

Court File No.: BK-22-02835198-0031

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN BANKRUPTCY AND INSOLVENCY

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
THE SANDERSON-HAROLD COMPANY LIMITED, C.O.B. AS PARIS KITCHENS, IN
THE CITY OF VAUGHAN, IN THE PROVINCE OF ONTARIO**

**MOTION RECORD OF THE RESPONDING PARTY,
1000296348 ONTARIO INC.
(Motion returnable June 16, 2023)**

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Proposal Trustee

Court File No.: BK-22-02835198-0031

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN BANKRUPTCY AND INSOLVENCY

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
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SUPERIOR COURT OF JUSTICE
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IN BANKRUPTCY AND INSOLVENCY

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
THE SANDERSON-HAROLD COMPANY LIMITED, C.O.B. AS PARIS KITCHENS, IN
THE CITY OF VAUGHAN, IN THE PROVINCE OF ONTARIO**

**AFFIDAVIT OF BRENDAN EGAN
(Sworn May 18, 2023)**

I, Brendan Egan, of the City of Toronto, in the Province of Ontario, AFFIRM:

1. I am an articling student at the law firm Filion Wakely Thorup Angeletti LLP (“**FWTA LLP**”), labour and employment counsel to the Responding Party, 1000296348 Ontario Inc. (“**100 Ontario**”). As such I have knowledge of the matters hereinafter deposed to in this affidavit. I do not, by anything I swear to in this affidavit, waive any solicitor-client privilege, either expressly or implied, as between 100 Ontario and FWTA LLP.
2. I understand that 100 Ontario is agreeable to the form of draft Order 2 as proposed and served by the United Brotherhood of Carpenters and Joiners of America, Local 1072 (the “**Union**”) on May 11, 2023, and attached hereto as **Exhibit “A”**.
3. I am advised by Matthew Vella, labour and employment counsel for 100 Ontario, and verily believe that 100 Ontario’s labour and employment counsel was provided with a courtesy copy of the instant motion by the Union on May 3, 2023 without a returnable. The motion was later scheduled as returnable May 10, 2023 and counsel for 100 Ontario was advised on May 8, 2023 of the scheduled hearing date. A copy of the first draft Order (“**Draft Order 1**”) is attached hereto as **Exhibit “B”**.
4. On May 9, 2023, following a review of Draft Order 1, labour and employment counsel for 100 Ontario wrote to the Union raising concerns with Order and specifically identifying the

problematic paragraphs to counsel and all parties. A copy of this correspondence is attached hereto as **Exhibit “C”**.

5. On May 10, 2023, labour and employment counsel for 100 Ontario circulated a new proposed draft Order, which was consistent with the May 9, 2023 correspondence. A copy of this correspondence attaching 100 Ontario’s proposed draft Order is attached hereto as **Exhibit “D”**.

6. On May 11, 2023, the Union served two versions of the proposed draft Order. The second draft Order (“**Draft Order 2**”) is largely consistent with 100 Ontario’s proposed draft Order. I am advised by Matthew Vella and verily believe that the trustee, KSV Restructuring Inc., opposes the form of Draft Order 2.

100 Ontario’s Position on Draft Order 1

7. As set out above, 100 Ontario consents to Draft Order 2, but maintains its concerns as set out in its correspondence at Exhibit “D” and opposes Draft Order 1. Those concerns consist of the following:

- (a) Draft Order 1 goes beyond what is necessary and purports to limit the remedial authority of the Ontario Labour Relations Board (the “**Board**”) on issues that are solely within the Board’s jurisdiction at paragraphs 2 and 3.
- (b) At paragraphs 2 and 3, as drafted, Draft Order 1 purports to limit the relief the Board may order against the Sanderson-Harold Company Limited, c.o.b. as Paris Kitchens (“**SHCL**”) under a section 69 application under the *Ontario Labour Relations Act, 1995*.
- (c) At paragraph 3, Draft Order 1 exempts SHCL or KSV Restructuring Inc. in its personal capacity or in its capacity as trustee in the *Bankruptcy Insolvency Act* proposal of SHCL or as trustee in bankruptcy of SHCL, from: (i) providing “oral or documentary production or discovery” without further Order of this Court; or (ii) having to incur any costs or take any steps to defend the application by the Union.

