

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

THE HONOURABLE MADAME)	MONDAY, THE 31st
)	
JUSTICE CONWAY)	DAY OF MAY, 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

STAY EXTENSION ORDER

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

ON READING the Motion Record of the Applicants filed in respect of this motion, including the Affidavit of Peter Tsebelis sworn May 26, 2021 (the "**Tsebelis May 26 Affidavit**") and the Exhibits attached thereto, the Fourth Report of MNP Ltd. ("**MNP**") in its capacity as Monitor (the "**Monitor**") of the Applicants dated May 27, 2021 (the "**Fourth Report**"), and on being advised that those parties disclosed on the Service List attached to the Motion Record were given notice, and on hearing the submissions of counsel for the Applicants, counsel for the Monitor and the other parties appearing 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 May 26, 2021, filed:

INTERPRETATION

1. **THIS COURT ORDERS** that capitalized terms used herein and not otherwise defined have the meanings given to them in the Amended and Restated Initial Order issued by the Honourable Mr. Justice Hainey on November 13, 2020, as amended by an Order dated February 12, 2021 and as further amended by an Order dated March 29, 2021 (collectively, the “**Initial Order**”).

SERVICE

2. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion and the Motion Record in support of this motion be and are hereby abridged and validated, such that this motion is properly returnable today and hereby dispenses with further service thereof.

EXTENSION OF STAY OF PROCEEDINGS

3. **THIS COURT ORDERS** that paragraphs 4 and 11 of the Termination Order issued by the Honourable Mr. Justice Hainey on March 29, 2021 in the within proceedings shall hereafter be deemed to have been amended and restated with the text in italics below:

4. ***THIS COURT ORDERS** that the Stay Period shall expire on the earlier of the CCAA Termination Time and July 15, 2021 (the “**Extended Stay Period**”).*

11. ***THIS COURT ORDERS** that the fees and disbursements of the Monitor and the Monitor’s counsel in connection with the completion by the Monitor of its remaining duties and the administration of these proceedings shall be paid in accordance with the revised cash flow forecast attached to each of the Third Report and the Fourth Report dated May 27, 2021, or such other amounts as approved by the DIP Lenders and the Applicants or the Court, if necessary.*

FOURTH DIP AMENDMENT

4. **THIS COURT ORDERS** that the execution by the Applicants of the Fourth Amendment to DIP Loan Agreement substantially in the form attached to the Tsebelis May 26 Affidavit (the “**Fourth DIP Amendment**”) is hereby authorized and approved, and the Applicants are hereby authorized and empowered to borrow up to an additional \$500,000 (\$3,200,000 in the aggregate) pursuant to the DIP Loan Agreement as amended by the Fourth DIP Amendment.

5. **THIS COURT ORDERS** that:

- (a) paragraphs 31 to 39 of the Initial Order shall apply to the DIP Loan Agreement as amended by the Fourth DIP Amendment and all references to the DIP Loan Agreement contained in the Initial Order shall be deemed to be references to the DIP Loan Agreement as amended by the Fourth DIP Amendment;
- (b) the DIP Lenders' Charge under the Initial Order 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 Fourth DIP Amendment; and
- (c) for greater certainty, paragraph 31 of the Initial Order is hereby amended to replace the references to "\$2,700,000" with "\$3,200,000".

GENERAL

6. **THIS COURT ORDERS** that the Fourth Report is hereby approved and the activities and conduct of the Monitor referred to therein are hereby ratified and approved; provided, however, that only the Monitor in its personal and/or corporate capacity and only with respect to its personal and/or corporate liability, shall be entitled to rely upon or utilize in any way such approvals.

7. **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, 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 Applicants and the Monitor as may be necessary or desirable to give effect to this Order or to assist the Applicants, the Monitor and their agents 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 KING STREET COMPANY
INC., ET AL.

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

Applicants

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

STAY EXTENSION ORDER
(Returnable May 31, 2021)

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