



Court No.  
B-220202  
Estate No. 11-254401  
Bankruptcy Division 03  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE BANKRUPTCY OF  
MERRITT FUELCO LIMITED PARTNERSHIP

**BANKRUPTCY ORDER**

BEFORE ) THE HONOURABLE ) June 7, 2022  
) JUSTICE )  
) *SARINA* )  
) )

ON THE APPLICATION of Veolia ES Canada Inc. (the "Applicant"), a creditor of Merritt Fuelco Limited Partnership (the "Debtor") coming on for hearing by Teams at 800 Smithe Street, Vancouver, B.C. V6Z 2E1, on this day, and upon hearing Joseph Reynaud, counsel for the Applicant, and no one else appearing although duly served, and upon reading the materials filed;

AND it appearing to the Court that the following acts of bankruptcy have been committed: the Debtor has ceased to meet its liabilities generally as they become due including payment of the indebtedness owing to the Applicant, contrary to s. 42(1)(j) of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, as amended (the "BIA");

THE COURT ORDER THAT:

1. The Debtor be adjudged bankrupt by virtue of a bankruptcy order hereby made on this date.
2. Deloitte Restructuring Inc. be appointed as licensed insolvency trustee of the estate of the bankrupt (in such capacity, the "Trustee").
3. The Trustee give security in cash or by bond or suretyship without delay, in accordance with Subsection 16(1) of the BIA.
4. The Court further orders that the costs of the Applicant be paid out of the estate of the bankrupt on taxation of the estate.

**ENDORSEMENTS ATTACHED**

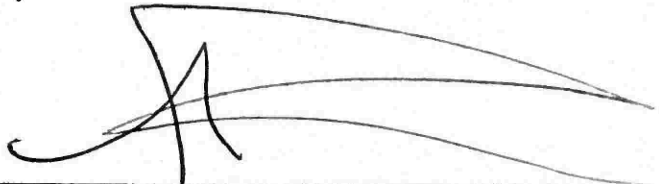
THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT.



\_\_\_\_\_  
Signature of Lawyer for the Applicant,  
Veolia ES Canada Inc.

Stikeman Elliott LLP (Darlene Crimeni)

By the Court:



\_\_\_\_\_  
Registrar in Bankruptcy

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only

Court File No. *B-220202*

IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE BANKRUPTCY OF  
MERRITT FUELCO LIMITED PARTNERSHIP

PETITION

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Lawyers for the Petitioner Veolia ES Canada Inc.





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IN THE MATTER OF THE BANKRUPTCY OF  
MERRITT FUELCO LIMITED PARTNERSHIP

ORDER MADE AFTER APPLICATION

BEFORE ) THE HONOURABLE ) June 7, 2022  
) JUSTICE )  
) *SHARMA* )  
) )

ON THE APPLICATION of Veolia ES Canada Inc. (the "**Applicant**"), a creditor and related entity of Nicola Valley FuelCo Inc. (the "**GP**") and Merritt FuelCo Limited Partnership (the "**LP**", and collectively with the GP, herein referred to as the "**Debtors**") coming on for hearing by Teams at 800 Smithe Street, Vancouver, B.C. V6Z 2E1, on this day, and upon hearing Joseph Reynaud, counsel for the Applicant, and no one else appearing although duly served, and upon reading the materials filed;

THIS COURT ORDERS that:

- 1 The time for service of the Notice of Application and supporting materials is hereby abridged and the Notice of Application is properly returnable today and service thereof upon any person other than those listed thereon be and is hereby dispensed with.
- 2 Following the respective assignment into bankruptcy of the LP and the GP, the estate of the LP (the "**LP Estate**") and of the estate of the GP (the "**GP Estate**", and collectively with the LP Estate, the "**Estates**"), shall be procedurally and substantively consolidated and that Deloitte Restructuring Inc. (the "**Trustee**"), in its capacity as licensed insolvency trustee-in-bankruptcy of the LP Estate and the GP Estate, shall be authorized and directed to administer the Estates on a consolidated basis for all purposes in carrying out its administrative duties and other responsibilities as trustee under the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended, including, without limitation, as follows:
  - (a) calling and conducting any meeting of creditors or inspectors of the Estates pursuant to one combined advertisement of one meeting;

- (b) issuing consolidated reports in respect to the Estates;
- (c) preparing, filing, advertising and distributing any and all filings and/or notices relating to the administration of the Estates on a consolidated basis;
- (d) establishing a single bank account for the Estates;
- (e) establishing a single consolidated pool of assets containing all assets of the Estates; and
- (f) administering all claims and making all distributions in respect of allowed claims from the consolidated pool.

3 Inspectors shall be appointed in relation to the consolidated Estates.

4 The bankruptcy action of the GP bearing Court No. B-220208 and Estate No. 11-254408 shall be assigned to be the proceedings of the bankrupt Estates.

5 The substantive consolidation of the Estates shall not:

- (a) affect the separate legal status and corporate structures of the LP or the GP;
- (b) cause the LP or the GP to be liable for any claim for which it otherwise is not liable by law; or
- (c) affect the Trustee's right to seek to disallow any claim, including on the basis that such a claim is a duplicative claim.

6 A copy of this <sup>entered</sup> order shall be filed for each of the LP Estate and the GP Estate, but any other document required to be filed in this proceeding shall hereafter only be required to be filed in this action.

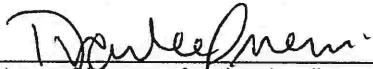
7 The approval of this Order, other than by counsel for the Applicant is hereby dispensed with.