8. Orders similar to Draft Order 2 have been sought and granted in other bankruptcy and restructuring proceedings where a union brought a related employer and sale of business applications and sought an order from the court partially lifting the stay of proceedings. These orders do not limit the relief that may be ordered by the Board in respect of the trustee or receiver and are largely consistent with the form of Draft Order 2; specifically:

- (a) An order was granted by Justice Hainey in *Peoples Trust Company v. Rose of Sharon (Ontario) Retirement Community*, Court File No. CV-11-9399-00CL, a copy of which is attached hereto as **Exhibit "E"**.
- (b) An order was granted by Justice Newbould (as he then was) in *The Toronto Dominion-Bank v. 450477 Ontario Limited o/a Chartrand Equipment et al.*, Court File No. CV-13-10301-00CL, a copy of which is attached hereto as **Exhibit "F"**.
- (c) An order was granted by Justice Mitchell in *UFCW, Local 175 v. Sofina Foods Inc.*, 2016 CanLII 43523 (Ont. LRB), a copy of the case referencing the order of Justice Mitchell is attached hereto as **Exhibit "G"**.

9. I make this affidavit in support of 100 Ontario's position with respect to the Union's motion, and for no other or improper purpose.

AFFIRMED BEFORE ME:




in person



by video conference

at the City of Toronto, in the Province of Ontario, on May 18, 2023.


Signature of Commissioner (or as may be)



Signature of Deponent
Brendan Egan

THIS IS EXHIBIT "A" REFERRED TO IN THE
AFFIDAVIT OF BRENDAN EGAN
SWORN BEFORE ME THIS 18th DAY OF MAY, 2023.



A COMMISSIONER FOR TAKING AFFIDAVITS

Clifton Givens

Estate/Court File No. 31-2835198

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN BANKRUPTCY AND INSOLVENCY

THE HONOURABLE)	FRIDAY, THE	DAY
)		
JUSTICE)		OF MAY, 2023

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
THE SANDERSON-HAROLD COMPANY LIMITED, C.O.B. AS PARIS KITCHENS,
IN THE CITY OF VAUGHAN, IN THE PROVINCE OF ONTARIO**

ORDER

THIS MOTION, made by the United Brotherhood of Carpenters and Joiners of America, Local 1072 (“**Local 1072**”), for an Order pursuant to the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the “**BIA**”) lifting the stay of proceedings (the “**Stay of Proceedings**”) under Section 69(4) of the BIA proceeded by way of judicial videoconference.

ON READING the affidavit of Ella Price, sworn May 1, 2023 and the exhibits thereto, the Motion Record of Local 1072, dated May 1, 2023, and on hearing the submissions of counsel for Local 1072, the Sanderson-Harold Company Limited, C.O.B as Paris Kitchens (“**SHCL**”), KSV Restructuring Inc., and 1000296348 Ontario Inc., and no one else appearing although served.

- 2 -

1. **THIS COURT ORDERS** that any prior delay for the presentation of the Motion is hereby abridged and validated and the Court hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that the Stay of Proceedings established by section 69(1) of the BIA shall be and is hereby lifted for the sole purpose of permitting Local 1072 to commence and as applicable continue an application to the Ontario Labour Relations Board under the sale of business provisions under the *Ontario Labour Relations Act, 1995* (the “**LRA**”) naming SHCL as a Responding Party.
3. **THIS COURT ORDERS** that, this order is effective from today’s date and is not required to be entered and filed.
4. **THIS COURT ORDERS** that _____ shall pay costs of this motion to _____ in the amount of _____ within 30 days.

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A
PROPOSAL OF THE SANDERSON-HAROLD COMPANY LIMITED,
C.O.B. AS PARIS KITCHENS**

Estate/Court File No.: 31-2835198

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

**PROCEEDING COMMENCED AT
TORONTO**

ORDER

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**Lawyers for United Brotherhood of Carpenters and
Joiners of America, Local 1072**

THIS IS EXHIBIT "B" REFERRED TO IN THE
AFFIDAVIT OF BRENDAN EGAN
SWORN BEFORE ME THIS 18th DAY OF MAY, 2023.



A COMMISSIONER FOR TAKING AFFIDAVITS

Clifton Yiu

Estate/Court File No. 31-2835198

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN BANKRUPTCY AND INSOLVENCY

THE HONOURABLE)	FRIDAY, THE	DAY
)		
JUSTICE)		OF MAY, 2023

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
THE SANDERSON-HAROLD COMPANY LIMITED, C.O.B. AS PARIS KITCHENS,
IN THE CITY OF VAUGHAN, IN THE PROVINCE OF ONTARIO**

ORDER

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ON READING the affidavit of Ella Price, sworn May 1, 2023 and the exhibits thereto, the Motion Record of Local 1072, dated May 1, 2023, and on hearing the submissions of counsel for Local 1072, the Sanderson-Harold Company Limited, C.O.B as Paris Kitchens (“**SHCL**”), KSV Restructuring Inc., and 1000296348 Ontario Inc., and no one else appearing although served.

