

2020



Hfx No. 501252

**SUPREME COURT OF NOVA SCOTIA
IN BANKRUPTCY AND INSOLVENCY**

In the Matter of the Receivership of 11016946 Canada Inc. (the "Company")

Between:

Business Development Bank of Canada

Applicant

and

11016946 Canada Inc.

Respondent

NOTICE OF MOTION

To: See Schedule "A" attached

Motion

Deloitte Restructuring Inc. (the "**Receiver**") in its capacity as the Court-appointed Receiver and Manager of the assets, collateral and undertaking of the Respondent 11016946 Canada Inc. (the "**Company**"), and the Company's real property located at 123-125 Prince William Street and 60 Water Street, St. John, New Brunswick (the "**Property**"), seeks:

1. An Order abridging time (if required) pursuant to Rule 6 of **Bankruptcy and Insolvency General Rules**, C.R.C. 1978, c. 368, as am.;
2. An Order for Confidentiality pursuant to Civil Procedure Rule 85.04 as regards the Confidential Supplement to the Second Report of the Receiver dated November 30, 2023 (the "**Confidential Supplement**");
3. An Order pursuant to s. 243(1)(c) of the **Bankruptcy and Insolvency Act**, R.S.C. 1985, c. B-3, as am. (the "**BIA**") approving the sale by the Receiver of the Property on the terms and conditions set out in the Receiver's Second Report dated November 30, 2023 (the "**Second Report**") and in the Confidential Supplement, and also providing that:
 - (a) the Property shall vest in the Purchaser thereof free and clear of any claims, liens, or encumbrances other than Permitted Encumbrances;
 - (b) that the monies payable to the Receiver pursuant to the sale of the Property shall stand in the place and stead of the Property for the purpose of determining the nature and priority of any claims thereto; and

4. An Order approving the contents of the Second Report and the Confidential Supplement and the conduct and activities of the Receiver as described therein.

Time and place

The Motion is to be heard by a Judge on **Tuesday, December 12, 2023 at 9:30 a.m.** in the Law Courts, 1815 Upper Water St., Halifax, Nova Scotia. The moving party has set the Motion for hearing in one-half hour or less in Chambers. The moving party said that the Motion will not require more time.

References

The moving party relies upon the following legislation, rules, or points of law:

- Section 243 of the ***Bankruptcy and Insolvency Act***, R.S.C. 1985, c. B-3

Evidence

The evidence in support of the Motion is as follows:

1. The Second Report, filed with this Notice;
2. The Affidavit of Stephen Kingston sworn on November 30, 2023, filed with this Notice; and
3. The Confidential Supplement, being filed separately.

A copy of the Second Report and the Kingston Affidavit is to be delivered to you with this Notice.

Possible Order Against You

You may attend the hearing of a Motion, and state your position on whether the proposed Order should be made. If you do not attend, the Judge may grant an Order without further notice to you.

Dated December 1, 2023.



Stephen Kingston
Counsel to Deloitte Restructuring Inc.
in its capacity as Court-appointed Receiver and
Manager

SCHEDULE "A"

Party	Contact Details	Method of Service
11016946 Canada Inc.	c/o Mark Charles Heritage House Law Office 92 Ochterloney Street Dartmouth, NS B2Y 1C5	mark@heritagelaw.ca
698617 N.B. Ltd.	c/o Ronald F. Lovett Director 212-3600 Kempt Road Halifax, NS B3K 4X8	ronlovett@rflgroup.ca
Bank of Montreal	c/o Elias A. Metlej Recognized Agent McInnes Cooper Purdy's Wharf Tower II 1300 - 1969 Upper Water Street Halifax, NS B3J 3R7	elias.metlej@mcinnescooper.com
The Bank of Nova Scotia	c/o Stephen Kingston Recognized Agent McInnes Cooper Purdy's Wharf Tower II 1300 - 1969 Upper Water Street Halifax, NS B3J 3R7	stephen.kingston@mcinnescooper.com
CWB National Leasing Inc.	c/o Maurice P. Chiasson, K.C. Recognized Agent Stewart McKelvey 600-1741 Lower Water Street P.O. Box 997 Halifax, NS B3J 2X2	mchiasson@stewartmckelvey.com
Deloitte Restructuring Inc., Receiver	c/o Stephen Kingston McInnes Cooper Purdy's Wharf Tower II 1300 - 1969 Upper Water Street Halifax, NS B3J 3R7	stephen.kingston@mcinnescooper.com
Ian J. Cousins	c/o Douglas Schipilow Boyneclarke, LLP 600-99 Wyse Road Dartmouth, NS B3A 4S5	dschipilow@boyneclarke.ca
IWG-TLA Canada Corp.	c/o Charles Reagh Recognized Agent Stewart McKelvey 600-1741 Lower Water Street Halifax, NS B3J 2X2	creagh@stewartmckelvey.com
Lisa C. Beddow	c/o R. Scott Wilson McInnes Cooper 1 Germain St., Suite 1700 Brunswick Square Saint John, NB E2L 4V1	scott.wilson@mcinnescooper.com

Superintendent of Bankruptcy	c/o Abdulwahid Nasser Bankruptcy Assistant Office of the Superintendent of Bankruptcy Eastern Region 1505 Barrington Street, Suite 1605 Halifax, NS B3J 3K5	abdulwahid.nasser@canada.ca
Portfolio Management & Development Inc.	c/o Michael Kennedy Recognized Agent Patterson Law 1801 Hollis Street, Suite 2100 Halifax, NS B3J 3N4	mkenedy@pattersonlaw.ca
TAC Properties Inc.	c/o Gavin MacDonald Cox & Palmer Purdy's Wharf Tower I 1100 - 1959 Upper Water Street Halifax, NS B3J 3N2	GMacDonald@coxandpalmer.com
Vida Living (2019) Inc. (Lovett Consulting Limited)	c/o Ronald F. Lovett Recognized Agent 212-3600 Kempt Road Halifax, NS B3K 4X8	ronlovett@rflgroup.ca
Business Development Bank of Canada	c/o Sara Scott Stewart McKelvey 600-1741 Lower Water Street P.O. Box 997 Halifax, NS B3J 2X2	sscott@stewartmckelvey.com
451515 Ontario Limited	c/o Timothy M. Hopkins Brenton Kean 75 Prince William St., Fourth Floor P.O. Box 609 Saint John, NB E2L 4A5	tmh@brentonkean.com
Frederick Hamilton	c/o Timothy M. Hopkins Brenton Kean 75 Prince William St., Fourth Floor P.O. Box 609 Saint John, NB E2L 4A5	tmh@brentonkean.com
Canada Revenue Agency	c/o Karen Henderson, Insolvency Collections Officer Nova Scotia Tax Services Office 100-145 Hobson's Lake Dr. Halifax, NS B3S QJ1	