



Court File No.: CL-26-00000362-0000

**ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST**

THE HONOURABLE

)

MONDAY, THE 28TH

JUSTICE DUNPHY

)

DAY OF SEPTEMBER, 2026

)

**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 2055226 ONTARIO INC., ALLIANCE
(SUTTON) INC., BERKSTAR DEVELOPMENT INC. AND
ROSE OPERATING I GP INC.**

MARSHALLZEHR GROUP INC.

Applicant

AND

**2055226 ONTARIO INC., ALLIANCE (SUTTON) INC., BERKSTAR DEVELOPMENT
INC., ROSE SUTTON LIMITED PARTNERSHIP AND ROSE OPERATING I GP INC.**

Respondents

ORDER

(Re: Stay Extension and Approval of Monitor's Conduct and Reports)

THIS MOTION, made by BDO Canada Limited, in its capacity as the Court-appointed monitor (in such capacity, the "**Monitor**") of 2055226 Ontario Inc., Alliance (Sutton) Inc. ("**Alliance**"), Berkstar Development Inc., Rose Sutton Limited Partnership and Rose Operating I GP Inc. (collectively, the "**Respondents**") pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended (the "**CCAA**"), for an Order, among other things, (a)

extending the Stay Period (as defined in the Amended and Restated Initial Order dated August 28, 2026 (the “**ARIO**”) to December 4, 2026; and (b) approving the activities, conduct, and decisions of the Monitor as set out in the Pre-Filing Report of the Monitor dated August 17, 2026, the First Report of the Monitor dated August 27, 2026, the Second Report of the Monitor dated September 11, 2026 and the Third Report of the Monitor dated September 22, 2026 (the “**Third Report**” and collectively, the “**Reports**”), was heard this day at 330 University Avenue, Toronto, Ontario by judicial videoconference via Zoom.

ON READING the Motion Record of the Monitor in respect of this motion, including the Third Report and its appendices filed and the supplemental report to the Third Report dated September 25, 2026 (the “**Supplemental Report**”), and on hearing the submissions of counsel for the Monitor, counsel for the Applicant, counsel for the Ducimus Capital Inc. and such other counsel as were present as appears on the Participant List, with no one else appearing for any other person although duly served as it appears from the affidavit of service of Stephanie Filosa sworn September 23, 2026, filed,

SERVICE AND DEFINED TERMS

1. **THIS COURT ORDERS** that the time for service of the Notice of Motion, the Motion Record and the Supplemental Report is hereby abridged and validated such that this Motion is properly returnable today, and hereby dispenses with further service thereof.
2. **THIS COURT ORDERS** that, unless otherwise indicated or defined herein, all capitalized terms have the meanings given to them in the ARIO or the Third Report, as applicable.

EXTENSION OF STAY PERIOD

3. **THIS COURT ORDERS** that the Stay Period is hereby extended from November 13, 2026 to and including December 4, 2026.

APPROVAL OF MONITOR'S REPORTS, ACTIVITIES AND CONDUCT

4. **THIS COURT ORDERS** that the Reports (including the Supplemental Report) and the activities, conduct, and decisions of the Monitor described therein are hereby approved, provided that only the Monitor in its personal capacity and only with respect to its own personal liability shall be entitled to rely upon or utilize in any way such approval.

GENERAL

5. **THIS COURT ORDERS** that the Applicant and Monitor be and are each hereby authorized and at liberty, and are each hereby authorized and empowered, to apply to any court, tribunal, regulatory, or administrative body, wherever located, for the recognition of this Order and for assistance in carrying out the terms of this Order, and that the Monitor and Applicant are each authorized and empowered to act as a representative in respect of the within proceedings for the purpose of having these proceedings recognized in a jurisdiction outside of Canada.

6. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory, or administrative body having jurisdiction in Canada, the United States, or elsewhere to give effect to this Order and to assist the Applicant, 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 Applicant and to the Monitor, as an officer of this Court, as may be necessary or desirable to give effect to

this Order, to grant representative status to the Monitor in any foreign proceeding, or to assist the Applicant and the Monitor and their respective agents in carrying out the terms of this Order.

A handwritten signature in black ink, appearing to read "Sean Dunphy", is written over a horizontal line.

Digitally signed by
Sean Dunphy

~~Date: 2026.09.28~~
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MARSHALLZEHR GROUP INC.

-and-

**2055226 ONTARIO INC., ALLIANCE (SUTTON) INC., BERKSTAR
DEVELOPMENT INC., ROSE SUTTON LIMITED PARTNERSHIP
and ROSE OPERATING I GP INC.**

Applicant

Respondents

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
TORONTO
(COMMERCIAL LIST)

ORDER
**(Re: Stay Extension and Approval of Monitor's Conduct and
Reports)**

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Lawyers for BDO Canada Limited
in its Capacity as Monitor