



NO. S267204
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

BANK OF MONTREAL

PETITIONER

AND:

CANSTAR RESTORATIONS LIMITED PARTNERSHIP, by its general partner
CANSTAR RESTORATIONS GP INC., CANSTAR RESTORATIONS GP INC., and
L.U.N.A RESTORATIONS INC.

RESPONDENTS

NOTICE OF APPLICATION

Name of Applicant: The Petitioner, Bank of Montreal

To: WITHOUT NOTICE

TAKE NOTICE that a without notice application will be made by the Applicant to be heard by the Honourable Justice Stephens at the Courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia on Friday, October 2, 2026, at 9:45 a.m., as confirmed by the Notice of Hearing of Application for the orders set out in Part 1 below. **This matter has been booked through trial scheduling.**

The Applicant estimates that the application will take 10 minutes.

This matter was booked through Trial Scheduling.

☒ This matter is not within the jurisdiction of an Associate Judge. The Honourable Justice Stephens is seized of this matter.

Part 1: ORDERS SOUGHT

1. An order pursuant to Rule 13-1(17) and section 187(5) of the *Bankruptcy and Insolvency Act*, substantially in the form attached hereto as **Schedule "A"**, amending the

Receivership Order of Justice Stephens made herein on September 28, 2026 (the “**Receivership Order**”) by deleting paragraph 8 thereof in its entirety and replacing it with the following:

8. No Proceeding against or in respect of the Debtors or the Property, including claims under the *Builders Lien Act*, SBC 1997, c 45, the *Prompt Payment and Construction Lien Act*, RSA 2000, c P-26.4, and *The Builders' Lien Act*, SS 1984-85-86, c B-7.1 (collectively, the “**Lien Acts**”), shall be commenced or continued except with the written consent of the Receiver or with leave of this Court and any and all Proceedings currently under way against or in respect of the Debtors or the Property are stayed and suspended pending further Order of this Court; provided, however, that nothing in this Order shall prevent any Person from commencing a Proceeding regarding a claim, other than a claim under the Lien Acts, or any of them, that might otherwise become barred by statute or an existing agreement if such Proceeding is not commenced before the expiration of the stay provided by this paragraph and provided that no further step shall be taken in respect of the Proceeding except for service of the initiating documentation on the Debtors and the Receiver. Any lien claim under any of the Lien Acts that might, but for this paragraph, otherwise become barred by statute or an existing agreement if such lien claim is not commenced before the expiration of the stay provided by this paragraph, shall be tolled, extended, and preserved during the pendency of the stay of proceedings imposed by this paragraph, subject to further Order of this Court.

2. Such further and other relief as counsel may advise and this Honourable Court may deem just.

Part 2: FACTUAL BASIS

1. On application by the Petitioner, Bank of Montreal, the Honuorable Justice Stephens made the Receivership Order on September 28, 2026, appointing AlixPartners Restructuring, Inc. as receiver and receiver and manager (in that capacity, the “**Receiver**”), without security, of all the assets, undertakings, and property of Canstar Restorations Limited Partnership by its general partner Canstar Restorations GP Inc., Canstar Restorations GP Inc., and L.U.N.A. Restorations Inc. (collectively, the “**Debtors**”) acquired for, or used in relation to a business carried on by the Debtors (collectively, the “**Property**”).

2. The Receivership Order included, among other things, the following language (the “**Stay Provision**”):

8. No Proceeding against or in respect of the Debtors or the Property, including claims under the *Builders Lien Act*, SBC 1997, c 45 (the “**BLA**”), shall be commenced or continued except with the written consent of the Receiver or with leave of this Court and any and all Proceedings currently under way against or in respect of the Debtors or the Property are stayed and suspended pending

further Order of this Court; provided, however, that nothing in this Order shall prevent any Person from commencing a Proceeding regarding a claim, other than a claim under the *BLA*, that might otherwise become barred by statute or an existing agreement if such Proceeding is not commenced before the expiration of the stay provided by this paragraph and provided that no further step shall be taken in respect of the Proceeding except for service of the initiating documentation on the Debtors and the Receiver. Any lien claim under the *BLA* that might, but for this paragraph, otherwise become barred by statute or an existing agreement if such lien claim is not commenced before the expiration of the stay provided by this paragraph, shall be tolled, extended, and preserved during the pendency of the stay of proceedings imposed by this paragraph, subject to further Order of this Court.

