2. The sale of the Lands has been completed to the satisfaction of the Monitor; and
3. This Certificate was delivered by the Monitor at _____ on _____.

Deloitte Restructuring Inc., in its capacity as Court-appointed Monitor of 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.

Jeff Keeble CA, CIRP, CBV
Senior Vice-President