

File No. CI 24-01-45056

**THE KING'S BENCH
WINNIPEG CENTRE**

IN THE MATTER OF: THE APPOINTMENT OF A RECEIVER PURSUANT TO
SECTION 243 OF THE *BANKRUPTCY AND
INSOLVENCY ACT*, R.S.C. 1985, C. B-3 AS AMENDED,
AND SECTION 55 OF *THE COURT OF KING'S BENCH
ACT*, C.C.S.M. C. C280

BETWEEN:

BANK OF MONTREAL,

Applicant,

- and -

**GENESUS INC., CAN-AM GENETICS INC.,
GENESUS GENETICS INC.,**

Respondents.

**ORDER
(ALLOCATION, INTERIM DISTRIBUTION AND ANCILLARY MATTERS)**

MLT AIKINS LLP

Barristers and Solicitors
30th Floor – 360 Main Street
Winnipeg, MB R3G 4G1

J.J. BURNELL / ANJALI SANDHU

Phone: (204) 957-4663 / (204) 957-4760
Fax: (204) 957-0840

File No. 0128056.00004

**THE KING'S BENCH
WINNIPEG CENTRE**

THE HONOURABLE
MR. JUSTICE CHARTIER

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THURSDAY, THE 11TH
DAY OF SEPTEMBER, 2025

IN THE MATTER OF: THE APPOINTMENT OF A RECEIVER PURSUANT TO SECTION 243 OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, C. B-3 AS AMENDED, AND SECTION 55 OF *THE COURT OF KING'S BENCH ACT*, C.C.S.M. C. C280

BETWEEN:

BANK OF MONTREAL

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- and -

**GENESUS INC., CAN-AM GENETICS INC. and
GENESUS GENETICS INC.,**

Respondents.

**ORDER
(ALLOCATION, INTERIM DISTRIBUTION AND ANCILLARY MATTERS)**

THIS MOTION, made by BDO Canada Limited in its capacity as the Court-appointed receiver and manager (the "**Receiver**") of all of the undertaking, property and assets of 10014640 Manitoba Inc. (formerly Genesus Inc.) ("**Genesus**"), 3940480 Manitoba Inc. (formerly Can-Am Genetics Inc.) ("**Can-Am**"), and Genesus Genetics Inc. ("**GGI**", and together with Genesus and Can-Am, the "**Companies**") for an order, *inter alia*, approving the Receiver's proposed cost allocation, approving and authorizing the payment of the interim distribution by the Receiver, approving the actions of the Receiver, and approving the fees and disbursements of the Receiver and its counsel, was heard this day at the Law Courts Building, 408 York Avenue, Winnipeg, Manitoba.

ON READING the First Report of the Receiver dated July 2, 2024, the Second Report of the Receiver dated July 24, 2024, the Third Report of the Receiver dated October 2, 2024, the Fourth Report dated January 22, 2025, the Fifth Report of the Receiver dated June 4, 2025, each of the respective confidential supplements thereto, the Sixth Report of the Receiver dated September 5, 2025 (the “**Sixth Report**”), the Seventh Report of the Receiver dated September 8, 2025 (the “**Seventh Report**”), the Confidential Supplement to the Seventh Report dated September 8, 2025 (the “**Seventh Confidential Supplement**”), and the Affidavit of Brittany Chapdelaine sworn September 10, 2025, and on hearing the submissions of counsel for the Receiver, counsel for the Companies, counsel for the Bank of Montreal, counsel for Farm Credit Canada, no one appearing for any other person on the Service List, although properly served as appears from the affidavits of Brittany Chapdelaine each sworn September 10, 2025, filed:

1. THIS COURT ORDERS that the time for service of the Notice of Motion and the materials filed in support thereof is hereby abridged and validated so that this Motion is properly returnable today and hereby dispenses of further service thereof.
2. THIS COURT ORDERS that the Receiver’s proposed cost allocation amongst the assets of the Companies in the manner set out in paragraph 23 of the Sixth Report is hereby approved.
3. THIS COURT ORDERS that the following payments and/or distributions by the Receiver are hereby approved and authorized:
 - a. payment to Service Canada in the amounts of \$5,271 and \$21,512, respectively in satisfaction of the respective Wage Earner Protection

Program priority claims of Can-Am and Genesis, together with any applicable interest to the date of payment;

- b. payment to Canada Revenue Agency in the amount of \$64,461 in satisfaction of the goods and service tax priority claim of Genesis together with any applicable interest to the date of payment;
 - c. payment to Farm Credit Canada in the amount of \$1,141,454 in satisfaction of its secured claim by way of its first mortgage which was registered as Mortgage No. 4434702/1 against the real property (the “**Park Blvd. Property**”) legally described on Title No. 3332995/1 in the Winnipeg Land Titles Office, together with any applicable interest to the date of payment;
 - d. payment to Bank of Montreal in the amount of up to \$1,250,000 on account of its secured claim by way of its general security agreement registration; and
 - e. a holdback in the amount of approximately \$636,880, which includes retention of \$273,414 from the proceeds in respect of the Park Blvd. Property for the ongoing administration of these receivership proceedings.
4. THIS COURT ORDERS that the Sixth Report, the Seventh Report and the Seventh Confidential Supplement and the actions of the Receiver, described therein, including the Statement of Receipts and Disbursements contained in the Sixth Report are hereby approved.
 5. THIS COURT ORDERS that the fees and disbursements of the Receiver from May 1, 2025 to July 31, 2025 and the respective fees and disbursements of its legal counsel MLT Aikins LLP, Fillmore Riley LLP, and D’Arcy & Deacon LLP from June

1, 2025 to July 31, 2025 as set out in the Sixth Report are hereby approved, without the need for formal passing of accounts.

DATE: _____

G.L. Chartier

Digitally signed by G.L.
Chartier
Date: 2025.09.16 09:11:35
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Chartier, J.

I, ANJALI SANDHU, OF THE FIRM OF MLT AIKINS LLP HEREBY CERTIFY THAT I HAVE RECEIVED THE CONSENTS AS TO FORM OF THE FOLLOWING PARTIES:

Kalev Anniko of Fillmore Riley LLP, counsel for the Companies
Catherine Howden of Pitblado LLP, counsel for Bank of Montreal
Charles Roy of Taylor McCaffrey LLP, counsel for Farm Credit Canada

AS DIRECTED BY THE HONOURABLE MR. JUSTICE CHARTIER