- 2 -

1. **THIS COURT ORDERS** that any prior delay for the presentation of the Motion is hereby abridged and validated and the Court hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that the Stay of Proceedings established by section 69(1) of the BIA shall be and is hereby lifted for the sole purpose of permitting Local 1072 to commence and as applicable continue an application to the Ontario Labour Relations Board under the sale of business provisions under the *Ontario Labour Relations Act, 1995* (the “**LRA**”) naming SHCL as a Responding Party. However, absent further order of the Court, Local 1072’s sole recourse with respect to any such application as against SHCL shall be a declaration that there has been a sale of business or part of a business from SHCL to 2486666 Ontario Inc. and 1000296348 Ontario Inc. within the meaning of section 69 of the LRA.

3. **THIS COURT ORDERS** that Local 1072 shall not seek any oral or documentary production or discovery against SHCL or KSV Restructuring Inc. in its personal capacity or in its capacity as trustee in the BIA proposal of SHCL or as trustee in bankruptcy of SHCL, without a further Order of the Court, and none of these parties shall be required to incur any costs or take any steps to defend the application by Local 1072.

4. **THIS COURT ORDERS** that, this order is effective from today’s date and is not required to be entered and filed.

5. **THIS COURT ORDERS** that _____ shall pay costs of this motion to _____ in the amount of _____ within 30 days.

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A
PROPOSAL OF THE SANDERSON-HAROLD COMPANY LIMITED,
C.O.B. AS PARIS KITCHENS**

Estate/Court File No.: 31-2835198

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

**PROCEEDING COMMENCED AT
TORONTO**

ORDER

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**Lawyers for United Brotherhood of Carpenters and
Joiners of America, Local 1072**

THIS IS EXHIBIT "C" REFERRED TO IN THE
AFFIDAVIT OF BRENDAN EGAN
SWORN BEFORE ME THIS 18th DAY OF MAY, 2023.

A handwritten signature in blue ink, appearing to be "Clifton Yiu", is written over a horizontal line.

A COMMISSIONER FOR TAKING AFFIDAVITS

A handwritten signature in blue ink, appearing to be "Clifton Yiu", is written below the text "A COMMISSIONER FOR TAKING AFFIDAVITS".



Reply to Matthew R. Vella
Toronto Office
tel 416.408.5519 | email mvella@filion.on.ca

May 9, 2023

SENT VIA E-MAIL (aaron@rousseaumazzuca.com)

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Dear Mr. Rousseau:

Re: 1000296348 Ontario Inc. o/a Paris Kitchens and Carpenters Local 1072

As you know, we are labour and employment counsel for 1000296348 Ontario Inc. o/a Paris Kitchens ("100 Ontario") with respect to the above-noted matter. We are writing to set out our position in respect of your motion returnable May 10, 2023. I confirm that the Motion Record on this matter was sent to me as a courtesy last week; however I was not included on the distribution list and only found out about tomorrow's hearing from Mr. Turk yesterday afternoon.

Should the draft order below be granted tomorrow it will unnecessarily hamper the jurisdiction of the OLRB and will prejudice our client's right to present a fulsome defence to the proposed OLRB application. We intend to appear tomorrow on the motion to advise the court of our concerns if you intend to proceed with the order as currently drafted.

In short, the order, as currently drafted, goes beyond what is necessary and purports to limit the Board's remedial authority on issues that are solely within the Board's jurisdiction at paragraphs 2 and 3 of the draft order. Specifically, the language underlined below is of concern to our client and will likely be of concern to the Board and any Chairs, Vice-Chair or Members who may hear the successor employer application:

2. THIS COURT ORDERS that the Stay of Proceedings established by section 69(1) of the BIA shall be and is hereby lifted for the sole purpose of permitting Local 1072 to commence and prosecute an application to the Ontario Labour Relations Board under the sale of business provisions under the *Ontario Labour Relations Act, 1995* (the "**LRA**") naming SHCL as a Responding Party. However, absent further order of the Court, Local 1072's sole recourse with respect to any such application as against SHCL shall be a declaration that there has been a sale of business or part of a business from SHCL to 22486666 Ontario Inc. and 1000296348 Ontario Inc. within the meaning of section 69 of the LRA.

3. THIS COURT ORDERS that Local 1072 shall not seek any oral or documentary production or discovery against SHCL or KSV Restructuring Inc. in its personal capacity or in its capacity as trustee in the BIA proposal of SHCL or as trustee in bankruptcy of SHCL, without a further Order

May 9, 2023
Page 2

Filion Wakely Thorup Angeletti
LLP

of the Court, and none of these parties shall be required to incur any costs or take any steps to defend the application by Local 1072.

