

COURT FILE NUMBER Q.B. No. 1693 of 2017

COURT OF QUEEN'S BENCH FOR SASKATCHEWAN

JUDICIAL CENTRE SASKATOON

APPLICANTS COPPER SANDS LANDS CORP., WILLOW RUSH DEVELOPMENT CORP., MIDTDAL DEVELOPMENTS & INVESTMENTS CORP., PRAIRIE COUNTRY HOMES LTD. JJL DEVELOPMENTS & INVESTMENTS CORP. and MDI UTILITY CORP.

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
RSC 1985, c C-36, AS AMENDED

AND IN THE MATTER OF A PROPOSED PLAN OF ARRANGEMENT FOR THE CREDITORS
OF COPPER SANDS LAND CORP.,
WILLOW RUSH DEVELOPMENT CORP., MIDTDAL DEVELOPMENTS & INVESTMENTS
CORP., PRAIRIE COUNTRY HOMES LTD.,
JJL DEVELOPMENTS & INVESTMENTS CORP. and MDI UTILITY CORP.

NOTICE OF APPLICATION

(Extension of Second Amended and Restated Initial Order and Access to Water and Waste
Water Utilities and other relief)

NOTICE TO THOSE PARTIES IDENTIFIED ON THE ATTACHED SERVICE LIST

This application is made by 101297277 Saskatchewan Ltd. ("7277") with the support of Industrial Properties Regina Limited ("IPRL"). 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	Thursday, September 17, 2020
Time	10:00 a.m.

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

Remedy claimed or sought:

1. An Order validating and abridging service of this Notice of Application and the materials in respect thereof, including an Affidavit of Muir Barber sworn September 16, 2020 and a draft Order.

2. An Order extending the Amended and Restated Initial Order granted July 5, 2018 in these proceedings by the Honourable Mr. Justice N.G. Gabrielson (the "**Initial Order**") pursuant to the *Companies' Creditors Arrangement Act*, RSC 1985, c C-36 (the "**CCAA**"), as most recently amended by the Order of the Honourable Mr. Justice N.G. Gabrielson granted August 31, 2020 and the stay of proceedings provided therein until October _____, 2020.
3. 1012977277 Saskatchewan Ltd. ("**7277**") also seeks an adjournment of the applications made by it in its Notice of Application dated November 4, 2019.
4. An Order permitting the engineering consultant selected by 7277, Dustin Weiss, access to and entry onto the property owned by Copper Sands Land Corp. and/or MDI Utility Corp. for the purposes of inspecting and reviewing the Water Utility and Waste Water Utility located thereon and all equipment, structures and accessories in respect thereof, such access to include any buildings, structures or other facilities in which the said Utilities are located. Such access is for the purposes of enabling the said engineer to better understand the nature and scope of the said Utilities.

Grounds for making this application:

5. It only became known to counsel for the parties to this CCAA Proceeding on September 15 that the presiding Judge had limited availability to deal with applications prior to the current expiration of the CCAA proceedings scheduled to expire on September 22, 2020 at 11:59 p.m.
6. The engineer reports and reviews ordered by this Court in its order granted April 1, 2020 are not yet completed. Efforts are underway to have those reports and reviews completed as quickly as possible, but it will take some additional time for those to be completed and provided to the Court.
7. 7277 has requested permission from the Monitor and/or the Applicants to allow 7277's engineer consultant access to the lands and premises upon which the Waste Water Utility and Water Utility are located. Such access is sought for the purposes of better understanding the nature, scope, extent and state of completion for the Waste Water Utility and the Water Utility and to have a more informed and better understanding and ability to comment on each of those Utilities. To date, the Applicants have not agreed that such access should be granted. The last position communicated by Jaimey Midtdal,

the principal of each of the Applicants was that she saw no need for such on-site investigation to occur.

Material or evidence to be relied on:

- (a) This Notice of Application;
- (b) Affidavit of Muir Barber sworn September 16, 2020;
- (b) Draft Order;
- (c) Such further and other material as this Honourable Court may allow.

Applicable Acts and regulations:

- 8. *Companies' Creditors Arrangement Act*, RSC 1985, c. C-36.

DATED at Regina, Saskatchewan, this 16th day of September, 2020.

MILLER THOMSON LLP

Per: 

Rick M. Van Beselaere, Q.C.,
Solicitors for 101297277 Saskatchewan Ltd.

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

If prepared by a lawyer for the party:

Name of firm:	<u>Miller Thomson LLP</u>
Name of lawyer in charge of file:	<u>Rick Van Beselaere, Q.C.</u>
Address of legal firm:	<u>Bank of Montreal Building</u> <u>2103-11th Avenue, Suite 600</u> <u>REGINA, SK S4P 3Z8</u> <i>(set out the street address)</i>
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