

**ONTARIO
SUPERIOR COURT OF JUSTICE
(IN BANKRUPTCY AND INSOLVENCY)
COMMERCIAL LIST**

THE HONOURABLE

MRC

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JUSTICE

G. Hailey

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MONDAY 16th M
TUESDAY, THE ~~17th~~ DAY

OF MARCH, 2020

**IN THE MATTER OF THE NOTICE OF INTENTION TO
MAKE A PROPOSAL OF DURHAM'S SPORTS BARN INC.,
OF THE CITY OF OSHAWA IN THE
REGIONAL MUNICIPALITY OF DURHAM**

ENDORSEMENT

Durham's Sports Barn Inc.'s (the "Company") moves for certain relief as against its landlord (1213423 Ontario Inc.) set out in its Notice of Motion dated January 24, 2020, including an extension of time to make its proposal under s. 50.4 of the *Bankruptcy and Insolvency Act*. The motion is returnable on March 17, 2020 pursuant to the endorsement of the Honourable Justice Hailey, which endorsement also made certain orders in respect of certain rights pending the determination of the motion.

On March 15, 2020, the Court announced that due to the 2019 novel coronavirus, effective March 17, 2020, the Court is suspending all regular operations until further notice and that all civil matters scheduled to be heard on or after March 17, 2020 are adjourned. Urgent matters are excepted, which include, urgent and time-sensitive motions, where immediate and significant financial repercussions may result if there is no judicial hearing.

While the balance of the Company's motion is not urgent provided that the interim measures ordered by Justice Hailey remain in effect, the Company requires an extension of time to make its proposal as the issues to be determined on the Company's motion are essential for the Company to make a viable proposal. If the Company does not file a proposal by the time required, it will be deemed to have made an assignment in bankruptcy.

The Company's counsel has advised by email correspondence to the Court that the landlord's counsel and the proposal trustee are supportive of an order extending the time to make a proposal until and including May 4, 2020, with the balance of the motion is adjourned. The Company also advises that the first secured creditor, TD Bank, has advised that it is not opposed to the relief sought on the motion, and that no other person has indicated any opposition to the motion. The

proposal trustee has filed its First Report dated March 13, 2020 and has confirmed that the Company's cash flow projections indicate that the Company can continue to fund its operations through the additional extension period and that the Company continues to act in good faith and with due diligence.

Therefore, this Court orders that the time for the Company to make its proposal shall and is hereby extended to and including May 4, 2020. The balance of the Company's motion is adjourned to a date to be scheduled. The terms set out in paragraph 2 of Justice Hainey's January 17, 2020 endorsement remain in effect pending the rescheduled motion return date.

Hainey J per Mot
due to court - a crisis