3. The Stay Provision was drafted to ensure that the Debtors' creditors would be stayed from filing builders liens against or in respect of the Debtors or the Property, in each of the jurisdictions in which the Debtors do business, to preserve and protect the value of the Property during these proceedings. The Receiver was and is seriously concerned that such lien claims could materially prejudice the viability of the Debtors' business during the receivership, and a going concern sale thereof.

4. The Debtors do business across British Columbia, Alberta, and Saskatchewan. Through inadvertence in drafting the Receivership Order, however, the Stay Provision deals only with potential lien claims under the British Columbia *Builders Lien Act*. This application seeks to expand the Stay Provision to also address potential claims under equivalent legislation in Alberta and Saskatchewan.

5. As will be further described in a Second Supplement to the Receiver's Pre-Filing Report, to be filed, certain of the Debtors' suppliers have indicated that they intend to file lien claims against or in respect of the Debtors and the Property in Alberta and Saskatchewan. Accordingly, the proposed amendment is necessary to give effect to the purpose of the Stay Provision, as described above.

Part 3: LEGAL BASIS

6. The Receiver relies on Rule 13-1(17) of the *Supreme Court Civil Rules*, section 187(5) of the *Bankruptcy and Insolvency Act*, and the inherent jurisdiction of this Honourable Court.

7. Section 187(5) of the *Bankruptcy and Insolvency Act* provides that this Court may review, rescind, or vary any order made by it under its bankruptcy jurisdiction.

8. Rule 13-1(17), sometimes referred to as the “Slip Rule”, provides that the court may at any time correct a clerical mistake in an order or an error arising in an order from an accidental slip or omission or may amend an order to provide for any matter that should have been but was not adjudicated on.

9. The two potential uses for the rule are as follows: “to rectify a slip in drawing the order which, if unamended, would produce a result contrary to the intention of the court or of the parties”; or “to provide for a matter which should have been but was not adjudicated upon”.

Harper KL Development Corp. v 1131182 B.C. Ltd., 2023 BCSC 1263,
citing *Chand v. Insurance Corporation of
British Columbia*, 2009 BCCA 559 at para. 44.

10. As set out above:

- (a) the relevant Alberta and Saskatchewan statutes were excluded from the scope of the Stay Provision through inadvertence; and
- (b) the requested amendment is necessary to give effect to the purpose and intention of the Stay Provision.

Part 4: MATERIAL TO BE RELIED ON

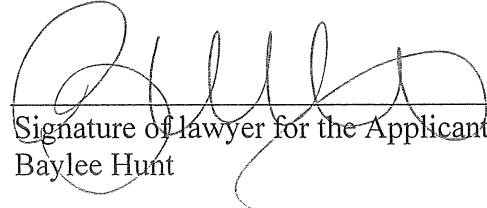
- 1. Receivership Order made September 28, 2026
- 2. Second Supplement to the Pre-Filing Report of the Receiver, to be filed

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this Notice of Application, you must, within 5 business days after service of this Notice of Application or, if this application is brought under Rule 9-7, within 21 business days after service of this Notice of Application, serve the following on the Applicant and on every other party of record:

- (a) a copy of your unfiled Application Response;
- (b) a copy of the affidavits or other evidence that you intend to refer to at the hearing of this Application and that has not already been served on that person;

- (c) if this Application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7 (9).

Dated at the City of Vancouver, in the Province of British Columbia, this 2nd day of October, 2026.



Signature of lawyer for the Applicant
Baylee Hunt

This Notice of Application is filed by Baylee Hunt, of the law firm of Lawson Lundell LLP, whose place of business and address for delivery is 1600 – 925 West Georgia Street, Vancouver, British Columbia, V6C 3L2, e-mail address: bhunt@lawsonlundell.com; telephone number: 604-685-3456.

To be completed by the court only:

Order made

☐ in the terms requested in paragraphs _____
of Part 1 of this Notice of Application

☐ with the following variations and additional terms:

Date:

Signature of ☐ Judge ☐ Associate Judge

APPENDIX

The following information is provided for data collection purposes only and is of no legal effect.