As set out in the Supreme Court's decision in *GMAC Commercial Credit Corp. - Canada v. TCT Logistics Inc.*, 2006 SCC 35 ("GMAC"), a bankruptcy court has no jurisdiction to decide the issue of whether a trustee is a successor employer within the meaning of the Ontario *Labour Relations Act*, 1995. Such a determination is within the exclusive jurisdiction of the Board. To this end, the Court in *GMAC* found that the general grant of authority in section 47(2) of the *Bankruptcy Insolvency Act* that permits a bankruptcy court to provide direction to and for the trustee in bankruptcy does not immunize a receiver or trustee from a determination that they are a successor employer by the OLRB (at paras. 45-46 and 53).

As such, we are concerned that the order limits the jurisdiction of the OLRB to grant relief or make orders necessary to determining the successor employer application. Specifically, the order purports to limit the findings that the Labour Board can make on a successor employer application under paragraph 2. It also purports to limit the disclosure obligations against SHCL and KSV Restructuring Inc. in a successor employer application and suggests that these parties shall not be required to incur any costs or take any steps to defend the application by your client, the unions. In essence, your clients are seeking an order on an issue that falls within the exclusive jurisdiction of the Board and limits relief that may be ordered by the Board. The draft order provides a clear potential benefit to the former employers, SHCL and KSV Restructuring Inc. on the successor employer application by not requiring them to provide any response to the potential detriment of the alleged successor employer, 100 Ontario.

Yours truly,

Matt Vella

Matthew R. Vella
MRV
cc client

THIS IS EXHIBIT "D" REFERRED TO IN THE
AFFIDAVIT OF BRENDAN EGAN
SWORN BEFORE ME THIS 18th DAY OF MAY, 2023.

A handwritten signature in blue ink, appearing to be "Clifton Yiu", is written over a horizontal line.

A COMMISSIONER FOR TAKING AFFIDAVITS

A handwritten signature in blue ink, appearing to be "Clifton Yiu", is written below the text "A COMMISSIONER FOR TAKING AFFIDAVITS".

From: Laura J. Freitag
To: Matthew R. Vella; "Aaron Rousseau"; Ella Price
Cc: george@chaitons.com; laurac@chaitons.com; Steve.Graff; kplunkett@airdberlis.com; tdolny@airdberlis.com; msassi@cassels.com; thomas.gertner@gowlingwlg.com; cmills@millerthomson.com; streusand@slolp.com; Cindy@cindymcgoldrick.com; peter@welshlaw.ca; sturk@stephenturklaw.com; [David Butler](mailto:David.Butler); [Michael Mazzuca](mailto:Michael.Mazzuca); insurance@leasedirect.com; arinquiries@carriercenters.ca; diane.winters@justice.gc.ca; insolvency.unit@ontario.ca; mvininsky@ksvadvisory.com; [Bobby Kofman](mailto:Bobby.Kofman); [Jordan Wong](mailto:Jordan.Wong); derek@mi5print.com; STurk@StephenTurkLaw.com; lwilliams@tgf.ca; dschwartz@tgf.ca; asoutter@tgf.ca; [Primiya Sivamoorthi](mailto:Primiya.Sivamoorthi); [Janet Ockerse](mailto:Janet.Ockerse)
Subject: RE: MOTION: IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF THE SANDERSON-HAROLD COMPANY LIMITED, C.O.B. AS PARIS KITCHENS, Estate/Court File No. BK-22-02835198-0031
Date: May 10, 2023 9:09:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image007.png](#)
[2023-05-10_Draft_Order\(1709727.2\).docx](#)
[2023-05-10_Draft_Order\(1709723.2\).pdf](#)
[image008.png](#)
[image009.png](#)
[image006.png](#)

Mr. Rousseau:

Please see attached for a proposed revised draft order in respect of the motion of today's date.

Thank you,

Laura Freitag

lfreitag@filion.on.ca



Follow Us [in](#) [View my LinkedIn® Profile](#)

seminars@filion.on.ca

From: Matthew R. Vella
Sent: May 9, 2023 5:49 PM
To: 'Aaron Rousseau' <Aaron@RousseauMazzuca.com>; Ella Price <Ella@RousseauMazzuca.com>
Cc: george@chaitons.com; laurac@chaitons.com; Steve.Graff <sgraff@airdberlis.com>; kplunkett@airdberlis.com; tdolny@airdberlis.com; msassi@cassels.com; thomas.gertner@gowlingwlg.com; cmills@millerthomson.com; streusand@slolp.com; Cindy@cindymcgoldrick.com; peter@welshlaw.ca; sturk@stephenturklaw.com; [David Butler](mailto:David@RousseauMazzuca.com) <David@RousseauMazzuca.com>; [Michael Mazzuca](mailto:Michael.Mazzuca) <Michael@RousseauMazzuca.com>; insurance@leasedirect.com; arinquiries@carriercenters.ca; diane.winters@justice.gc.ca; insolvency.unit@ontario.ca; mvininsky@ksvadvisory.com; [Bobby Kofman](mailto:Bobby.Kofman)

CAUTION: this message originated outside the FWTa network.

