

September 24, 2026

The Honourable Justice John Keith
Supreme Court of Nova Scotia
The Law Courts
1815 Upper Water Street
Halifax, NS B3J 1S7

Justice:

**Re: Business Development Bank of Canada v Kooshie Cushions of Canada
Limited – Hfx No. 554688
Motion: October 2, 2026 at 11:00am**

I represent the court-appointed Deloitte Restructuring Inc. (the “Receiver”) in the above-noted matter. Please accept this letter as the written submissions of the Receiver in connection with this motion.

1. Abridgement of time for service

This motion was set down for October 2, 2026 at 11:00am. In its letter to the Court, the Receiver expected the matter would require 30-45 minutes. The motion documents are being filed and served with four days’ clear days’ notice with the Court closure on September 30, 2026.

The Receiver requests that the time for service be abridged to 4 days pursuant to the general judicial discretions under Rule 2.03.

2. Approval of the SISP

The Receiver's report outlines that a consideration of the nature of the assets of Kooshie Cushions of Canada Limited ("KCCL") has been conducted and recommending the SISP process be ordered by the Court. Details with respect to the proposed process and recommendation are contained in the Receiver's report, filed with this motion.

Pursuant to the authority granted to this Court by s.243(1)(c) of the *Bankruptcy and Insolvency Act*, RSC 1985, c. B-3, as amended ("BIA"), the receiver requests that the SISP be approved. As noted in *CCM Master Qualified Fund v. blutip Power Technologies*, 2012 ONSC 1750 (CanLII), at para 6 [BOA, Tab 1], when considering approval of a proposed sales process, the court should assess:

- (i) the fairness, transparency and integrity of the proposed process;
- (ii) the commercial efficacy of the proposed process in light of the specific circumstances facing the receiver; and,
- (iii) whether the sales process will optimize the chances, in the particular circumstances, of securing the best possible price for the assets up for sale.

The proposed SISP would meet all of the above criteria. It is an open tender process and is therefore fair and transparent. The assets of KCCL consist of a commercial property with multiple tenants. It is submitted that the proposed SISP is commercially reasonable and will optimize the chances of obtaining the best possible price for the assets.

3. Approval of Actions of the Receiver and Counsel

The actions of the Receiver are detailed in its report. It is submitted that, in accordance with the requirements of s.247 of the *BIA*, the Receiver has acted honestly and in good faith and has dealt with the property of KCCL in a commercially reasonable manner.

4. Approval of Fees and Disbursements of Receiver and Counsel

The test for approval of the Receiver's fees and disbursements, which include the fees and disbursements of counsel is whether they are fair and reasonable in the circumstances (*Federal Business Development Bank v. Belyea and Fowler*, 1983 CanLII 4086 (NB CA) [BOA, Tab 2] and *Confectionately Yours Inc. (Re)*, 2002 CanLII 45059 (ON CA) [BOA, Tab 3]).

It is submitted that in the circumstances, both the Receiver's fees and those of counsel meet this threshold.

5. Increase in Borrowing Power from \$50,000 to \$500,000

Section 26 of the Receivership Order in this matter permitted borrowing by the Receiver of up to \$50,000 by way of a revolving line of credit, or such greater amount as authorized by the Court. The Receiver is requesting this authorization be increased to \$500,000, as outlined in its report.

The proposed increase is commercially reasonable, given the need to preserve the property by addressing extant property taxes, the potential need to address unforeseen costs during the SISF process and the continued administration of the receivership, which involves management and maintenance of an occupied commercial premises.

All of which is respectfully submitted.

Yours very truly,

BURCHELL WICKWIRE BRYSON ^{LLP}



Dillon Trider