THIS APPLICATION INVOLVES THE FOLLOWING:

- ☐ discovery: comply with demand for documents
- ☐ discovery: production of additional documents
- ☐ other matters concerning document discovery
- ☐ extend oral discovery
- ☐ other matter concerning oral discovery
- ☐ amend pleadings
- ☐ add/change parties
- ☐ summary judgment
- ☐ summary trial
- ☐ service
- ☐ mediation
- ☐ adjournments
- ☐ proceedings at trial
- ☐ case plan orders: amend
- ☐ case plan orders: other
- ☐ experts
- ☒ none of the above

**IN THE SUPREME COURT OF BRITISH COLUMBIA
IN BANKRUPTCY AND INSOLVENCY**

**IN THE MATTER OF THE RECEIVERSHIP OF
CANSTAR RESTORATIONS LIMITED PARTNERSHIP, by its general partner
CANSTAR RESTORATIONS GP INC., CANSTAR RESTORATIONS GP INC.,
and L.U.N.A RESTORATIONS INC.**

BETWEEN:

BANK OF MONTREAL

PETITIONER

AND:

CANSTAR RESTORATIONS LIMITED PARTNERSHIP, by its general partner
CANSTAR RESTORATIONS GP INC., CANSTAR RESTORATIONS GP INC., and
L.U.N.A RESTORATIONS INC.

RESPONDENTS

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE

JUSTICE STEPHENS

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OCTOBER 2, 2026

ON THE WITHOUT NOTICE APPLICATION of Bank of Montreal for an Order pursuant to Rule 13-1(17) of the British Columbia *Supreme Court Civil Rules* and Section 187(5) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended (the “BIA”).

AND ON READING the Second Supplement to the Pre-Filing Report of the Receiver, dated October ●, 2026; **AND ON HEARING** Baylee Hunt, counsel for the Petitioner, and ●, counsel for AlixPartners Restructuring, Inc., in its capacity as receiver and receiver and manager of all of the assets, undertakings and property of Respondents.

THIS COURT ORDERS AND DECLARES that:

1. The order of this court made herein on September 28, 2026 is hereby amended by removing paragraph 8 thereof and replacing it with the following:
 8. No Proceeding against or in respect of the Debtors or the Property, including claims under the *Builders Lien Act*, SBC 1997, c 45, the *Prompt Payment and Construction Lien Act*, RSA 2000, c P-26.4, and *The Builders' Lien Act*, SS 1984-85-86, c B-7.1 (collectively, the “**Lien Acts**”), shall be commenced or continued except with the written consent of the Receiver or with leave of this Court and any and all Proceedings currently under way against or in respect of the Debtors or the Property are stayed and suspended pending further Order of this Court; provided, however, that nothing in this Order shall prevent any Person from commencing a Proceeding regarding a claim, other than a claim under the Lien Acts, or any of them, that might otherwise become barred by statute or an existing agreement if such Proceeding is not commenced before the expiration of the stay provided by this paragraph and provided that no further step shall be taken in respect of the Proceeding except for service of the initiating documentation on the Debtors and the Receiver. Any lien claim under any of the Lien Acts that might, but for this paragraph, otherwise become barred by statute or an existing agreement if such lien claim is not commenced before the expiration of the stay provided by this paragraph, shall be tolled, extended, and preserved during the pendency of the stay of proceedings imposed by this paragraph, subject to further Order of this Court.
2. Endorsement of this Order by counsel appearing on this application other than the Petitioner is dispensed with.

THE FOLLOWING PARTIES APPROVE OF THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

APPROVED BY:

Signature of Baylee Hunt
lawyer for Petitioner

BY THE COURT

DISTRICT REGISTRAR

Action No. S267204
Vancouver Registry

IN THE SUPREME COURT OF BRITISH
COLUMBIA

BETWEEN:

BANK OF MONTREAL

Petitioner

AND:

CANSTAR RESTORATIONS LIMITED
PARTNERSHIP by its general partner
CANSTAR RESTORATIONS GP INC., CANSTAR
RESTORATIONS GP INC., and
L.U.N.A RESTORATIONS INC.

Respondents

ORDER MADE AFTER APPLICATION

Lawson Lundell, LLP

925 W Georgia St Suite 1600

Email: wroberts@lawsonlundell.com

File No.: 14134.167322

NO. S267204
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

BANK OF MONTREAL

PETITIONER

AND:

**CANSTAR RESTORATIONS LIMITED PARTNERSHIP, by
its general partner CANSTAR RESTORATIONS GP INC.,
CANSTAR RESTORATIONS GP INC., and L.U.N.A
RESTORATIONS INC.**

RESPONDENTS

NOTICE OF APPLICATION



Barristers & Solicitors
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925 West Georgia Street
Vancouver, British Columbia
V6C 3L2

Phone: (604) 685-3456
Attention: Baylee Hunt

File No. 14134-167322