SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY

MAR 0 1 2021

ENTERED

No. S-205095
Vancouver Registry

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, AS AMENDED

– AND –

IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF
PORT CAPITAL DEVELOPMENT (EV) INC. and EVERGREEN HOUSE DEVELOPMENT
LIMITED PARTNERSHIP

ORDER MADE AFTER APPLICATION
(Stay Extension and Interim Financing Increase Order)

BEFORE THE HONOURABLE	)	February 24, 2021
MADAM JUSTICE FITZPATRICK	)	

THE APPLICATION of the Petitioners coming on for hearing at Vancouver, British Columbia, by MS Teams, on the 24th day of February 2021; AND ON HEARING David Gruber, counsel for the Petitioners and those other counsel and parties listed on **Schedule "A"** hereto; AND UPON READING the material filed, including the Fourth Report of Ernst & Young, Inc., in its capacity as court appointed monitor, dated February 23, 2021; AND pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985 c. C-36, the British Columbia Supreme Court Civil Rules and the inherent jurisdiction of this Honourable Court;

THIS COURT ORDERS AND DECLARES THAT:

SERVICE

1. The time for service of the Notice of Application filed February 23, 2021 herein be and is hereby abridged such that the Notice of Application is properly returnable today and service thereof on any interested party is hereby dispensed with.

STAY EXTENSION

2. The stay of proceedings provided for in the Initial Order pronounced in this action on May 29, 2020, as amended and restated on June 8, 2020, and further extended by Order of this Court pronounced August 31, 2020 and December 1, 2020, is hereby continued and extended to and including May 4, 2021.

INCREASE OF INTERIM LENDING

3. The Petitioners are hereby authorized and empowered to enter into an amended and restated credit facility on substantially the same terms and conditions set forth in commitment letter between the Petitioners and the Interim Lender dated as of June 5, 2020, provided that the cumulative borrowings under the Interim Facility as amended shall not exceed the principal amount of $1,500,000 unless permitted by further order of this court.

4. The Interim Lender shall be entitled to the benefits of the Interim Lender's Charge as defined in the ARIO with respect to the additional borrowing under the amended and restated credit facility, which Interim Lender's Charge shall be in the aggregate amount of the obligations outstanding at any given time under the amended and restated credit facility or the Definitive Documents.

5. Paragraphs 37 of the ARIO shall be amended as follows:

   37. The Petitioners are hereby authorized and empowered to obtain and borrow under a credit facility from Desjardins Financial Security Life Assurance Company (the "Interim Lender") in order to finance the continuation of the Business and preservation of the Property, provided that borrowings under such credit facility shall not exceed <u>$1,500,000</u> unless permitted by further Order of this Court.

GENERAL

6. Endorsement of this Order by counsel appearing on this application other than counsel for the Petitioners is hereby dispensed with.

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:

BY THE COURT

REGISTRAR

ENDORSEMENT ATTACHED

S205095

Signature of David Gruber
Lawyer for the Petitioners

BY THE COURT

REGISTRAR

Schedule "A"

(List of Counsel)

Counsel name/litigant	Party represented
Colin D. Brousson	CMLS Financial Ltd. and Desjardins Financial Security Life Assurance Company
William Roberts	Aviva Insurance Company of Canada
Peter Rubin	The Monitor, Ernst & Young, Inc.
Vicki Tickle	Counsel to Urban One Builders CM Inc., Doka Canada Ltd., Glastech Glazing Contractors Ltd., Cairns Electric Ltd. and Two Pillars Construction Ltd., Ar-Con Holdings (Builder Lien Claimants)