

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

THE HONOURABLE MR. ) FRIDAY, THE 12<sup>TH</sup>  
 )  
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  
KING STREET COMPANY INC., THE KING STREET HOSPITALITY GROUP INC.,  
BONTA TRADING CO. INC., 2268218 ONTARIO INC., 1733667 ONTARIO LIMITED, THE  
KING STREET FOOD COMPANY INC., THE KING STREET RESTAURANT COMPANY  
INC., 2112047 ONTARIO LTD., JI YORKDALE INC., JI SQUARE ONE INC., 1771669  
ONTARIO INC., CXBO INC., 2608765 ONTARIO INC., 2272224 ONTARIO INC., 2327729  
ONTARIO INC., 2577053 ONTARIO INC., 2584858 ONTARIO INC., 2621298 ONTARIO  
INC., 2641784 ONTARIO INC., and 2656966 ONTARIO INC.

**Applicants**

**ORDER**  
**(STAY EXTENSION)**

**THIS MOTION**, made by the Applicants pursuant to the *Companies' Creditors Arrangement Act*, RSC, 1985 c C-36, as amended (the "CCAA") was heard this day by judicial videoconference via Zoom in Toronto, Ontario due to the COVID-19 pandemic.

**ON READING** the Notice of Motion of the Applicants, the affidavit of Peter Tsebelis sworn February 5, 2021 (the "Tsebelis February 5 Affidavit") and the Exhibits attached thereto, the Second Report of MNP Ltd., in its capacity as Court-appointed Monitor of the Applicants (in such capacity the "Monitor") dated February 9, 2021 (the "Second Report"), and on being advised that the secured creditors of the Applicants who are likely to be affected by the increase to the DIP Lenders' Charge herein were given notice, and on hearing the submissions of

counsel for the Applicants, the Monitor, and those other parties listed on the counsel slip, no one appearing for any other person on the service list, although properly served as appears from the affidavit of Katherine Yurkovich sworn February 8, 2021, filed:

**AND UPON BEING SATISFIED** that the Applicants have acted, and continue to act in good faith and due diligence in accordance with the CCAA.

### **SERVICE**

1. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion and Motion Record is hereby abridged and validated and this Motion is properly returnable today and hereby dispenses with further service or notice thereof.

### **DEFINITIONS**

2. **THIS COURT ORDERS** that all terms not otherwise defined herein shall have the meanings ascribed to them in the Amended and Restated Initial Order of this Court dated November 13, 2020 issued in these proceedings (the "**Amended and Restated Initial Order**").

### **EXTENSION OF STAY PERIOD**

3. **THIS COURT ORDERS** that the Stay Period under the Amended and Restated Initial Order be and is hereby extended until and including April 2, 2021 or such later date as this Court may order.

### **DIP AMENDMENT**

4. **THIS COURT ORDERS** that the execution by the Applicants of the Second Amendment to DIP Loan Agreement substantially in the form attached to the Tsebelis February 5 Affidavit (the "**Second DIP Amendment**") is hereby authorized and approved, and the Applicants are hereby authorized and empowered to borrow up to an additional \$525,000 (\$1,925,000 in the aggregate) pursuant to the DIP Loan Agreement as amended by the Second DIP Amendment.

5. **THIS COURT ORDERS** that:

- (a) paragraphs 31 to 39 of the Amended and Restated Initial Order shall apply to the DIP Loan Agreement as amended by the Second DIP Amendment and all references to the DIP Loan Agreement contained in the Amended and Restated Initial Order shall be deemed to be references to the DIP Loan Agreement as amended by the Second DIP Amendment;
- (b) the DIP Lenders' Charge shall secure all amounts owing by the Applicants to the DIP Lenders under the DIP Loan Agreement and the Definitive Documents as amended by the Second DIP Amendment; and
- (c) for greater certainty, paragraph 31 of the Amended and Restated Initial Order is hereby amended to replace the references to "\$1,400,000" with "\$1,925,000".

**APPROVAL OF THE MONITOR'S REPORT AND ACTIVITIES**

6. **THIS COURT ORDERS** that the pre-filing report of the Monitor dated November 6, 2020 and the first report of the Monitor dated November 12, 2020, each filed in the within CCAA Proceedings and the actions, conduct and activities of the Monitor described therein be and are hereby approved.

**GENERAL**

7. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or outside Canada to give effect to this Order and to assist the Applicants and 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 Applicants and the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Applicants and the Monitor and their respective agents in carrying out the terms of this Order.

ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

FEB 19 2021

PER / PAR: *CD.*



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 KING STREET  
COMPANY INC., ET AL.

Court File No: CV-20-00650945-00CL

Applicants

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*ONTARIO*  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)  
Proceeding commenced at: TORONTO

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**ORDER**  
**(STAY EXTENSION)**  
**(Returnable February 12, 2021)**

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