The zoom details for tomorrow's motion (930 am) are below:

Meeting ID: **654 0032 7305** Passcode: **082269**

<https://ca01web.zoom.us/j/65400327305?pwd=Wc91RjNENjNnZ1Q2NHpvbDlzaUNldz09#success>

Yours truly,



Aaron Rousseau

Partner

Rousseau Mazzuca LLP

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65 Queen Street West, Suite 600

Toronto, Ontario M5H 2M5

www.rousseaumazzuca.com

From: Ella Price <Ella@RousseauMazzuca.com>

Sent: Monday, May 8, 2023 11:01 AM

To: mag.csd.to.scjcom@ontario.ca

Cc: george@chaitons.com; laurac@chaitons.com; Steve Graff <sgraff@airdberlis.com>; kplunkett@airdberlis.com; tdolny@airdberlis.com; msassi@cassels.com; thomas.gertner@gowlingwlg.com; cmills@millerthomson.com; streusand@slolp.com; Cindy@cindymcgoldrick.com; peter@welshlaw.ca; sturk@stephenturklaw.com; David Butler <David@RousseauMazzuca.com>; Michael Mazzuca <Michael@RousseauMazzuca.com>; Aaron Rousseau <Aaron@RousseauMazzuca.com>; insurance@leasedirect.com; arinquiries@carriercenters.ca; diane.winters@justice.gc.ca; insolvency.unit@ontario.ca; mvininsky@ksvadvisory.com; Bobby Kofman <bkofman@ksvadvisory.com>; Jordan Wong <jwong@ksvadvisory.com>; derek@mi5sprint.com; STurk@StephenTurklaw.com; williams@tgf.ca; dschwartz@tgf.ca; asoutter@tgf.ca; Primiya Sivamoorthi <Primiya@RousseauMazzuca.com>

Subject: RE: MOTION: IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF THE SANDERSON-HAROLD COMPANY LIMITED, C.O.B. AS PARIS KITCHENS, Estate/Court File No. BK-22-02835198-0031

Thank you, Alsou!

As requested, all parties have been cc'd to this email chain enclosing the request form. I am also reattached all motion materials for your ease of reference.

Sincerely,

| **Ella C. Price** (she, her, hers)



Paralegal | Construction Lien Specialist
Rousseau Mazzuca LLP

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Toronto, Ontario M5H 2M5

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From: JUS-G-MAG-CSD-Toronto-SCJ Commercial List <MAG.CSD.To.SCICom@ontario.ca>

Sent: Monday, May 8, 2023 8:51 AM

To: Ella Price <Ella@RousseauMazzuca.com>

Subject: RE: MOTION: IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF THE SANDERSON-HAROLD COMPANY LIMITED, C.O.B. AS PARIS KITCHENS, Estate/Court File No. BK-22-02835198-0031

Hello!

Please copy request form to all required counsel .

Thank you

Alsou Anissimova

Superior Court of Justice
Commercial & Estates Trial coordinator
330 University Ave 7th floor
Civil Trial office
Toronto, Ontario
M5G 1R7
Tel: (416) 327-5047
Fax: (416) 327-5697
Email: toronto.commerciallist@jus.gov.on.ca

Toronto Commercial List – Commencing May 9, 2022 , Ministry Zoom coordinates will be used, created and uploaded by court staff into CaseLines. Zoom coordinates for hearings will no longer need to be provided by the parties.

Please note that counsel for the moving party is responsible for inviting all required counsel/parties on a file to CaseLines for upcoming hearings.

Please note when providing the request form for scheduling via e-mail , please copy (cc) request form to all required counsel.

Estate/Court File No. 31-2835198

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

IN BANKRUPTCY AND INSOLVENCY

THE HONOURABLE)	WEDNESDAY THE 10 TH
)	
JUSTICE PENNY)	DAY OF MAY, 2023

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF
THE SANDERSON-HAROLD COMPANY LIMITED, C.O.B. AS PARIS KITCHENS,
IN THE CITY OF VAUGHAN, IN THE PROVINCE OF ONTARIO**

ORDER

THIS MOTION, made by the United Brotherhood of Carpenters and Joiners of America, Local 1072 (“**Local 1072**”), for an Order pursuant to the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the “**BIA**”) lifting the stay of proceedings (the “**Stay of Proceedings**”) under Section 69(4) of the BIA proceeded by way of judicial videoconference.

