

2021

Hfx. No.
Estate No. 51-2743163
Court No. 44783
District of Nova Scotia
Division No. 01-Halifax

**SUPREME COURT OF NOVA SCOTIA
IN BANKRUPTCY & INSOLVENCY**

**IN THE MATTER OF THE PROPOSAL OF
ATLANTIC CRANE & MATERIAL HANDLING LIMITED, LABRADOR
CRANES 2005 LIMITED and LCB RENTALS LIMITED**

Notice of Application in Chambers

To: Service List attached hereto

The applicants request an order against you

The applicants are applying to a judge in chambers for orders:

1. insofar as necessary, abridging the notice periods pursuant to *Civil Procedure Rule 2.03* and the *Bankruptcy and Insolvency General Rules*, Rule 3;
2. pursuant to 50.4(9) of the *Bankruptcy and Insolvency Act* (“*BIA*”), directing that service on the service list set out in Schedule “A” hereto is sufficient for the purposes of these motions;
3. pursuant to Section 50.4(9) of the *BIA* extending the time to file a Proposal in this proceeding, such extension to be from July 7, 2021 up to and including August 21, 2021.
4. pursuant to Section 65.13 of the *BIA* approving the sale of 20 Grandview Avenue, St. John, New Brunswick (“hereinafter “the Property”).

The applicant started this application by filing this notice on the date certified by the prothonotary.

Grounds for order

The applicant is applying for the order on the following grounds:

1. The applicants are insolvent persons as defined in the *BIA*, and filed a Notice of Intention to Make a Proposal on June 7, 2021;
2. The applicants have acted, and continue to act, in good faith and with due diligence;

3. The applicants will likely be able to make a viable proposal if the extension is granted;
4. No creditor will be materially prejudiced if the extension is granted;
5. The trustee supports the granting of an extension;
6. Section 65.13 of the *BIA* requires that an insolvent person wishing to sell property out of the ordinary course of business must obtain court approval for same;
7. The applicants listed the Property for sale with a real estate agent, and have entered into an arm's length agreement of purchase and sale to sell the Property;
8. No secured creditor will be prejudiced by the sale, and the senior secured creditor of the applicants supports the sale;
9. The only creditor having mortgage security on the Property will be paid from the proceeds of sale in full;
10. The applicant's trustee supports the sale;
11. The proceeds of the sale will be held in trust pending further order of the court as to the disposition of same.

Evidence supporting application

The applicant offers the following affidavits in support of the application: affidavit of Jack Miner, sworn on June 16, 2021 and filed herewith, and the 1st Report of the Trustee, to be filed.

A copy of each affidavit is to be delivered to you with this notice, and further affidavits may be delivered before the deadlines provided in Civil Procedure Rule 5 – Application.

You may participate

You may file with the court a notice of contest, and any affidavits upon which you rely, no more than 5 days after this notice is delivered to you or you are otherwise notified of the application. Filing the notice of contest entitles you to notice of further steps in the application, including notice of further affidavits.

Time, date, and place

The application is to be heard by the judge in chambers, on _____ at _____, in The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia. You have the right to be present and to be represented by counsel or to act on your own. If you are not present, the judge may proceed without you.

Possible order against you

The judge may grant a final order on the application without further notice to you if you fail to deliver your notice of contest on time, or if you or your counsel fail to appear in chambers at the above time, date, and place.

Filing and delivering documents

Any documents you file with the court must be filed at the office of the Prothonotary, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 (telephone #424-6900).

When you file a document you must immediately deliver a copy of it to the applicant and each other party entitled to notice, unless the document is part of an *ex parte* motion, the parties agree delivery is not required, or a judge orders it is not required.

Contact information

The applicants designate the following address:

BOYNECLARKE LLP
Barristers and Solicitors
99 Wyse Road, Suite 600
Dartmouth, Nova Scotia B3A 4S5

Documents delivered to this address are considered received by the applicants.

Further contact information is available from the prothonotary.

Signature

Signed June 16, 2021.



Tim Hill, Q.C.
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Telephone: (902) 460-3442
Fax: (902) 463-7500
Counsel for Atlantic Crane & Material
Handling Limited, Labrador Cranes 2005
Limited and LCB Rentals Limited

Prothonotary's Certificate

I certify that this notice of application, was filed with the court on June _____, 2021.

Prothonotary

Service List

MNP Limited

Attention: J. Eric Findlay, CIRP, LIT, CPA
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BDC Capital Inc.

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