

Court File No. VLC-S-S-1710393  
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 THE *BUSINESS CORPORATIONS ACT*,  
S.B.C. 2002, c. 57, AS AMENDED

AND

IN THE MATTER OF THE *CANADIAN CORPORATIONS ACT*,  
R.S.C. 1985, c. C-44, AS AMENDED

AND

IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF  
ALL CANADIAN INVESTMENT CORPORATION

**NOTICE OF APPLICATION**

**Name(s) of applicant(s):** Boale, Wood & Company Ltd. and McEown and  
Associates Ltd.

**To:** The Service List

TAKE NOTICE that an application will be made by the Applicant before  
Mr. Justice Walker (who is seized of this matter) at the Courthouse at 800 Smithe  
Street, Vancouver, British Columbia, on November 25, 2019 at 9:00 a.m. (or so  
soon thereafter as counsel may be heard) for the Order(s) set out in Part 1 below.

**Part 1: ORDER(S) SOUGHT**

See attached Minutes of Form of Order.

**Part 2: FACTUAL BASIS**

1. By Order of the Supreme Court of British Columbia pronounced November 10, 2017, Boale, Wood & Company Ltd. ("**Boale Wood**") was appointed as Court-appointed monitor of All Canadian Investment Corporation ("**ACIC**") in CCAA proceedings commenced by ACIC.
2. On January 1, 2019, John McEown became a contractor with Boale Wood but continued to have conduct of the monitorship in the CCAA proceedings.
3. During his time at Boale Wood, Mr. McEown oversaw the corporate administration files which included the administration of the monitorship of ACIC.
4. On January 1, 2019, Mr. McEown departed from his position as a Vice-President and shareholder of Boale Wood.
5. Mr. McEown continued to oversee the corporate administration files of Boale Wood on a contract basis, which included conduct of the monitorship of ACIC.
6. Mr. McEown now carries out his licensed insolvency trustee business under McEown and Associates Ltd.
7. Mr. McEown is the President and sole director of McEown and Associates Ltd.

8. On or about April 23, 2019, the Superintendent of Bankruptcy granted an insolvency trustee licence to McEown and Associates Ltd.
9. As the role of monitor in the CCAA proceedings of ACIC will not be completed in the near future, Mr. McEown and Boale Wood would like McEown and Associates Ltd. to be appointed as monitor in place of Boale Wood.

**Part 3: LEGAL BASIS**

**Part 4: MATERIAL TO BE RELIED ON**

1. Affidavit #5 of John McEown made November 22, 2019;
2. such further or other material as counsel may advise and this Honourable Court permit.

The applicant estimates that the application will take approximately 10 minutes.

This matter is to be heard by Mr. Justice Walker, who is seized of these proceedings.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to the application, you must:

- (a) file an application response in Form 33 within 5 days after the date of service of this notice of application or, if the application is brought under Rule 9-7 of the Supreme Court Civil Rules, within 11 days after the date of service of this notice of application; and

- (b) at least 2 days before the date set for hearing of the application, serve on the applicant two copies, and on every other party one copy of a filed copy of the application response and the other documents referred to in Rule 9-7(12) of the Supreme Court Civil Rules.

Dated: November 22, 2019.

\_\_\_\_\_  
 Signature of Lawyer for Applicant  
 Douglas B. Hyndman  
 Kornfeld LLP

**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  Master

**APPENDIX**

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

**THIS APPLICATION INVOLVES THE FOLLOWING:**

*[Check the box(es) below for the application type(s) included in this application.]*

- discovery: comply with demand for documents
- discovery: production of additional documents
- oral 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

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BEFORE THE HONOURABLE ) MONDAY, THE 25TH DAY  
MR. JUSTICE WALKER ) OF NOVEMBER, 2019

**ORDER MADE AFTER APPLICATION**

ON THE APPLICATION of Boale, Wood & Company Ltd. and McEown and Associates Ltd. and their counsel, Kornfeld LLP, coming on for hearing at the Courthouse, 800 Smithe Street, Vancouver, British Columbia, on November 25,

2019; AND ON HEARING Douglas B. Hyndman, Counsel for Boale, Wood & Company Ltd., and those other counsel listed on Schedule "A" hereto; AND UPON READING Affidavit #5 of John McEown and the pleadings and proceedings had and taken herein;

THIS COURT ORDERS that:

1. the time for service of the Notice of Application herein is hereby abridged such that the Notice of Application is properly returnable today and service hereof upon any interested party other than those parties on the service list maintained by the Petitioner and the Monitor in these proceedings is hereby dispensed with.
2. The duties, requirements, responsibilities and obligations of Boale, Wood & Company Ltd. as Court Appointed Monitor in these proceedings under and pursuant to the Orders of Madam Justice Adair pronounced November 10, 2017 and Mr. Justice Walker pronounced November 9, 2018 (collectively, the "Orders"), be and they are hereby assigned and transferred from Boale, Wood & Company Ltd. to McEown and Associates Ltd., such assignment and transfer to be effective from the date of pronouncement of the Order herein.
3. McEown and Associates Ltd. shall be entitled to all of the benefits and protections contained in the Orders including, but not limited to, any indemnities contained therein.

4. Boale, Wood & Company Ltd. be and it is hereby discharged from its duties, requirements, responsibilities and obligations as Monitor in these proceedings effective from the date of pronouncement of the Order herein.

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:

APPROVAL AS TO FORM:

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Counsel for Boale, Wood & Company  
Ltd. and McEown and Associates Ltd.  
Douglas B. Hyndman  
Kornfeld LLP

BY THE COURT

DEPUTY DISTRICT REGISTRAR

**SCHEDULE "A"**

Jeremy West	All Canadian Investment Corporation

**SCHEDULE "A"**

Jeremy West	All Canadian Investment Corporation
Clark Hartnett	

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**KORNFELD LLP**

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D.B. Hyndman

File: BOA004/ALL171

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