



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**

Deloitte Restructuring Inc. (the "Receiver"), in its capacity as Receiver of all of the assets, undertakings and properties of the Defendant, 3304051 Nova Scotia Limited (the "Company"), moves for an order:

1. abridging the time for service so that this motion is properly returnable on June 30, 2021;
2. approving the actions of the Receiver;
3. taxing and approving the accounts and expenses of the Receiver and its legal counsel;
4. authorizing distribution of funds; and
5. discharging the Receiver, subject to conditions.

**Time and place**

The motion is to be heard by a judge on Wednesday June 30, 2021 at 9:30 a.m. at The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia (902-424-4900). The moving party has set the motion for a hearing in a half-hour or less in chambers. The moving party says that the motion will not require more time.

**References**

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

- Receivership Order issued February 11, 2021;
- *Nova Scotia Civil Procedure Rules 2.03(1)(c), 23 and 73.11;*
- *Companies Act, RSNS 1989, c 81, s. 77(a); and*
- *Bankruptcy and Insolvency Act, RSC 1985, c B-3, s. 243.*

**Evidence**

The evidence in support of the motion is as follows:

- Affidavit of Marc Dunning sworn on June 18, 2021; and
- Third Report of the Receiver dated June 18, 2021.

**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 June 18, 2021



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**Marc Dunning**

Counsel for Deloitte Restructuring Inc., in  
its capacity as Receiver of the assets of  
3304051 Nova Scotia Limited and not in its  
personal capacity

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mdunning@wickwireholm.com

**Schedule "A" – Service List**

<b>Person</b>	<b>Contact</b>	<b>Method of Service</b>
3304051 Nova Scotia Limited	None	Delivery to registered office, 1300-1969 Upper Water Street, Halifax, NS B3J 3R7
Canadian Imperial Bank of Commerce	c/o Bruce Clarke, QC Burchells LLP 1801 Hollis Street Suite 1800 Halifax, NS B3J 3N4	bclarke@burchells.ca
Canada Revenue Agency	c/o Mike MacLean	Mike.MacLean@cra-arc.gc.ca
Halifax Regional Municipality	c/o Randolph Kinghorne HRM Legal Services Duke Tower, 3 <sup>rd</sup> Floor 5251 Duke Street PO Box 1749 Halifax, NS B3J 3A5	kinghor@halifax.ca
Hawthorne Capital Inc.	c/o Maurice Chaisson, QC Stewart McKelvey 1741 Lower Water Street Suite 600 Halifax, NS B3J 0J2	mchaisson@stewartmckelvey.com
Katalyst Wind Inc.	Stan Mason, Chief Executive Officer  David Regan, Director	Delivery to registered office, 300 Prince Albert Road, Unit 216, Dartmouth, NS B2Y 4J2  smason@wattswind.com dregan@wattswind.com
MacAdam Construction Inc.	c/o Kelly Greenwood Burchells LLP 1801 Hollis Street Suite 1800 Halifax, NS B3J 3N4	kgreenwood@burchells.ca

<b>Person</b>	<b>Contact</b>	<b>Method of Service</b>
Maritime Pressureworks Limited	c/o Brian Creighton 14 Electric Street PO Box 398 Amherst, NS B4H 3Z5	bcreighton@creightonshatford.ca
Nova Scotia Power Inc.	c/o David Landrigan VP, Commercial 1223 Lower Water Street Halifax, NS B3J 3S8	David.Landrigan@nspower.ca
Office of the Superintendent of Bankruptcy Canada	None	Delivery to office, Maritime Centre, 1505 Barrington Street 16 <sup>th</sup> Floor, Halifax, NS B3J 3K5
RiverRoad Holdings Inc.	c/o Michael Simms, Recognized Agent 1969 Upper Water Street Suite 1300 McInnes Cooper Tower – Purdy's Wharf Halifax, NS B3J 3R7	Michael.simms@mcinnescooper.com
Thornridge Holdings Limited	c/o Maurice Chaisson Stewart McKelvey 1741 Lower Water Street Suite 600 Halifax, NS B3J 0J2	mchaisson@stewartmckelvey.com
VFS Canada Inc.	c/o Jason Cowley Team Leader – Asset Management VFS Canada Inc. 238 Wellington St. E., 3 <sup>rd</sup> Floor Aurora, ON L4G 1J5	Jason.cowley@vfsc.com