

Re Carver Trust Holdings

① Ordered to go on the
Terms of the attached.

Hainey J.

February 19, 2021

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

THE HONOURABLE	)	FRIDAY, THE 19TH
	)	
MR. JUSTICE HAINEY	)	DAY OF FEBRUARY, 2021

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

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF
CANSTRUST HOLDINGS INC., CANSTRUST INC., CTI HOLDINGS (OSOYOOS) INC.
AND ELMCLIFFE INVESTMENTS INC.

Applicants

**ORDER
(Claims Officer)**

THIS MOTION, made by the Applicants, pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended, for an order appointing the Honourable Frank J.C. Newbould, Q.C. as claims officer was heard this day by way of Zoom judicial video conference due to the COVID-19 pandemic.

ON READING (i) the Notice of Motion of the Applicants dated February 16, 2021, (ii) the affidavit of Greg Guyatt sworn February 16, 2021 (the "**Guyatt Affidavit**") and the exhibits thereto, and (iii) the Seventh Report of Ernst & Young Inc. in its capacity as the monitor of the Applicants (the "**Monitor**") dated February 16, 2021 (the "**Seventh Report**"), and on hearing the submissions of counsel for the Applicants, the Monitor, and such other counsel as were present as listed on the counsel slip, no one else appearing although duly served as appears from the affidavit of service, filed:

SERVICE

1. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion and the Motion Record of the Applicants in support of this motion and the Seventh Report is

hereby abridged and validated such that this motion is properly returnable today and hereby dispenses with further service thereof.

2. **THIS COURT ORDERS** that any capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Claims Procedure Order made in these proceedings dated May 8, 2020 (the “**Claims Procedure Order**”).

CLAIMS OFFICER

3. **THIS COURT ORDERS** that the appointment of the Honourable Frank J.C. Newbould, Q.C. as claims officer (the “**Claims Officer**”) in accordance with paragraph 32 of the Claims Procedure Order is hereby approved and the Claims Officer shall determine the Status and/or amount of each Claim in respect of which a dispute has been referred to the Claims Officer by the Monitor in accordance with the Claims Procedure Order.

4. **THIS COURT ORDERS** that the Claims Officer shall be empowered to determine the process by which evidence may be brought before the Claims Officer as well as any other procedural matters which may arise in respect of the determination of any Claim. For greater certainty, the Claims Officer shall be empowered to direct that the proceedings to determine two or more Claims be consolidated, or heard at the same time or one immediately after the other, if it appears to the Claims Officer that: (i) the proceedings have a question of law or fact in common; (ii) the Claims arise out of the same transaction or occurrence or series of transactions or occurrences; or (iii) for any other reason such a direction ought to be made.

5. **THIS COURT ORDERS** that the Applicants shall pay the reasonable professional fees and disbursements of the Claims Officer on presentation and acceptance of invoices from time to time. The Claims Officer shall be entitled to a reasonable retainer against the Claims Officer’s fees and disbursements which shall be paid upon request by the Applicants, with the consent of the Monitor.

DIRECTIONS

6. **THIS COURT ORDERS** that the Monitor, the Applicants and the Claims Officer may, at any time, and with such notice as the Court may require, seek directions from the Court with respect to this Order.

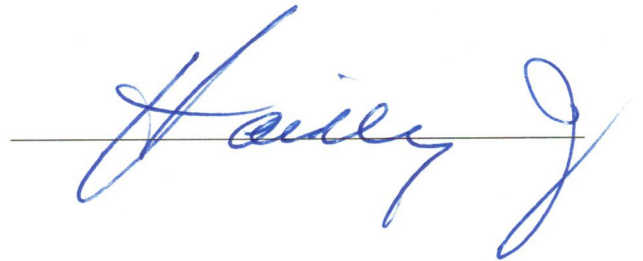
GENERAL

7. **THIS COURT ORDERS** that this Order shall have full force and effect in all provinces and territories in Canada, outside Canada and against all persons against whom it may be enforceable.

8. **THIS COURT ORDERS** that this Order is effective from the date that it is made, and is enforceable without any need for entry and filing.

9. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in the United States to give effect to this Order and to assist the Applicants and the Monitor, and their respective agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Monitor and its agents in carrying out the terms of this Order.

10. **THIS COURT ORDERS** that each of the Applicants and the Monitor be at liberty and are hereby authorized and empowered to apply to any court, tribunal, regulatory or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order.



IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT,
R.S.C. 1985, c. C-36, AS AMENDED AND IN THE MATTER OF A PLAN OF COMPROMISE
OR ARRANGEMENT OF CANNTRUST HOLDINGS INC. ET AL.

Court File No: CV-20-00638930-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at Toronto

ORDER
(Claims Officer)

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