

COURT FILE NUMBER Q.B.G. No. 1694 of 2020

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE REGINA

PLAINTIFFS 101297277 SASKATCHEWAN LTD. and INDUSTRIAL
PROPERTIES REGINA LIMITED

DEFENDANTS COPPER SANDS LAND CORP. and MDI UTILITY CORP.

NOTICE OF APPLICATION

NOTICE TO RESPONDENTS

This application is made against you. You are a respondent. You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Where	Court of Queen's Bench 520 Spadina Crescent East Saskatoon, Saskatchewan
Date	October 27, 2020
Time	9:00 a.m. (following completion of an application involving the same parties, and others, in a CCAA proceeding which is Q.B.G. No. 1693 of 2017, Judicial Centre of Saskatoon.

(Read the Notice at the end of this document to see what else you can do and when you must do it.)

Due to the health risks posed by the COVID-19 pandemic, all chambers applications will be heard by telephone unless the presiding judge has decided otherwise. To confirm the telephone number where you can be reached on the date of the application, you must immediately contact the office of the local registrar at Saskatoon, Saskatchewan at (306) 933-5135 and provide your telephone number. You must remain available by telephone at that number on that date until your matter is heard.

Remedy claimed or sought:

1. An application will be made by the Plaintiffs, 101297277 Saskatchewan Ltd. ("**7277**") and Industrial Properties Regina Limited ("**IPRL**") and with 7277, (the "**Secured Creditors**") for an Order appointing MNP LLP as receiver over the property, assets and undertaking of the Defendant, Copper Sands Land Corp. ("**Copper Sands**") for the purpose of

securing, preserving and disposing of the property, assets and undertakings of Elk Ridge.

Grounds for making this application:

2. (a) Each of the Secured Creditors are secured creditors of Copper Sands in respect of a credit facility extended by IPRL to Copper Sands and in respect of a credit facility extended by 7277 to the Defendant, MDI Utility Corp. ("**MDI Utility**") as guaranteed by Copper Sands. These facilities are hereafter referred to as (the "**Facilities**").
- (b) As security for the obligations of Copper Sands to the Secured Creditors, the Secured Creditors hold a first and second mortgage and charge over lands owned by Copper Sands as hereafter described and hold a security interest over all present and after-acquired property of Copper Sands.
- (c) Copper Sands is in breach of its obligations to each of the Secured Creditors.
- (d) Copper Sands is insolvent and it is just, convenient and appropriate that a receiver be appointed.
- (e) The Secured Creditors have demanded payment in full of the amounts owing by Copper Sands and Copper Sands has failed and continues to fail to pay the amounts owing to the Secured Creditors and is unable to pay the amounts to the Secured Creditors.
- (f) Copper Sands, along with MDI Utility and other affiliated corporations, applied under the *Companies' Creditors Arrangements Act* for an Order granted a stay of proceedings in respect of dealing with their respective creditors. That application was made in November of 2017 and the proceedings under the CCAA (the "**CCAA Proceedings**") continue until or about this date.
- (g) 7277 has caused Copper Sands to be served with a Notice of Intention to Enforce Security under section 244 of the *Bankruptcy and Insolvency Act*.
- (h) IPRL has caused Copper Sands to be served with a Notice of Intention to Enforce Security under section 244 of the *Bankruptcy and Insolvency Act*.
- (i) The Secured Creditors propose that MNP Ltd. be appointed as receiver of the assets and undertaking of Copper Sands with the primary initial mandate of securing and preserving the property of Copper Sands, attempting to locate a reasonable sales prospect for the said assets and reporting back to the Court.

Material or evidence to be relied on:

3. In support of this application will be read the following material, all filed:
 - (a) this Notice of Application with proof of service;
 - (b) Order abridging the time for service of an application for appointment of a receiver granted in the CCAA Proceedings involving Copper Sands and affiliated corporations (QB No. 1693 of 2017, Judicial Centre of Saskatoon) granted October 20, 2020;

- (c) Affidavit of Muir Barber sworn October 22, 2020;
- (d) Draft Receivership Order (and copy of such Order compared to Template Receivership Order);
- (e) Consent of MNP Ltd. to act as Receiver;
- (f) Such further and other material as counsel may advise and the learned Presiding Judge may allow.

Applicable rules:

- 4. (a) Rule 6-41 (re appointment of a receiver)

Applicable Acts and regulations:

- 5. (a) Section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3;
- (b) Section 65(1) of *The Queen's Bench Act, 1998*, S.S. 1998, c. Q-1.01; and
- (c) Section 64(8) of *The Personal Property Security Act, 1993*, S.S. 1993, c. P-6.2.

DATED at Regina, Saskatchewan, this 22nd day of October, 2020.

MILLER THOMSON LLP

Per: 

Solicitors for the Plaintiff,
101297277 Saskatchewan Ltd.

DATED at Regina, Saskatchewan, this 22nd day of October, 2020.

KANUKA THURINGER LLP

Per: 

Solicitors for the Plaintiff, Industrial
Properties Regina Limited

NOTICE

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.

**CONTACT INFORMATION AND ADDRESS FOR SERVICE FOR 101297277
SASKATCHEWAN LTD.:**

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Name of lawyers in charge of file:	Rick Van Beselaere, Q.C.
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**CONTACT INFORMATION AND ADDRESS FOR SERVICE FOR INDUSTRIAL PROPERTIES
REGINA LIMITED:**

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