



Province of British Columbia
Bankruptcy Division
Prince Rupert Registry

No. PRR-S-B-12561
Estate No. 11-3211525

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

**IN THE MATTER OF THE NOTICE OF INTENTION TO
MAKE A PROPOSAL OF
ANTLER CREEK CONTRACTING LTD.**

NOTICE OF APPLICATION

Name of applicant: Antler Creek Contracting Ltd. (the “**Applicant**”).

Without Notice

TAKE NOTICE that a without notice application will be made by the Applicant to the presiding judge or associate judge at the courthouse at 100 Market Place, Prince Rupert, British Columbia on Monday, May 5, 2025 , at 9:45 a.m. for the order set out in Part 1 below.

The applicant estimates that the application will take 5 minutes.

This matter is within the jurisdiction of an associate judge.

Part 1: ORDER SOUGHT

1. The Applicant seeks an order in substantially the form of draft order attached hereto as Schedule “A”, transferring the proceedings herein to the Vancouver Registry of the Supreme Court of British Columbia.

Part 2: FACTUAL BASIS

1. On April 14, 2025, the Applicant filed a Notice of Intention to Make a Proposal (the “**NOI**”) with the Office of the Superintendent of Bankruptcy Canada, and Crowe MacKay & Company Ltd. (the “**Proposal Trustee**”) was appointed trustee of the Applicant in

relation to these proposal proceedings (the “**Proposal Proceedings**”) under the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended (the “**BIA**”).

2. The Applicant is a British Columbia corporation that is headquartered in Terrace, B.C.
3. Since its formation, the Applicant has operated as a full-service logging company with services including timber harvesting, road construction, and hauling.
4. The Applicant filed the NOI on April 14, 2025. Therefore, pursuant to subsection 50.4(8) of the BIA, the Applicant will be deemed to have been assigned into bankruptcy on May 14, 2025, if an extension of time to file a proposal is not granted by that date.
5. The Applicant will require an extension of the deadline to file a proposal to allow it to, among other things, continue to operate while it advances its restructuring.
6. The Applicant seeks an order under section 187(7) of the BIA transferring the Proposal Proceedings for all purposes to the Vancouver division.
7. Although the NOI was filed in Prince Rupert and the Applicant’s operations are based in Terrace, the Proposal Trustee, the Proposal Trustee’s counsel and the Applicant’s counsel are all based in Vancouver.
8. The Applicant’s equipment financiers operate out of a number of locations across Canada, including in Calgary, Burnaby and Oakville, with only two located in Terrace.

Part 3: LEGAL BASIS

1. The Applicant relies on Section 187(7) of the BIA, which provides that a court may order the transfer of proceedings where the affairs of a company can be more economically administered in another bankruptcy division.
2. All restructuring professionals, including the Proposal Trustee, are located in Vancouver. Transferring the proceedings to Vancouver will lead to efficiencies to the benefit of all stakeholders in these Proposal Proceedings.

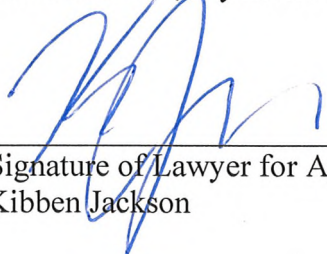
Part 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Kibben Jackson made April 30, 2025; and
2. Such further and other material as counsel may advise and as this court deems admissible.

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: 30-Apr-2025



Signature of Lawyer for Applicant
Kibben Jackson

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

The Solicitors for the Applicant are Fasken Martineau DuMoulin LLP, whose office address and address for delivery is 550 Burrard Street, Suite 2900, Vancouver, BC V6C 0A3 Telephone: +1 604 631 3131 Facsimile: +1 604 631 3232. (Reference: Mishaal Gill/342961.00001)

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”

DRAFT ORDER

No. B12561.

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LTD.

ORDER MADE AFTER APPLICATION

FASKEN MARTINEAU DUMOULIN LLP

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Counsel: Mishaal Gill
Matter No: 342961.00001