

District of Newfoundland
and Labrador
Division No. 01-NL
Court No. 24092
Estate No. 51-2792506

2022 012 4092
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF an application of the
Roman Catholic Episcopal Corporation of St.
John's

AND IN THE MATTER OF the *Companies'*
Creditors Arrangement Act, R.S.C. 1985,
C. c-36, as amended (the "CCAA")

INTERLOCUTORY APPLICATION

(INTER PARTES)

SUMMARY OF CURRENT DOCUMENT

Court File Number(s):	2022 012 4092
Date of Filing of Document:	December 1, 2022
Name of Party Filing or Person:	Roman Catholic Episcopal Corporation of St. John's
Application to which Document being filed relates:	Interlocutory Application (Inter Partes) filed by the Applicant
Statement of Purpose in filing:	Interlocutory Application for an Order extending the stay of proceedings issued under the CCAA
Court Sub-File Number, if any	N/A

The Application of the Roman Catholic Episcopal Corporation of St. John's (the "RCECSJ"), hereby states as follows:

Nature of the Application

1. This is an Interlocutory Application (Inter Partes) brought by the Applicant seeking the following:
 - (a) an Order abridging the time for service, validating service, and dispensing with further service of the within Application;
 - (b) an Order extending the stay of proceedings issued under the CCAA to May 31, 2023;
 - (c) such further and other relief as this Honourable Court deems just and equitable.

Procedural History

2. On December 21, 2021, the Applicant filed a Notice of Intention to Make a Proposal ("NOI"), pursuant to section 50.4(1) of the BIA, at the Office of the Superintendent of Bankruptcy.
3. On January 20, 2022, this Honourable Court, pursuant to section 50.4(9) of the BIA, granted an Order extending the stay of proceedings under the NOI to March 6, 2022.
4. On March 4, 2022, this Honourable Court, pursuant to section 50.4(9) of the BIA, granted an Order extending the stay of proceedings under the NOI to April 20, 2022.
5. On April 20, 2022, this Honourable Court, pursuant to section 50.4(9) of the BIA, granted an Order extending the stay of proceedings under the NOI to April 29, 2022.
6. On April 29, 2022, this Honourable Court, pursuant to section 50.4(9) of the BIA, granted an Order extending the stay of proceedings under the NOI to May 27, 2022.
7. On May 11, 2022, this Honourable Court converted the NOI proceedings to a stay of proceedings under the CCAA effective May 17, 2022 (the "Initial Order"). The Initial Order appointed Ernst & Young Inc. as monitor (the "Monitor") of the RCECSJ.
8. On May 27, 2022, this Honourable Court extended the stay of proceedings under the CCAA to July 31, 2022 pursuant to an amended and restated Initial Order (the "ARIO").
9. On July 18, 2022, this Honourable Court extended the stay of proceedings under the CCAA to December 9, 2022.
10. On September 2, 2022, this Honourable Court amended paragraph 10(a) of the ARIO to increase the cumulative threshold of the asset sale values below \$500,000 in any one transaction to \$10,000,000 in the aggregate.

