

**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**

NOTICE OF MOTION

The United Brotherhood of Carpenters and Joiners of America, Local 1072 (“**Local 1072**”) will make a motion to a judge presiding over the Commercial List at 330 University Avenue, Toronto on June 16, 2023 at 10:00 a.m.

PROPOSED METHOD OF HEARING: The motion is to be heard (*choose appropriate option*)

- ☐ in writing under subrule 37.12.1 (1);
- ☐ in writing as an opposed motion under subrule 37.12.1 (4);
- ☐ in person;
- ☐ by telephone conference;
- ☒ by video conference

THE MOTION IS FOR:

1. An Order abridging the time for service of this Notice of Motion and Motion Record, if applicable, for any prior delay for the presentation of the Motion, and declaring that this motion is properly returnable on the date heard and dispensing with further service thereof;

2. An Order pursuant to the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the “**BIA**”) lifting the stay of proceedings under Section 69(4) of the BIA 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* naming SHCL as a Responding Party, attached in draft form as Schedule “A”, or in the alternative in draft form attached as Schedule “B”;
3. Such further and other relief as to this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

1. On or about May 31, 2022, Sanderson-Harold Company Limited, c.o.b as Paris Kitchens (“**SHCL**”) filed a Notice of Intention to File a Proposal (“**NOI**”) under the *Bankruptcy and Insolvency Act*, R.S.C., 1985 c. B-3.1000296348, pursuant to Section 50.4(1) of the BIA.
2. KSV Restructuring Inc. (“**KSV**”) is the proposal trustee for SHCL.
3. All proceedings against SHCL are stayed effective May 31, 2022 via the Filing of a Notice of Intention to Make a Proposal.
4. SHCL and 2486666 Ontario Inc. (“**248 Ontario**”) entered into an Asset Purchase Agreement on August 26, 2022. 248 Ontario assigned the Asset Purchase Agreement to 1000296348 Ontario (“**100 Ontario**”).
5. On September 23, 2022, an Order was made approving the sale transaction contemplated by the Asset Purchase Agreement and vesting the property contemplated therein to 100 Ontario.

6. Local 1072 is a trade union representing the employees of SHCL in Paris, Ontario, save and except foremen, persons above the rank of foreman, office and sales staff, and students employed during the school vacation period.
7. Local 1072 intends to commence an application to the Ontario Labour Relations Board (the “**Board**”) under section 69 of the Ontario *Labour Relations Act, 1995* (the “**LRA**”), for a declaration that 248 Ontario and 100 Ontario are bound to the collective agreement between Local 1072 and SHCL. Local 1072 seeks to name SHCL as a Responding Party in that application for a proper adjudication of the matter.
8. SHCL and KSV are agreeable to lifting the stay to permit the application to the Board but only if (a) Local 1072’s sole recourse with respect to any such application to the Board as against SHCL shall be a declaration that there has been a sale of business or part of a business from SHCL to 248 Ontario and 100 Ontario within the meaning of section 69 of the LRA, and (b) 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.
9. 100 Ontario is agreeable to lifting the stay but only if the additional provisions desired by SHCL and KSV, as set out in the preceding paragraph, are omitted.
10. Sections 69.1 and 69.4 of the BIA.
11. Section 69 of the Ontario *Labour Relations Act, 1995*.

12. Such further and other grounds as counsel may advise and this Court may permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- a) The Affidavit of Ella Price and attached exhibits;
- b) Such further and other evidence as counsel may submit and this Court may permit.

Date: May 11, 2023

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1072

TO: SERVICE LIST

SCHEDULE A

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

IN BANKRUPTCY AND INSOLVENCY

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

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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.

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
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PROCEEDING COMMENCED AT
TORONTO

ORDER

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

SCHEDULE B

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

IN BANKRUPTCY AND INSOLVENCY

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