

IN THE COURT OF KING'S BENCH OF NEW BRUNSWICK

TRIAL DIVISION

JUDICIAL DISTRICT OF SAINT JOHN

IN THE MATTER OF THE COMPANIES' CREDITORS  
ARRANGEMENT ACT, R.S.C. 1985, c.C-36, AS AMENDED

AND IN THE MATTER OF A PLAN OF COMPROMISE OR  
ARRANGEMENT OF 709280 NB LTD., 103232 P.E.I. INC.,  
CAN-AM LOBSTER & SHELLFISH LTD., 103233 P.E.I. INC.,  
103234 P.E.I. INC., 3249640 NOVA SCOTIA LIMITED and  
12588129 CANADA INC. (each a "Company" and  
collectively the "Companies")

BETWEEN:

THE TORONTO-DOMINION BANK

APPLICANT

- and -

709280 NB LTD., 103232 P.E.I. INC., CAN-AM LOBSTER  
& SHELLFISH LTD., 103233 P.E.I. INC., 103234 P.E.I.  
INC., 3249640 NOVA SCOTIA LIMITED and 12588129  
CANADA INC.

RESPONDENTS



**ORDER**  
**(Distribution and Stay Extension)**

**THIS MOTION**, made by Deloitte Restructuring Inc. ("**Deloitte**"), in its capacity as the court-appointed Monitor (the "**Monitor**") of 709280 NB LTD., 103232 P.E.I. INC., CAN-AM LOBSTER & SHELLFISH LTD., 103233 P.E.I. INC., 103234 P.E.I. INC., 3249640 NOVA SCOTIA LIMITED and 12588129 CANADA INC. (collectively, the "**Debtors**"), for an order including, among other things:

- (i) extending the Stay Period (as defined in the Amended and Restated Initial Order dated October 25, 2023 (the "**Amended and Restated Initial Order**") as subsequently extended) from October 31, 2024 to and including June 30, 2025;

Handwritten signature/initials in blue ink: 795, 24/10/24, and initials.

- (ii) approving the activities of the Monitor, as set out in the ninth report of the Monitor dated October 24, 2024 (the “**Ninth Report**”);
- (iii) approving the fees and disbursements of the Monitor and counsel to the Monitor as set out in the Ninth Report; and
- (iv) authorizing and directing the Monitor to make the distributions described in this Order;

was heard on the 29<sup>th</sup> day of October, 2024;

**UPON** reading the Notice of Motion, the Ninth Report, the Affidavit of James Foran and the Affidavit of Gavin MacDonald;

**AND UPON** hearing the submissions of counsel for the Applicant, the Monitor and those other parties present, and no one appearing on the Service List, although duly served as appears from the Affidavit of Service of Janice Barrieau dated October 24, 2024;

**AND UPON** reading the material as filed by counsel;

**IT IS HEREBY ORDERED AS FOLLOWS:**

**SERVICE**

1. The service of the Notice of Motion, the Record on Motion and the Ninth Report, as set out in the Affidavit of Service, is deemed adequate so that this Motion is properly returnable today and further service thereof is hereby dispensed with.

**STAY EXTENSION**

2. The Stay Period, as defined in the Amended and Restated Initial Order (as subsequently extended), be and is hereby extended up to and including June 30, 2025.

**APPROVAL OF THE MONITOR’S ACTIONS**

3. The actions of the Monitor, as specified in the Ninth Report, be and are hereby approved.

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## APPROVAL OF FEES AND DISBURSEMENTS

4. The fees and disbursements of the Monitor and Monitor's counsel, as set out in the Ninth Report, be and are hereby approved.

## DISTRIBUTIONS

5. The Monitor is hereby authorized and directed to distribute, from the funds currently held, the following amounts:

- (i) \$217,874 to the Canada Revenue Agency as payment of the CRA's Trust Claim (as defined in the Notice of Motion and the Ninth Report);
- (ii) \$350,000 to Maplewood Trust, by its Trustee Warren Ellis and Thunder Cove Investments Inc. (collectively "MTTCI") in full satisfaction of the Companies' indebtedness toward MTTCI;
- (iii) \$326,000 to Business Development Bank of Canada in full satisfaction of the Companies' indebtedness to Business Development Bank of Canada.
- (iv) \$4,699,309 to Toronto-Dominion Bank in reduction of the Companies' indebtedness to Toronto-Dominion Bank; and

6. The Monitor is hereby authorized to pay the WEPP Withholding (as defined in the Notice of Motion and the Ninth Report) up to the amount of \$25,000 to Service Canada, without further order of this Court.

7. The Monitor is hereby authorized and empowered to take any further steps that it deems necessary or desirable to complete the distributions described herein.


## GENERAL

8. The aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States is hereby requested, to give effect to this Order and to assist the Applicant, the Monitor and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Applicant

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and to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Monitor in any foreign proceeding, or to assist the Applicant and the Monitor and their respective agents in carrying out the terms of this Order.

Dated at Saint John, New Brunswick, this 9<sup>th</sup> day of October, 2024.



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Justice of the Court of King's Bench  
of New Brunswick