

Form 5.03

2026

Hfx No.

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 Application in Chambers

To: Schedule "A" attached

The applicant requests an order against you

The applicant is applying to a judge in chambers for an order (the "**Receivership Order**"):

(i) abridging time, if necessary; and

(ii) appointing Deloitte Restructuring Inc. ("**Deloitte**") as Receiver and Receiver Manager of all the property, assets and undertaking of Kooshie Cushions of Canada Limited (the "**Company**") pursuant to section 243 of the *Bankruptcy and Insolvency Act*, RSC 1985, c. B-3, as amended (the "**BIA**") and section 43(9) of the *Judicature Act*, RSNS 1989, c. 240 (the "**Judicature Act**").

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. The applicant, Business Development Bank of Canada ("**BDC**"), s a crown corporation, incorporated pursuant to the laws of Canada and its purpose, among other things, is to provide financial services by issuing loans to support Canadian entrepreneurship.

2. The respondent, Company, is a body corporate, incorporated pursuant to the laws of Nova Scotia, with a registered office in Upper Onslow, Nova Scotia.
3. On or about October 16, 2024, the Company applied for and was approved for a loan in the amount of \$3,500,000.00 with interest charged thereon at 7.40% per annum. This loan was amended from time-to-time.
4. The security for that loan is as follows:
 - (a) mortgage and assignment of rents in favour of BDC which was recorded on January 10, 2025, against the property located at 339 Willow Street, Truro, Nova Scotia, more particular described as parcel identification number 20239059;
 - (b) a personal guarantee signed by Mark Shelley and a corporate guarantee Sun Kissed Energy Incorporated ("**Sun Kissed**") on January 10, 2025;
 - (c) general security agreement signed by Sun Kissed, which was registered under the *Personal Property Security Act*.
5. On April 7, 2026, BDC forwarded a demand letter and notice of intention to enforce security to Kooshie. The amount in default on that date was \$2,565,282.75 plus interest and professional fees because the Company is in default of its obligations of payments.
6. On April 24, 2026, Deloitte was appointed by BDC as the private receiver. Kooshie has not cooperated with Deloitte.
7. The Company has failed to pay the amounts due and owing has no prospect of doing so.
8. If appointed, Deloitte has agreed to act as the Receiver and Receiver Manager over the assets, property and undertaking of the Company.
9. BDC believes that a Court-appointed Receiver and Manager is necessary and desirable in this instance as Kooshie.
10. BDC relies on the following legislation, rules or points of law:
 - (a) the BIA;
 - (b) the timelines as set out in the *Bankruptcy and Insolvency General Rules*, Can. Reg. 368 (the "BIA Rules");
 - (c) the *Judicature Act*;
 - (d) the Nova Scotia Civil Procedure Rules; and
 - (e) such further and other grounds as counsel may advise and this Court may permit.

Evidence supporting application

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

affidavit of Marius Cassie, sworn and filed with this notice.

Affidavit of Joshua J. Santimaw, sworn and filed with this notice.

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 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, on July 3, 2026, at 2:00 p.m., 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, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 (telephone #424-6900).

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:

BOYNECLARKE LLP

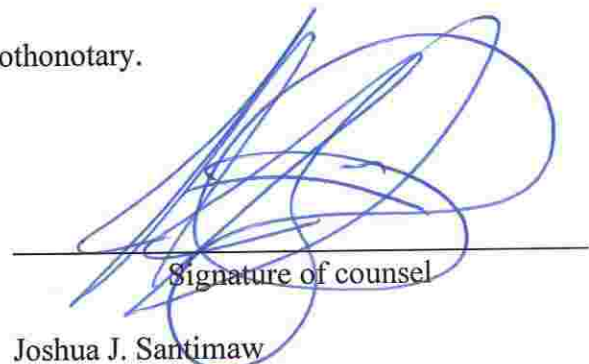
99 Wyse Road, Suite 600
Dartmouth, Nova Scotia B3A 4S5

Documents delivered to this address are considered received by the applicant.

Further contact information is available from the prothonotary.

Signature

Signed June 15, 2026



Signature of counsel

Joshua J. Santimaw
BOYNECLARKE LLP
99 Wyse Road, Suite 600
Dartmouth, Nova Scotia B3A 4S5
Telephone: (902) 460-3451
Fax: (902) 463-7500
as counsel for the Applicant

Prothonotary's Certificate

I certify that this notice of application, was filed with the court on June __, 2026

Prothonotary

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