ON READING the affidavit of Ella Price, sworn May 1, 2023, and the exhibits thereto, the Motion Record of Local 1072, dated May 2, 2023, and on hearing the submissions of counsel for Local 1072, and noting that Sanderson-Harold Company Limited, C.O.B as Paris Kitchens (“**SHCL**”) and KSV Restructuring Inc. have confirmed that they do not oppose this motion.

- 2 -

1. **THIS COURT ORDERS** that any prior delay for the presentation of the Motion is hereby abridged and validated and the Court hereby dispenses with further service thereof;
 2. **THIS COURT ORDERS** that the Stay of Proceedings established by section 69(1) of the BIA shall be and is hereby lifted for the sole purpose of permitting Local 1072 to commence and prosecute an application to the Ontario Labour Relations Board under the sale of business provisions in section 69 of the Ontario *Labour Relations Act, 1995* naming SHCL as a Responding Party.
 3. **THIS COURT ORDERS** that, this order is effective from today's date and is not required to be entered and filed.
-

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A
PROPOSAL OF THE SANDERSON-HAROLD COMPANY LIMITED,
C.O.B. AS PARIS KITCHENS**

Estate/Court File No.: 31-2835198

**ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)**

**PROCEEDING COMMENCED AT
TORONTO**

ORDER

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E-mail: michael@rousseaumazzuca.com

Aaron Rousseau (LSO# 53833E)
Tel: (416) 304-9899 Ext. 2001
E-mail: aaron@rousseaumazzuca.com

**Lawyers for United Brotherhood of Carpenters and
Joiners of America, Local 1072**

THIS IS EXHIBIT "E" REFERRED TO IN THE
AFFIDAVIT OF BRENDAN EGAN
SWORN BEFORE ME THIS 18th DAY OF MAY, 2023.



A COMMISSIONER FOR TAKING AFFIDAVITS

Clifton Yiu

Court File No. CV-11-9399-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
[COMMERCIAL LIST]

THE HONOURABLE

) TUESDAY, THE 21ST DAY



MR. JUSTICE HAINES

) OF FEBRUARY, 2017

PEOPLES TRUST COMPANY

Applicant

- and -

ROSE OF SHARON (ONTARIO) RETIREMENT COMMUNITY

Respondent

APPLICATION UNDER 243 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985 c B-3, as amended, and section 101 of the *Courts of Justice Act*, as amended

ORDER

THIS MOTION made by the United Food and Commercial Workers International Union, Local 175 (the "UFCW") seeks an order lifting the stay of proceedings that currently operates pursuant to the Appointment Order dated September 27, 2011 of The Honourable Campbell J. appointing Deloitte and Touche Inc., now Deloitte Restructuring Inc., the receiver (the "Receiver") of Rose of Sharon (Ontario) Retirement Community cob Rose of Sharon Korean

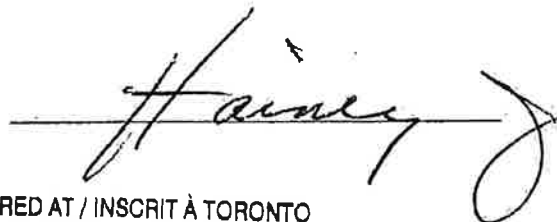
- 2 -

Long Term Care, and seeks leave to proceed with a successor employer application before the Ontario Labour Relations Board (the "OLRB");

ON READING the UFCW's motion record dated February 9, 2017, the Affidavit of Mona Bailey sworn February 9, 2017, the Affidavit of Eunkuyung Yim sworn February 8, 2017, and upon hearing the submissions of counsel for the UFCW, and on the consent of the Receiver;

1. **THIS COURT ORDERS THAT** service of the UFCW's Notice of Motion and Motion Record is hereby validated, and any further service thereof is hereby dispensed with.
2. **THIS COURT ORDERS THAT** the stay of proceedings is lifted with respect to the UFCW for the purpose of initiating an application for a related and/or successor employer against the Receiver at the OLRB.
3. **THIS COURT ORDERS THAT** the UFCW is hereby authorized to commence an application before the OLRB against the Receiver for a sale of business and/or related employer under sections 1(4) and 69 of the *Labour Relations Act, 1995*.
4. **THIS COURT ORDERS THAT** no costs are payable on the motion.

