



FORCE FILED

No. S-264225
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c.
C-36, AS AMENDED

AND

IN THE MATTER OF SYMPHONY HOMES (MOONLIGHT SONATA) LIMITED,
1168386 B.C. LTD., 1197030 B.C. LTD., 1197062 B.C. LTD., SYMPHONY HOMES
(WAYBURNE) LTD., and 663466 B.C. LTD.

PETITIONERS

NOTICE OF APPLICATION

Name of applicant: AlixPartners Restructuring, Inc. in its capacity as court-appointed monitor
of the Petitioners (the "**Monitor**")

To: The Service List attached as **Schedule "A"**

TAKE NOTICE that an application will be made by the applicant to Justice Milman at the
courthouse at 800 Smithe Street, Vancouver, BC on September 10, 2026 at 9:00 a.m. for the
orders set out in Part 1 below.

The applicant estimates that the application will take 15 minutes.

- ☐ This matter is within the jurisdiction of an associate judge.
- ☒ This matter is not within the jurisdiction of an associate judge.

Part 1: ORDERS SOUGHT

1. An order substantially in the form attached as **Schedule "B"**, extending the Stay Period (as defined below) until October 9, 2026 at 11:59 p.m. (Vancouver time).
2. Such other orders, directions, and declarations as counsel for the Monitor may advise and this Court may deem appropriate in the circumstances.

Part 2: FACTUAL BASIS

Background

3. The Petitioners are a group of companies involved in the ownership and construction of a townhouse development project in Burnaby, British Columbia (the “**Project**”).
4. On June 17, 2026, this Court granted an initial order (the “**Initial Order**”), among other things:
 - (a) granting a stay of proceedings in respect of the Petitioners until June 26, 2026 (the “**Stay Period**”);
 - (b) authorizing the Petitioners to borrow under an interim financing credit facility made available by KingSett Mortgage Corporation (“**KingSett**”) up to the maximum principal amount of \$27,900,000 (the “**DIP Loan**”), provided that borrowings under the DIP Loan shall not exceed \$500,000 unless permitted by further order of the Court; and
 - (c) granted an “Administration Charge” and an “Interim Lender’s Charge” against the property of the Petitioners.
5. On June 26, 2026, this Court granted an amended and restated initial order (the “**ARIO**”), among other things:
 - (a) extending the Stay Period to July 31, 2026;
 - (b) increasing authorized borrowing under the DIP Loan to \$1,000,000; and
 - (c) adding Symphony Homes (Wayburne) Ltd. as a Petitioner in these proceedings.
6. On July 29, 2026, this Court granted an order (the “**Enhanced Powers Order**”), among other things:
 - (a) extending the Stay Period to September 11, 2026; and
 - (b) granting enhanced powers to the Monitor, including any powers the Monitor deems appropriate which may be properly exercised by the board of directors or any

officers of the Petitioners, on behalf of and in the name of the Petitioners (the "Enhanced Powers").

Extension of the Stay Period

7. After pronouncement of the Enhanced Powers Order, the Monitor has increased its involvement in the affairs of the Petitioners and exercised the Enhanced Powers in an effort to stabilize and advance the Project.
8. Among other things, as further detailed in the Monitor's Report, the Monitor reports that engaging a new construction manager for the Project is an essential step to develop necessary construction plans and budgets, secure additional funding availability under the DIP Loan, and restart construction.
9. To engage a new construction manager, the Monitor has, among other things:
 - (a) disclaimed the CCDC-5B Construction Management Contract dated March 1, 2022, between Symphony Homes (Moonlight Sonata) Limited, and the related non-Petitioner entity, Symphony Homes Limited, pursuant to Section 32 of the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36 ("CCAA");
 - (b) issued a request for proposals (the "RFP") to four parties identified as having relevant development and construction experience;
 - (c) reviewed the RFP responses and engaged in follow-up discussions with the respondents;
 - (d) consulted with KingSett regarding the RFP responses and the selection of a preferred respondent; and
 - (e) selected Townline Construction Inc. ("Townline") as the preferred respondent with whom to negotiate definitive construction management and development management arrangements for the Project.
10. The Monitor has since advanced negotiations with Townline regarding the terms of the proposed construction management and development management arrangements. The

Monitor anticipates bringing an application before this Court to approve those agreements, including the related costs to the Project.

11. To complete this work, the Monitor seeks an extension of the Stay Period (the “**Stay Extension**”) to and including October 9, 2026 at 11:59 p.m. (Vancouver time).
12. The Monitor has prepared an updated cash flow forecast up to the end of the proposed Stay Extension (the “**Cash Flow Forecast**”). The Cash Flow Forecast confirms that the Petitioners will have sufficient liquidity to continue meeting financial obligations during the period of the Stay Extension.

Part 3: LEGAL BASIS

13. The Monitor relies upon:
 - (a) Section 11.02 of the CCAA; and
 - (b) Rule 8-5(6) of the Supreme Court Civil Rules.
14. On an application other than an initial application, Sections 11.02(2) and (3) of the CCAA give this Court jurisdiction to grant a stay of proceedings for any period that it considers necessary, provided it is satisfied that such an extension is appropriate, and the debtor company has acted and continues to act in good faith and with due diligence.

