

District of: Ontario  
Division No.: 09-Toronto  
Court No.: 31-3038619  
Estate No.: 31-3038619

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**

THE HONOURABLE )  
JUSTICE KIMMEL )  
MONDAY, THE 15TH  
DAY OF APRIL, 2024

B E T W E E N:

*(Court Seal)*

IN THE MATTER OF NOTICE OF INTENTION TO MAKE  
A PROPOSAL OF  
BRR LOGISTICS LIMITED

**ORDER  
(Stay Extension and WEPPA)**

**THIS MOTION**, made by BRR Logistics Limited (the “**Company**”), pursuant to the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended (the “**BIA**”) was heard this day by video conference at 330 University Avenue, Toronto, Ontario.

**ON READING** the Notice of Motion, the Affidavit of Michael Wakefield sworn April 9, 2024 and the exhibits thereto (the “**Wakefield Affidavit**”), and the Third Report of BDO Canada Limited (“**BDO**”) dated April 9, 2024 (the “**Third Report**”), in its capacity as proposal trustee of the Company (in such capacity, the “**Proposal Trustee**”), and on hearing the submissions of counsel for the Company and counsel for the Proposal Trustee, and those other parties present, no

one else appearing although duly served as appears from the Affidavit of Service of Shallon Garrafa, filed,

### **SERVICE AND INTERPRETATION**

1. **THIS COURT ORDERS** that the time for service and filing of the Notice of Motion and Motion Record of the Company are hereby abridged and validated so that this motion is properly returnable today and hereby dispenses with further service hereof.

2. **THIS COURT ORDERS** that capitalized terms used herein and not otherwise defined shall have the meanings given to such terms in the Wakefield Affidavit or the Third Report, as applicable.

### **EXTENSION OF THE PROPOSAL PERIOD**

3. **THIS COURT ORDERS** that, pursuant to subsection 50.4(9) of the BIA, the time for filing a proposal with the Official Receiver in the proceedings of the Company, including the stay of proceedings, is extended up to and including May 30, 2024.

### **WAGE EARNER PROTECTION PROGRAM ACT**

4. **THIS COURT ORDERS** that for the purposes of subsections 5(1)(b)(iv) and 5(5) of the *Wage Earner Protection Program Act* (Canada), S.C. 2005, c. 47, s. 1 (“**WEPPA**”), the Company meets the criteria prescribed by section 3.2 of the *Wage Earner Protection Program Regulations*, SOR/2008-222, and the Company’s former employees whose employment was terminated during the prescribed eligibility period associated with the Company’s filing of a Notice of Intention to Make a Proposal on January 31, 2024 under the BIA are eligible, subject to section 9 of the

WEPPA, to receive payments in accordance with the WEPPA following the termination of their employment.

5. **THIS COURT ORDERS** that the Proposal Trustee is hereby authorized and directed to carry out its prescribed duties in accordance with section 21 of the WEPPA.

**APPROVAL OF THE CONDUCT, ACTIONS AND FEES OF THE PROPOSAL TRUSTEE**

6. **THIS COURT ORDERS** that the Second Report of the Proposal Trustee dated March 21, 2024 and the Third Report, and the conduct and activities of the Proposal Trustee described therein, be and are hereby approved; provided, however, that only the Proposal Trustee, 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.

7. **THIS COURT ORDERS** that the fees and disbursements of the Proposal Trustee up to and including April 3, 2024, as set out in the Third Report as well as the fee affidavit of Brent Warga sworn April 8, 2024, appended to the Third Report, be and are hereby approved.

8. **THIS COURT ORDERS** that the fees and disbursements of the Proposal Trustee's counsel, Aird & Berlis LLP, up to and including April 3, 2024, as set out in the Third Report as well as the fee affidavit of Ian Aversa sworn April 5, 2024, appended to the Third Report, be and are hereby approved.

## SEALING

9. **THIS COURT ORDERS** that the Confidential Supplement to the Third Report shall be filed and kept confidential and under seal with the Court until the completion of these NOI proceedings and the discharge of the Proposal Trustee, or until further order of this Court.

## GENERAL

10. **THIS COURT ORDERS** that the E-Service Protocol of the Commercial List (the “**Protocol**”) is approved and adopted by reference herein and, in these proceedings, the service of documents made in accordance with the Protocol (which can be found on the Commercial List website at <http://www.ontariocourts.ca/scj/practice/practice-directions/toronto/eservice-commercial>) shall be valid and effective service. Subject to Rule 17.05 of the Rules of Civil Procedure (the “**Rules**”), this Order shall constitute an order for substituted service pursuant to Rule 16.04 of the Rules. Subject to Rule 3.01(d) of the Rules and paragraph 21 of the Protocol, service of documents in accordance with the Protocol will be effective on transmission.

11. **THIS COURT ORDERS** that if the service or distribution of documents in accordance with the Protocol is not practicable, the Company and the Proposal Trustee are at liberty to serve or distribute this Order, any other materials and orders in these proceedings, any notices or other correspondence, by forwarding true copies thereof by prepaid ordinary mail, courier, personal delivery or facsimile transmission to the Company’s creditors or other interested parties at their respective addresses as last shown on the records of the Company and that any such service or distribution by courier, personal delivery or facsimile transmission shall be deemed to be received

on the next business day following the date of forwarding thereof, or if sent by ordinary mail, on the third business day after mailing.

12. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or the United States, to give effect to this Order and to assist the Company, the Proposal Trustee 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 Company and the Proposal Trustee, as an officer of this Court, as may be necessary or desirable to give effect to this Order, to grant representative status to the Proposal Trustee in any foreign proceeding, or to assist the Company and the Proposal Trustee and their respective agents in carrying out the terms of this Order.

13. **THIS COURT ORDERS** that each of the Company or the Proposal Trustee shall be at liberty and are 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.

14. **THIS COURT ORDERS** that this Order and all of its provisions are effective as of 12:01 a.m. Eastern Standard/Daylight Time on the date of this Order, and this Order is enforceable without the need for entry and filing.

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*(Signature of judge, officer or registrar)*

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Proceeding Commenced at  
Toronto

**ORDER**  
**(STAY EXTENSION AND WEPPA)**

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