

Form 5.03

2021

No.

Supreme Court of Nova Scotia
In Bankruptcy and Insolvency



In the Matter of the *Bankruptcy and Insolvency Act*, R.S.C., c. B-3, as amended

In the Matter of the Bankruptcy of
3304051 NOVA SCOTIA LIMITED

Notice of Application in Chambers for Bankruptcy Order

To: The persons listed in Schedule "A"

The applicant requests an order against you

The Applicant is applying to a judge in chambers for an order pursuant to section 43 of the *Bankruptcy & Insolvency Act* that 3304051 Nova Scotia Limited be adjudged bankrupt and that a bankruptcy order be made in respect of the property of 3304051 Nova Scotia Limited, which carried on business as "Hefler Forest Products" from premises at 230 Lucasville Road, Middle Sackville, in the Province of Nova Scotia.

The Applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for order

The applicant is applying for the order on the following grounds:

1. That the said 3304051 Nova Scotia Limited, has at some time during the six months next preceding the filing of this application, carried on business with a head office at 380 Bedford Highway, Halifax and an operating facility at 230 Lucasville Road, Middle Sackville, Nova Scotia, both within the jurisdiction of this court.
2. That the said 3304051 Nova Scotia Limited was justly and truly indebted to the Applicant in the sum of \$6,646,978.45 as at January 14, 2021.

3. That the Applicant is a secured creditor of the Respondent and that the assets held under its security have an estimated value of \$3,500,000.00, leaving a balance of an unsecured claim of \$3,146,978.45, as at January 14, 2021.

4. That 3304051 Nova Scotia Limited, within the six months next preceding the date of the filing of this application, has committed the following acts of bankruptcy:

- a) it has ceased to meet its liabilities as they became due.

5. That Deloitte Restructuring Inc. with offices in Halifax, Nova Scotia, is a person qualified to act as trustee of the property of the said debtor, and has agreed to act as such and is acceptable to Applicant.

Evidence supporting application

The applicant offers the following affidavit in support of the application:

- a) affidavit of Kyle Lane sworn on February 1, 2021;
- b) a report of Deloitte Restructuring Inc., to be filed.

A copy of each affidavit is to be delivered to you with this notice, and further affidavits may be delivered before the deadlines provided in Civil Procedure Rule 5 - Application.

You may participate

You may file with the court a notice of contest, and any affidavits upon which you rely, no more than 10 days after this notice is delivered to you or you are otherwise notified of the application. Filing the notice of contest entitles you to notice of further steps in the application, including notice of further affidavits.

Time, date, and place

The application is to be heard by the judge in chambers at 9:30 a.m. on February 11, 2021 in the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia. You have the right to be present and to be represented by counsel or to act on your own. If you are not present, the judge may proceed without you.

Possible order against you

The judge may grant a final order on the application without further notice to you if you fail to deliver your notice of contest on time, or if you or your counsel fail to appear in chambers at the above time, date, and place.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the prothonotary , Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia (telephone # (902) 424-3990).

When you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an ex parte motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The applicant designates the following address:

D. Bruce Clarke, Q.C.
Burchells LLP
1800-1801 Hollis Street
Halifax Nova Scotia B3J 3N4

Documents delivered to this address are considered received by the applicant. Further contact information is available from the prothonotary.

Signature

Signed February 2, 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 Applicant

Prothonotary's certificate

I certify that this notice of application was filed with the court on February ____, 2021.

Schedule "A" – Service List

Person	Contact	Method of Service
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	bclarke@bruchells.ca
Hawthorne Capital Inc.	Maurice Chaisson, QC	mchaisson@stewartmckelvey.com
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	bcreighton@creightonshatford.ca
RiverRoad Holdings Inc.	Michael Simms, Recognized Agent	Michael.simms@mcinnescooper.com
Thornridge Holdings Limited	Maurice Chaisson, QC	mchaisson@stewartmckelvey.com
VFS Canada Inc.	238 Wellington St., E., 3 rd Floor Aurora, ON L4F 1J5 Fax: (905) 726-5525	infocanada@vfsco.com