North American Tungsten Corp., Re, 2015 BCSC 1376 at 24-26

Urbancorp Cumberland 2 GP Inc., 2022 ONSC 3248 at 1 and 8-11

15. The Petitioners, through the Monitor and the Enhanced Powers, have been working in good faith and with due diligence to complete the Project for the benefit of all stakeholders. The requested Stay Extension is appropriate and necessary to, among other things, ensure that the Monitor has sufficient time to finalize and seek this Court’s approval of the new construction management agreement.

Part 4: MATERIAL TO BE RELIED ON

1. Amended and Restated Initial Order dated June 26, 2026;
2. Order Made After Application dated July 29, 2026;

3. Second Report of the Monitor dated July 21, 2026;
4. Supplement to the Second Report of the Monitor dated July 29, 2026;
5. Third Report of the Monitor dated September 4, 2026; and
6. such further and other material as counsel may advise and this Court may allow.

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 8 business days after service of this notice of application,

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i) a copy of the filed application response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7 (9).

Dated: September 4, 2026



Signature of ☐ Applicant(s)

Christian Garton

☒ Lawyer for applicant(s)

For: Mary Buttery, K.C.

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:[dd/mm/yyyy].....

.....
Signature of [] Judge [] Associate Judge

Appendix

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

SCHEDULE "A"

(see attached)

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1985, C. C-36

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and 663466 B.C. LTD.

PETITIONERS

SERVICE LIST

As of July 29, 2026

Clark Wilson LLP	Osler, Hoskin & Harcourt LLP
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<i>Counsel for the Petitioners</i>	<i>Counsel for the Monitor</i>

AlixPartners Restructuring, Inc. Attention: Noah Goldstein Murtaza Tallat Andrew Young Email: ngoldstein@alixpartners.com murtaza.tallat@alixpartners.com ayoung@alixpartners.com <i>The Monitor</i>	Fasken Martineau DuMoulin LLP Attention: Kibben Jackson Heidi Esslinger Email: kjackson@fasken.com hesslinger@fasken.com jbeaulieu@fasken.com <i>Counsel for Kingsett Mortgage Corporation</i>
Department of Justice Canada British Columbia Regional Office 900 - 840 Howe Street Vancouver, BC V6Z 2S9 Attention: Aminollah Sabzevari Nikhil Pandey Email: Aminollah.Sabzevari@justice.gc.ca; Nikhil.Pandey@justice.gc.ca <i>Counsel for CRA</i>	The Government of British Columbia Deputy Attorney General Ministry of Attorney General PO Box 9290 Stn Prov Govt Victoria, BC V8W9J7 Email: AGLSBRevTaxInsolvency@gov.bc.ca
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Solimano Law Attention: Diego Solimano Samuel Drinovz Email: spd@solimanolaw.ca das@solimanolaw.ca <i>Counsel for Mountview Construction Ltd.</i>	Kuhn LLP 100 – 32160 South Fraser Way Abbotsford, B.C. V2T 1W5 Attention: Andrew Delmonico Brandon M. Potomak Email: adelmonico@kuhnco.net bpotomak@kuhnco.net mtipton@kuhnco.net service@kuhnco.net Phone: 604.864.8877 <i>Counsel for Haney Builders' Supplies (1971) Ltd.</i>

E-Service List

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SCHEDULE "B"

(see attached)

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(WAYBURNE) LTD., and 663466 B.C. LTD.

PETITIONERS

ORDER MADE AFTER APPLICATION

BEFORE } THE HONOURABLE JUSTICE MILMAN } September 10, 2026

THE APPLICATION of AlixPartners Restructuring, Inc. in its capacity as court-appointed monitor of the Petitioners (the "**Monitor**") coming on for hearing at Vancouver, British Columbia, on September 10, 2026; AND ON HEARING Mary Buttery, K.C., counsel for the Petitioners and those other counsel listed on **Schedule "A"** hereto; AND UPON READING the material filed, including the Monitor's Third Report to Court filed on September 4, 2026; AND pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985 c. C-36 as amended (the "**CCAA**"), the British Columbia Supreme Court Civil Rules, BC Reg 168/2009, and the inherent jurisdiction of this Honourable Court;

THIS COURT ORDERS AND DECLARES THAT:

SERVICE

1. The time for service of this notice of application and supporting materials is hereby abridged such that the notice of application is properly returnable today.

STAY EXTENSION

2. The Stay Period as defined in the amended and restated initial order of this Court made herein on June 26, 2026, and extended by order of this Court made herein on July 29, 2026, is hereby further extended until and including October 9, 2026, at 11:59 p.m. (Vancouver time).

3. Endorsement of this Order by counsel appearing on this application, other than counsel for the Monitor, is hereby dispensed with.

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

Signature of Mary Buttery, K.C.
Counsel for the Monitor

By the Court.

Registrar

Schedule "A"

Appearance List

NAME	APPEARING FOR