Date: February 21, 2017



ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

FEB 21 2017

PER / PAR: 

PEOPLES TRUST COMPANY

Applicant

-and-

**ROSE OF SHARON (ONTARIO) RETIREMENT
COMMUNITY**
Respondent

Court File No. CV-11-9399-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
TORONTO**

ORDER

Caley Wray
Labour/Employment Lawyers
1600 – 65 Queen Street West
Toronto ON M5H 2M5

Jesse Kugler (L.S.U.C. #55269V)
Tel.: 416-775-4677
Fax: 416-366-3293

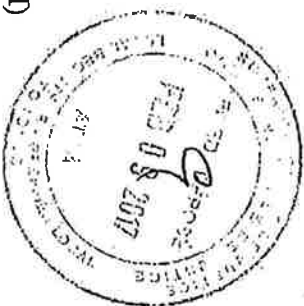
Robert Church (L.S.U.C. #60395H)
Tel: 416-775-4682
Fax: 416-366-3293

Lawyers for the Moving Party, United Food and Commercial
Workers International Union, Local 175

Feb. 21, 2017

PEOPLES TRUST COMPANY
Applicant-and- ROSE OF SHARON (ONTARIO) RETIREMENT
COMMUNITY
Respondent

Court File No. CV-11-9399-0001

February 21, 2017
ONTARIO
SUPERIOR COURT OF JUSTICEPROCEEDING COMMENCED AT
TORONTORECORD OF THE UNITED FOOD &
COMMERCIAL WORKERS INTERNATIONAL
UNION, LOCAL 175*Notice presented on the
terms of the attached
order.**James*Caley Wray
Labour/Employment Lawyers
1600 - 65 Queen Street West
Toronto ON M5H 2M5Jesse Kugler (L.S.U.C. #55269V)
Tel.: 416-775-4677
Fax: 416-366-3293Robert Church (L.S.U.C. #60395H)
Tel: 416-775-4682
Fax: 416-366-3293Lawyer for the Moving Party, United Food and Commercial
Workers International Union, Local 175

THIS IS EXHIBIT "F" REFERRED TO IN THE
AFFIDAVIT OF BRENDAN EGAN
SWORN BEFORE ME THIS 18th DAY OF MAY, 2023.



A COMMISSIONER FOR TAKING AFFIDAVITS

Clifton Giv

36
173

Court File No. CV-13-10301-00CL

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE) WEDNESDAY, THE 14TH
JUSTICE NEWBOLD) DAY OF OCTOBER, 2015

BETWEEN:

THE TORONTO-DOMINION BANK

Applicant

- and -

450477 ONTARIO LIMITED o/a CHARTRAND EQUIPMENT

Respondent
(Respondent)

- AND -

OLRB File No. 1892-14-R

**LABOUR RELATIONS ACT, 1995
APPLICATION UNDER SECTION 69 AND/OR
SUBSECTION 1(4) OF THE ACT
(SALE OF BUSINESS AND/OR RELATED EMPLOYER)
BEFORE THE ONTARIO LABOUR RELATIONS BOARD**

BETWEEN:

**LABOURERS' INTERNATIONAL UNION OF NORTH AMERICA,
ONTARIO PROVINCIAL DISTRICT COUNCIL and
LABOURERS' INTERNATIONAL UNION OF NORTH AMERICA,
LOCAL 527**

Applicants
(Moving Parties)

- and -

**EBC INC., 450477 ONTARIO LIMITED o/a CHARTRAND EQUIPMENT
and NORTHEC CONSTRUCTION INC.**

Responding Parties

ORDER

THIS MOTION, made by the Moving Parties, Labourers' International Union of North America, Ontario Provincial District Council and Labourers' International Union of North America, Local 527, for an Order lifting the stay of proceedings against the Respondent, 450477 Ontario Limited o/a Chartrand Equipment, in order to permit the Moving Parties to proceed with their application before the Ontario Labour Relations Board, File No. 1892-14-R, was heard this day, unopposed, at the Court House, 330 University Avenue, Toronto, Ontario, in the presence of counsel for the Moving Parties and counsel for the Respondent's court-appointed receiver, BDO Canada Limited,

ON READING the affidavit of Ben Katz sworn October 8, 2015,

THIS COURT DECLARES AND ORDERS that the stay of proceedings imposed by Order of Justice Morawetz of the Ontario Superior Court of Justice on October 18, 2013 and pursuant to section 69(1) of the *Bankruptcy and Insolvency Act* on August 7, 2014, in respect of the Respondent, 450477 Ontario Limited o/a Chartrand Equipment, does not operate in respect of the Moving Parties in File No. 1892-14-R before the Ontario Labour Relations Board.