THIS COURT REQUESTS the aid and recognition of other Canadian and foreign courts, tribunals, regulatory and administrative bodies to act in aid of and to be complimentary to this court in carrying out the terms of this claims process order where requested. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested:

- (a) to make such orders and to provide such assistance to the Trustee as an officer of this court as may be necessary or desirable to give effect to this order; and

- (b) to grant representative status to the Trustee if required in any foreign proceeding and to assist the Trustee and its respective agents in carrying out the terms of this order.

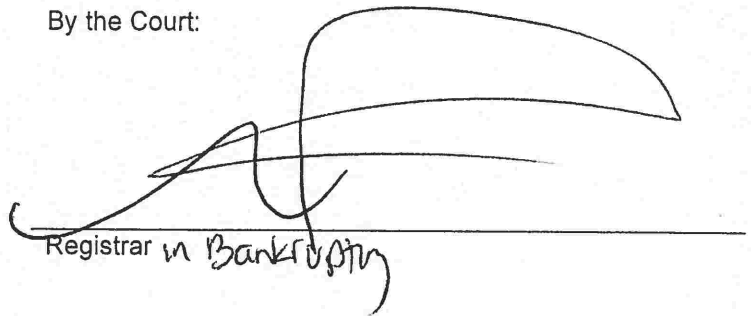
THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT.



Signature of Lawyer for the Applicant,  
Veolia ES Canada Inc.

Stikeman Elliott LLP (Darlene Crimeni)

By the Court:



Registrar in Bankruptcy

CHECKED  
  
for  
on

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IN THE MATTER OF THE BANKRUPTCY OF  
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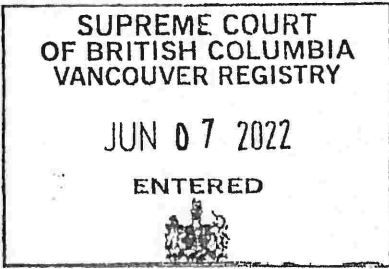
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Lawyers for the Petitioner Veolia ES Canada Inc.





Court No.  
B-220208  
Estate No. 11-254408  
Bankruptcy Division 03  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE BANKRUPTCY OF  
NICOLA VALLEY FUELCO INC.

**BANKRUPTCY ORDER**


BEFORE ) THE HONOURABLE ) June 7, 2022  
) JUSTICE SHARMA )  
) )  
) )

ON THE APPLICATION of Veolia ES Canada Inc. (the "Applicant"), a creditor of Nicola Valley FuelCo Inc. (the "Debtor") coming on for hearing by Teams at 800 Smithe Street, Vancouver, B.C. V6Z 2E1, on this day, and upon hearing Joseph Reynaud, counsel for the Applicant, and no one else appearing although duly served, and upon reading the materials filed;

AND it appearing to the Court that the following acts of bankruptcy have been committed: the Debtor has ceased to meet its liabilities generally as they become due including payment of the indebtedness owing to the Applicant, contrary to s. 42(1)(j) of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, as amended (the "BIA")

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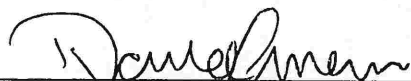
BY THE COURT  
  
REGISTRAR  
in Bankruptcy

ENDORSEMENTS ATTACHED





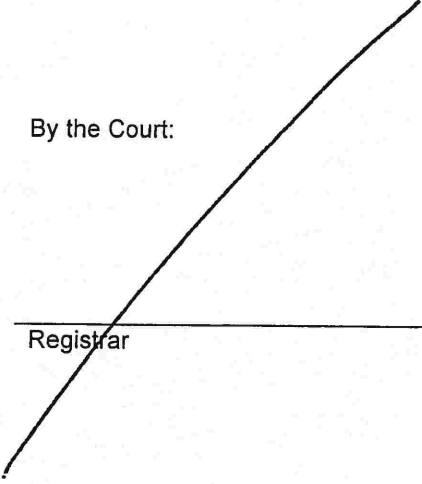
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Signature of Lawyer for the Applicant,  
Veolia ES Canada Inc.

Stikeman Elliott LLP (Darlene Crimeni)

By the Court:



Registrar

Court File No. *B-220208*

IN THE SUPREME COURT OF BRITISH COLUMBIA  
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE BANKRUPTCY OF  
NICOLA VALLEY FUELCO INC.

PETITION FOR BANKRUPTCY ORDER

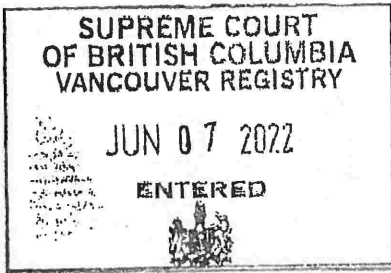


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ORDER MADE AFTER APPLICATION

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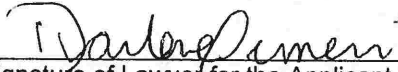
BY THE COURT

REGISTRAR

*in Bankruptcy*



THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT.



\_\_\_\_\_  
Signature of Lawyer for the Applicant,  
Veolia ES Canada Inc.

Stikeman Elliott LLP (Darlene Crimeni)

By the Court:

\_\_\_\_\_  
Registrar



Court File No. B-220208

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IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE BANKRUPTCY OF  
NICOLA VALLEY FUELCO INC.

PETITION FOR BANKRUPTCY ORDER

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Lawyers for the Petitioner Veolia ES Canada Inc.

