

Form 5.03

2023

Court Administration

AUG 04 2023

Halifax, N.S.

Hfx No. 5 2 5 8 9 0  
Estate No. 51-2967109  
Court No. 45522  
District of: Nova Scotia  
Division No. 01-Halifax



Supreme Court of Nova Scotia  
In Bankruptcy and Insolvency

In the Matter of the Proposal of Blue Rose Gardening Inc.

**Notice of Application in Chambers**

TO: The service list attached as Schedule "A"

**The Applicant requests an order against you**

Blue Rose Gardening Inc., the Applicant in this proceeding, moves for an Order:

1. Insofar as necessary, abridging the time for service of the Notice of Application pursuant to *Nova Scotia Civil Procedure Rule 2.03* and the *Bankruptcy and Insolvency General Rules, Rule 3*;
2. Pursuant to s. 50.4(9) of the *Bankruptcy and Insolvency Act* (the "BIA"), directing that service on the service list attached as Schedule "A" is sufficient for the purpose of this application; and
3. Pursuant to s. 50.4(9) of the *BIA*, extending the time to file a Proposal in this proceeding, such extension to be from August 19, 2023 to October 3, 2023.

**Grounds for order**

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

1. The Applicant is an insolvent person as defined in the *BIA* and filed a Notice of Intention to Make a Proposal on July 20, 2023;
2. This is the first extension requested by the Applicant;
3. The Applicant has acted, and continues to act, in good faith and with due diligence;

4. The Applicant will likely be able to make a viable proposal if the extension is granted;
5. No creditor will be materially prejudicated if the extension is granted; and
6. The proposal trustee, MNP Ltd., supports the granting of an extension.

#### **Evidence supporting application**

The Applicant offers the following affidavits and reports in support on the application:

1. affidavit of Robert Corey, President of Blue Rose Gardening Inc., sworn August 4, 2023; and
2. First Report of MNP Ltd., the proposal trustee.

A copy of these documents is to be delivered to you with this notice, and further affidavits may be delivered before the deadlines provide 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 **August 16, 2023 at 9:30 a.m.** at The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia (902-424-4900). 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 at The Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia (902-424-4900).

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 Applicant designates the following address:

Marc Dunning  
Burchell Wickwire Bryson LLP  
1800-1801 Hollis Street  
Halifax, NS B3J 3N4  
Tel: (902) 482-7017  
Fax: (902) 420-9326  
[mdunning@bwblp.ca](mailto:mdunning@bwblp.ca)

Documents delivered to this address are considered received by the Applicant. Further contact information is available from the Prothonotary.


**Signature**

Signed August 4, 2023

  
\_\_\_\_\_  
**Marc Dunning**, as  
counsel for the Applicant,  
Blue Rose Gardening Inc.

**Prothonotary's certificate**

I certify that this notice of application was filed with the court on August 4,  
2023

  
\_\_\_\_\_  
Prothonotary

**JESSICA KUO**  
Deputy Prothonotary

**Schedule "A" – Service List**

<b>Person</b>	<b>Contact</b>	<b>Method of Service</b>
ADD Capital Corp.	Mike F.	<a href="mailto:Mike.f@addcapital.ca"><u>Mike.f@addcapital.ca</u></a>
Business Development Bank of Canada	Brigitte Dupuis	<a href="mailto:Brigitte.dupuis@bdc.ca"><u>Brigitte.dupuis@bdc.ca</u></a>
CWB National Leasing Inc.	Bankruptcy Designate	<a href="mailto:debtenforcement@cwbnationalleasing.com"><u>debtenforcement@cwbnationalleasing.com</u></a>
Dynamic Leasing	None	<a href="mailto:info@dynamicleasing.com"><u>info@dynamicleasing.com</u></a>
Flex Cap Inc.	None	<a href="mailto:credit@flex-cap.ca"><u>credit@flex-cap.ca</u></a>
Jim Pattison Industries Ltd.	Ion Lazar	<a href="mailto:ion.lazar@iplease.com"><u>ion.lazar@iplease.com</u></a>
Kubota Canada Ltd.	Tara Benson	<a href="mailto:tara.benson@kubota.com"><u>tara.benson@kubota.com</u></a>
Mortley Investments Inc.	Scott A. Reinhardt	<a href="mailto:scott@mortley.ca"><u>scott@mortley.ca</u></a>
O'Regan's National Leasing	Shelley Giffin	<a href="mailto:sgiffin@oregans.com"><u>sgiffin@oregans.com</u></a>
Bergman Landscape & Masonry	None	<a href="mailto:info@bergmans.ca"><u>info@bergmans.ca</u></a>
Canada Revenue Agency	None	Shawinigan-Sud National Verification and Collection Centre 4695 Shawinigan-Sud Blvd. Shawinigan-Sud QC G9P 5H9  Fax: 833-697-2390  <a href="mailto:notificationPGc-AGC.fiscal-tax@justice.gc.ca"><u>notificationPGc-AGC.fiscal-tax@justice.gc.ca</u></a>  <a href="mailto:notificationPGC-AGC.civil@justice.gc.ca"><u>notificationPGC-AGC.civil@justice.gc.ca</u></a>
Dura Cast Hardscape Solutions	None	<a href="mailto:payments@cclns.ca"><u>payments@cclns.ca</u></a>

<b>Person</b>	<b>Contact</b>	<b>Method of Service</b>
Eastern Fence Erectors Limited	None	<u><a href="mailto:eastern@easternfence.ns.ca">eastern@easternfence.ns.ca</a></u>
Patterson Law	None	<u><a href="mailto:contactus@pattersonlaw.ca">contactus@pattersonlaw.ca</a></u>
West Nova Fuels Limited	None	73 Falkland Street Lunenburg, NS B0J 2C0 Fax: 902-634-4409
Meridian Onecap Credit Corp.	None	<u><a href="mailto:Client.service@meridianonecap.ca">Client.service@meridianonecap.ca</a></u>