October 14, 2015
Let this order stand
2015

The Toronto-Dominion Bank

and

450477 Ontario Limited o/a Chartrand
Equipment

Applicant

Respondent

Court File No: CV-13-10301-00CL

ONTARIO

**SUPERIOR COURT OF JUSTICE -
COMMERCIAL LIST**

Proceeding commenced at TORONTO

ORDER

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Lawyers for Labourers' International Union of
North America, Ontario Provincial District
Council and Labourers' International Union of
North America, Local 527

450477 Ontario Limited o/a Chartrand Equipment

The Toronto-Dominion Bank

and Respondent

Applicant

OCT 14/15

OCT 14, 2015
This matter is now renamed. Moved to
so. 2015

ONTARIO
SUPERIOR COURT OF JUSTICE - COMMERCIAL LIST
Proceeding commenced at TORONTO

MOTION RECORD OF THE MOVING PARTIES.
LABOURERS' INTERNATIONAL UNION OF NORTH
AMERICA, ONTARIO PROVINCIAL DISTRICT
COUNCIL AND LABOURERS' INTERNATIONAL
UNION OF NORTH AMERICA; LOCAL 527
(Returnable October 14, 2015)



Goldblatt Partners LLP
Barristers & Solicitors
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Charles Sinclair LSUC#: 43178A
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Lawyers for Labourers' International Union of North
America, Ontario Provincial District Council and
Labourers' International Union of North America, Local
527

THIS IS EXHIBIT "G" REFERRED TO IN THE
AFFIDAVIT OF BRENDAN EGAN
SWORN BEFORE ME THIS 18th DAY OF MAY, 2023.

A handwritten signature in blue ink, which appears to be "Clifton Yiu", is written over a horizontal line.

A COMMISSIONER FOR TAKING AFFIDAVITS

A handwritten signature in blue ink, which appears to be "Clifton Yiu", is written below the text "A COMMISSIONER FOR TAKING AFFIDAVITS".



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **3488-14-R**

United Food & Commercial Workers, Local 175, Applicant v **Sofina Foods Inc.**, Responding Party

BEFORE: Matthew R. Wilson, Vice-Chair

DECISION OF THE BOARD: July 4, 2016

1. This is an application filed by the United Food and Commercial Workers, Local 175 under sections 69 and/or 1(4) of the *Labour Relations Act, 1995* (the "Act").
2. In a decision dated June 4, 2015 the Board granted the Responding Party's motion to stay the proceeding on the basis of an Order from the Superior Court of Justice dated June 10, 2014.
3. In a letter to the Board dated June 29, 2016, the UFCW advises that the Court Order has been amended to allow this application to proceed. The Court Order reads as follows:

THIS MOTION, made by the Moving Parties, the United Food and Commercial Workers, Local 175, for an Order lifting the stay of proceedings against the respondents, 2268204 Ontario Inc. and Great Lakes Specialty Meats of Canada Inc., in order to permit the Moving Parties to proceed with their application before the Ontario Labour Relations Board File No. 348814-R, was heard this day, in writing, unopposed, at the Courthouse at 80 Dundas Street, London, Ontario.

ON READING the affidavit of Tim Deelstra sworn February 1, 2016,

THIS COURT DECLARES AND ORDERS that the stay of proceedings imposed by the Order of Madam Justice

- 2 -

Mitchell of the Ontario Superior Court of Justice on June 10, 2014 and pursuant to section 69(1) of the *Bankruptcy and Insolvency Act* in respect of the Respondents, 2268204 Ontario Inc. and Great Lakes Specialty Meats of Canada Inc., does not operate in respect of the Moving Parties in File No. 348814-R before the Ontario Labour Relations Board.

4. The UFCW requests that the matter be scheduled for a hearing/mediation.

5. Based on the aforementioned decision of the Court, the reasons for the stay of proceedings granted in the Board's earlier decision no longer exist.

6. Therefore, the Registrar is directed to schedule this matter for a hearing and to arrange for a Labour Relations Officer to contact the parties in the normal course.

7. I am not seized.

"Matthew R. Wilson"
for the Board

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at TORONTO

AFFIDAVIT OF BRENDAN EGAN
(Sworn May 18, 2023)

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mvella@filion.on.ca

Laura J. Freitag LS#: 69976I
lfreitag@filion.on.ca

Tel: 416-408-5519/5505

Lawyers for 1000296348 Ontario Inc.

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

Proceeding commenced at TORONTO

AFFIDAVIT OF BRENDAN EGAN
(Sworn May 18, 2023)

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Tel: 416-408-5519/5505

Labour and Employment Lawyers for
1000296348 Ontario Inc.

**IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF THE
SANDERSON-HAROLD COMPANY LIMITED, C.O.B. AS PARIS KITCHENS**

Court File No.: BK-22-02835198-0031

***ONTARIO*
SUPERIOR COURT OF JUSTICE -
COMMERCIAL LIST**

Proceeding commenced at TORONTO

**MOTION RECORD OF THE RESPONDING
PARTY, 1000296348 ONTARIO INC.
(MOTION RETURNABLE JUNE 16, 2023)**

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Labour and Employment Lawyers for
1000296348 Ontario Inc.