Material Facts

Extension

11. Since the issuance of the ARIO, the RCECSJ has continued to work diligently with the Monitor to implement the realization plan for its real estate holdings, including the sale by tender of its properties that are situated within the St. John's region pursuant to the tender sale process that was approved by this Honourable Court on March 4, 2022 (the "**Tender Process**").
12. Following the conclusion of the Tender Process, and in consultation with the RCECSJ and Representative Counsel, the Monitor accepted tenders for 42 parcels of property that were included in the Tender Process. The aggregate sales value attributable to the accepted tenders totals \$20,622,332.00. The RCECSJ is currently working diligently to close the sale transactions with respect to those properties.
13. The Tender Process did not produce acceptable tenders for 19 parcels of property that were included in the Tender Process (the "**Residual St. John's Parcels**"). The RCECSJ has listed the Residual St. John's Parcels with a qualified real estate agent in order to liquidate those properties for the benefit of the estate.
14. In addition to the Residual St. John's Parcels, the RCECSJ has engaged qualified real estate agents to list all of the RCECSJ's properties located in the Burin and southern Avalon regions (the "**Rural Properties**", together with the Residual St. John's Parcels referenced as the "**Residual Properties**") for sale. The Rural Properties include approximately 70 parcels of property that are comprised of churches, parish halls, rectories, vacant land, and other real estate holdings.
15. As of November 30 2022, the RCECSJ, in consultation with the Monitor and Representative Counsel, has accepted offers for the sale of 61 parcels of property that are contained within Appendix A to the Sixth Report of the Monitor.
16. In addition to its efforts to realize its properties for the benefit of its creditors, the RCECSJ is also working with the Monitor and Representative Counsel to develop a claims process that will be fair and equitable for all parties.
17. Since the issuance of the ARIO, the Applicant has undertaken various activities, including the following, with a view to being in a position to prepare a plan of compromise and arrangement with its creditors:
 - (a) Working with the Monitor to complete statutory requirements;
 - (b) Various discussions with the Monitor regarding operational issues;
 - (c) Consulting with parishioner groups and parish finance councils regarding the Tender Process;
 - (d) Working with parish priests and parish representatives regarding the pastoral and administrative changes resulting from the sale of properties;
 - (e) Working with surveyors to arrange new surveys for certain properties;

- (f) Engaging the services of various real estate agents to list for sale the Residual Properties;
 - (g) Engaging with various real estate agents on offers and counteroffers for certain properties of the RCECSJ;
 - (h) Engaging with the Monitor and Representative Counsel in negotiating various property sales with numerous third parties;
 - (i) Discussions with parish representatives regarding property issues;
 - (j) Discussions with the Newfoundland and Labrador English School District regarding property issues;
 - (k) Working with real estate agents, in consultation with the Monitor, to complete the sale of properties;
 - (l) Working with legal counsel to close various real estate transactions;
 - (m) Working collaboratively with Representative Counsel throughout these proceedings, including the Tender Process and discussions regarding an appropriate claims process;
 - (n) Working with, and responding promptly to, the Monitor throughout these proceedings;
 - (o) Working with the Monitor to determine a plan to winterize various RCECSJ owned properties;
 - (p) Working with the Monitor, and in consultation with Representative Counsel, on the sale of certain artwork;
 - (q) Various parishioner messages with respect to the CCAA process;
 - (r) Various communications to employees;
 - (s) Various communications with clergy;
 - (t) Various meetings with the Archdiocesan Finance Council; and
 - (u) Various meetings with the Archdiocesan Presbyteral Council/College of Consultors;
18. The Applicant seeks an extension of the stay of proceedings to May 31, 2023 in order to provide the Applicant with time to continue the sale of the Residual Properties and to formalize and implement a claims process that will enable the RCECSJ to quantify the claims against it with a view to an ultimate distribution to creditors.

Relief Sought

19. The Applicant therefore requests the following relief:
- (a) an Order abridging the time for service, validating service, and dispensing with further service of the within Application;

- (b) an Order extending the stay of proceedings issued under the CCAA to May 31, 2023.
- (c) such further and other relief as this Honourable Court deems just and equitable.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

DATED AT St. John's in the Province of Newfoundland and Labrador this 1st day of December, 2022.

MCINNES COOPER

Per: 
Geoffrey Spencer
Solicitors for the Applicant
whose address for service is:
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To: Supreme Court of Newfoundland and Labrador
General Division
Duckworth Street
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And to: Office of the Superintendent of Bankruptcy
1505 Barrington St., 16th floor
Halifax, NS B3K 3N4
Fax: (902) 426-7275

And to: The parties listed in Schedule "A" attached hereto.

ISSUED at St. John's, in the Province of Newfoundland and Labrador this day of December, 2022.

Clerk of the Court

District of Newfoundland
and Labrador
Division No. 01-NL
Court No. 24092
Estate No. 51-2792506

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NOTICE TO THE RESPONDENTS

You are hereby notified that the foregoing application will be made to the judge presiding in Chambers at the Court House at St. John's, Newfoundland and Labrador on Tuesday, the 6th day of December, 2022 at 2:30 p.m.

To: See Schedule "A" attached

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