

2026



Hfx No. 554688

Supreme Court of Nova Scotia
In Bankruptcy and Insolvency

IN THE MATTER OF: The Receivership of Kooshie Cushions of Canada Limited

Between:

Business Development Bank of Canada

Applicant

And

Kooshie Cushions of Canada Limited

Respondent

Notice of Contest
(Chambers Application)

To: The Applicant, Business Development Bank of Canada, by its counsel BoyneClarke LLP, 99 Wyse Road, Suite 600, Dartmouth, Nova Scotia, B3A 4S5

And to: Deloitte Restructuring Inc.

And to: all other parties on the service list (Schedule "A" attached)

Your Application is contested

The Respondent, Kooshie Cushions of Canada Limited, and Mark Shelley, as principal and an interested party in the application, contest the application for an order appointing Deloitte Restructuring Inc. as receiver and receiver-manager of all property, assets, and undertaking of Kooshie Cushions of Canada Limited.

Grounds of Contest

The Respondent will oppose the relief sought on the grounds that:

1. the appointment of Deloitte is not just or convenient on the present record;
2. the Applicant's enforcement record is disputed, including material inconsistencies in the April 7, 2026 demand package, specifically differing interest rates and ambiguity as to the contractual basis for the amount claimed;
3. the purported corporate demand was addressed to Mr. Mark Shelley personally, rather than clearly to Kooshie Cushions of Canada Limited as a separate legal person;
4. Kooshie has acted in good faith and has not ignored the situation, including by making a substantial payment of \$80,000.00 in April 2026 and seeking clarification of the outstanding balance;
5. Kooshie has identified a proposed cure path, including a potential sublease solution and an arrangement regarding outstanding municipal tax arrears;
6. the Applicant has not established that immediate appointment of its preferred receiver is necessary in the form requested;
7. less intrusive alternatives remain available, including an adjournment, directions for further disclosure, a limited preserving order, or appointment of a neutral alternate receiver if the Court considers any receivership necessary; and
8. such further and other grounds as counsel may advise and this Honourable Court permits.

Evidence of the Respondent

The Respondent relies upon the affidavit of Mark Shelley sworn June 23, 2026, and any further evidence or submissions permitted by the Court.

Relief sought

The Respondent requests that the application be dismissed or adjourned, or alternatively that any receivership relief not include Deloitte Restructuring Inc. and be limited to what is strictly necessary.

Contact Information:

Kooshie Cushions of Canada Limited
c/o Richard A. Bureau
Morris Bureau Barristers & Solicitors
307 – 6080 Young Street

Halifax, Nova Scotia B3K 5L2

Documents delivered to this address are considered received by the Respondent on delivery

Signature

Dated: June 23rd, 2026

A handwritten signature in blue ink, consisting of a large loop at the top and several sharp, downward strokes below it.

Richard A. Bureau

Counsel for the Respondent

Schedule "A" – Service List

Deloitte Restructuring Inc. Suite 800 – 1741 Lower Water Street Halifax, NS B3J 0J2 Attn: James Foran and Shane Connolly Jforan@deloitte.ca shconnolly@deloitte.ca Burchell Wickwire Bryson 1801 Hollis Street – Suite 1900 Halifax, NS B3J 3N4 Attn: Dillon Trider dtrider@bwblp.ca	Kooshie Cushions of Canada Limited c/o Morris Bureau 6080 Young Street Halifax, NS B3K 5L2 Attn: Richard Bureau richardbureau@morrisbureau.com
Sun Kissed Energy Incorporated 339 Willow Street Truro, NS B2N 5A6 Attn: Mark Shelley mark@sunkissenergy.ca	Nova Scotia Co-Operative Council Limited 435 Willow Street Truro, NS B2N 6T2 Attn: Jeff A. Yuill jeff@novascotia.coop
Brian Ramjattan 496 Topsail Road St. John's, NL A1E 2C2 firstline@nf.aibn.com	Canada Revenue Agency 1256 Barrington Street Halifax, NS B3J 1Y6