

SUPERIOR COURT
(Commercial Division)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

No.: 500-11-061483-224

DATE: March 16, 2023

BEFORE THE HONOURABLE CHRISTIAN IMMER, J.S.C.

IN THE MATTER OF THE COMPROMISE OR ARRANGEMENT OF:

**FORMERXBC INC. (FORMERLY XEBEC ADSORPTION INC.)
11941666 CANADA INC. (FORMERLY XEBEC RNG HOLDINGS INC.)
APPLIED COMPRESSION SYSTEMS LTD.
1224933 ONTARIO INC. (FORMERLY COMPRESSED AIR INTERNATIONAL INC.)
XEBEC HOLDING USA INC.
ENERPHASE INDUSTRIAL SOLUTIONS, INC.
CDA SYSTEMS, LLC
XEBEC ADSORPTION USA INC.
THE TITUS COMPANY
NORTEKBELAIR CORPORATION
XBC FLOW SERVICES – WISCONSIN INC.
CALIFORNIA COMPRESSION, LLC
XEBEC SYSTEMS USA, LLC
Debtors / Petitioners**

and

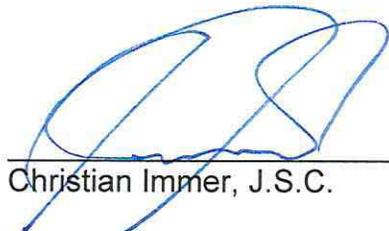
DELOITTE RESTRUCTURING INC.
Monitor

WAGE EARNER PROTECTION PROGRAM ACT ORDER

- [1] **CONSIDERING** the *Application for the Issuance of a Fourth Amended and Restated Initial Order, Approval and Vesting Orders and Ancillary Relief* (the "**Application**") pursuant to the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36, as amended ("**CCAA**") and the exhibits and the affidavit of Mr. Dimitrios Vounassis, filed in support thereof;
- [2] **CONSIDERING** the Seventh Report of the Monitor dated March 15, 2023 (the "**Report**");
- [3] **CONSIDERING** the submissions of counsel and the testimony of the witnesses heard, including with regard to the application of section 5(5) of the *Wage Earner Protection Program Act*, S.C. 2005, c.47, s.1 (the "**WEPPA**") and section 3.2 of the *Wage Earner Protection Program Regulations*, SOR/2008-222 (the "**WEPP Regulations**");
- [4] **GIVEN** the provisions of the CCAA, the WEPPA and the WEPP Regulations and the lack of contestation by the Attorney General of Canada;
- [5] **GIVEN** that Montréal, Québec, Canada is the centre of main interest of the Petitioners.

THE COURT HEREBY:

- [6] **GRANTS** the Application.
- [7] **DECLARES** that pursuant to section 5(5) of the WEPPA, FormerXBC Inc. (formerly Xebec Adsorption Inc.), Applied Compression Systems Ltd., 1224933 Ontario Inc. (formerly Compressed Air International Inc.) and their former employees meet the criteria prescribed by section 3.2 of the WEPP Regulations and are individuals to whom the WEPPA applies.
- [8] **ORDERS** the provisional execution of this Order notwithstanding appeal and without security.
- [9] **THE WHOLE WITHOUT COSTS.**



Christian Immer, J.S.C.

MTRE SANDRA ABITAN
MTRE JULIEN MORISSETTE
MTRE ILIA KRAVTSOV

500-11-061483-224

PAGE: 3

MTRE SOPHIE COURVILLE
(OSLER HOSKIN & HARCOURT LLP)
COUNSEL TO THE PETITIONERS

Hearing date: March 16, 2023