

IN THE SUPREME COURT OF BRITISH COLUMBIA

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

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*, S.B.C. 2002, c. 57

AND

IN THE MATTER OF THE PLAN OF COMPROMISE AND ARRANGEMENT OF PURE GOLD
MINING INC.

PETITIONER

REQUISITION

Filed by: SCR Mining and Tunneling L.P. (the "Filing Party")

Required:

1. Application pursuant to Supreme Court Civil Rule 23-5(4) for directions that an application be heard by way of telephone, video conference or other communication medium and the manner in which the application is to be conducted.

Terms of order sought:

1. Brendan Bowles, counsel for the Respondent, SCR Mining and Tunneling L.P. ("SCR Mining"), may appear by MS Teams at the hearing of the application of the Applicants, Sprott Private Resource Lending II (Collector), LP, Sprott Resource Lending Corp., and Sprott Resource Lending II (CO), Inc., scheduled for hearing on June 27-28, 2023 at 10:00 a.m. at the Vancouver Registry.

This requisition is supported by the following:

1. The application hearing can be conducted effectively with counsel for SCR Mining attending by MS Teams.
2. Counsel for SCR Mining will ensure that they attend the application hearing by MS Teams in a quiet room with no interruptions, and that they abide by the usual rules of courtroom decorum.
3. To require counsel for SCR Mining to attend the hearing in person would cause extreme inconvenience. The hearing is set for two (2) days and counsel for SCR Mining does not anticipate that the hearing will require more time than is scheduled. The cost of counsel for SCR Mining travelling from Toronto, ON to Vancouver, BC for the hearing is prohibitive. Mr. Bowles works and lives full time in Toronto and would have to travel to

Vancouver for the sole purpose of attending the hearing. This would result in a prohibitive expense for his client, relative to the quantum of SCR Mining's claim for lien which is approximately \$400,000 total, or, alternatively, approximately \$80,000 in holdback.

- 4. It is not unreasonable or unwarranted for SCR Mining to have retained Ontario counsel who specializes in Ontario construction law for this application. The Project lands at issue are located in Ontario, and the issues in dispute on the application require the Court to interpret and apply provisions of the Ontario *Construction Act*.

Position of the other party:

- 1. Counsel for SCR Mining has written to all counsel with this request and no counsel has raised a specific objection to counsel for SCR Mining appearing by MS Teams.

Date: 23/JUN/2023

Per: *K. McGinnis* as duly authorized agent of Brendan Bowles

Signature of Lawyer for the Respondent,
SCR Mining and Tunneling L.P.
Brendan Bowles
1(416) 368-8280 ext. 221
BrendanBowles@glaholt.com

Address of Respondent:

Glaholt Bowles LLP
800-141 Adelaide Street West
Toronto ON M5H 3L5
(Attention: Mr. Brendan Bowles)

Order granted

Or

Application denied

Date: _____

Judge / Master of the Supreme Court