

SUPERIOR COURT
(Commercial Division)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL
No. 500-11-062362-237
DATE: January 26 2024

PRESIDING : THE HONOURABLE KAREN M. ROGERS, J.S.C.

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT* OF:

9501-8388 QUÉBEC INC.
9501-8412 QUÉBEC INC.

Debtors

-and-

ÉBÉNISTERIE ST-URBAIN LTÉE.
WOODLORE INTERNATIONAL INC.
EURO-RITE CABINETS LTD.
WILLIAM M. MELNIK
THE MELNIK FAMILY TRUST 2043
TAYCO OFFICE FURNISHINGS INC
9501-8388 QUÉBEC INC.
9501-8412 QUÉBEC INC.

Mis-en-Cause

-and-

RAYMOND CHABOT INC.

Monitor

ORDER

- [1] **ON READING** the Monitor's *Demande du Contrôleur concernant le remboursement de certains débits compensés par RONA Inc.* (the "**Application**"), the affidavit and the exhibits in support thereof;
- [2] **CONSIDERING** the *Sixième rapport du contrôleur portant sur l'état des affaires et des finances de Groupe EBSU* of the Monitor, Raymond Chabot Inc.;
- [3] **CONSIDERING** the notification of the Application;
- [4] **CONSIDERING** the submissions of counsel present at the hearing of the Application and the testimony of the witnesses heard;
- [5] **CONSIDERING** the approval and reverse vesting order rendered by this Court on October 27, 2023 (the "**Approval Order**");
- [6] **CONSIDERING** that all capitalized terms used in this order (this "**Order**") but not otherwise defined herein shall have the meanings ascribed to them in the Approval Order;
- [7] **CONSIDERING** that, pursuant to the Approval Order and the Transaction, the agreements between Rona Inc. ("**RONA**") and, *inter alia*, EBSU (the "**RONA Agreements**") are Retained Contracts;
- [8] **CONSIDERING** that, on or around October 25, 2023, amounts totaling \$633,000 were debited from payables of RONA to EBSU based on amounts owed to RONA under the RONA Agreements (the "**Subject Debits**");
- [9] **CONSIDERING** that the issue as to whether the liabilities forming the basis of the Subject Debits (the "**Additional RONA Debt**") give rise to monetary defaults under the RONA Agreements that would have required to be remedied as Cure Costs pursuant to the Approval Order is to be dealt with as set forth herein;
- [10] **CONSIDERING** that RONA, after consultation with the Monitor, has agreed to reverse the Subject Debits and remit the amount of \$633,000 to the Monitor *in trust*, the whole in accordance with the terms of this Order;
- [11] **GIVEN** the provisions of the CCAA;

WHEREFORE, THE COURT:

- [12] **GRANTS** the Application.
- [13] **ORDERS** that any prior delay for the presentation of this Application is hereby abridged and validated so that this Application is properly returnable today and hereby dispenses with further service thereof.

- [14] **PERMITS** service of this Order at any time and place and by any means whatsoever.
- [15] **PRAYS ACT** of RONA's undertaking to reverse the Subject Debits by remitting an amount of \$633,000 to the Monitor, *in trust*, to be dealt with in accordance with the Approval Order and this Order and **AUTHORIZES** RONA to give effect to the foregoing by issuing, within fourteen (14) days of the issuance of the present order, a cheque or electronic transfer in the amount of \$633,000 payable to the Monitor, *in trust* (the "**Payment**").
- [16] **ORDERS** that, following the Payment, the Additional Rona Debt will be dealt with either by:
- (a) an order of this Court with respect to whether the Additional Rona Debt is to be repaid as Cure Costs in accordance with the Approval Order; or
 - (b) as otherwise provided pursuant to an agreement between RONA, on the one hand, and the Investor and/or EBSU, on the other.
- [17] **ORDERS** that, upon receipt of the Payment by the Monitor, RONA and each of its affiliates, subsidiaries, directors, officers, employees, representatives and agents shall be deemed to be forever irrevocably released and discharged from any and all actions, causes of action, claims, proceedings, demands or liabilities of whatever nature, in connection with, or in any way related to, the Subject Debits.
- [18] **ORDERS** that Exhibits R-1 and R-2 in support of the Application be kept confidential and under seal until further order of this Court.
- [19] **DECLARES** that this Order shall have full force and effect in all provinces and territories in Canada.
- [20] **ORDERS** the provisional execution of this Order notwithstanding any appeal and without the requirement to provide any security or provision for costs whatsoever.

THE WHOLE WITHOUT COSTS.



The Honourable Karen M. Rogers,
J.C.S.