

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(COMMERCIAL LIST)**



**THE HONOURABLE  
MR. JUSTICE HAINEY**

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THURSDAY, THE 20TH DAY  
OF FEBRUARY, 2020

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

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF SEARS CANADA INC., 9370-2751 QUÉBEC INC., 191020 CANADA INC., THE CUT INC., SEARS CONTACT SERVICES INC., INITIUM LOGISTICS SERVICES INC., INITIUM COMMERCE LABS INC., INITIUM TRADING AND SOURCING CORP., SEARS FLOOR COVERING CENTRES INC., 173470 CANADA INC., 2497089 ONTARIO INC., 6988741 CANADA INC., 10011711 CANADA INC., 1592580 ONTARIO LIMITED, 955041 ALBERTA LTD., 4201531 CANADA INC., 168886 CANADA INC., AND 3339611 CANADA INC.

Applicants

**ORDER**

**THE MOTION** dated January 21, 2020 filed by FGL Sports Ltd. ("**FGL**") pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. c-36, as amended (the "**CCAA**") for a declaration that the stay of proceedings (the "**Co-Tenancy Stay**") provided in paragraph 15 of the Initial Order of the Honourable Mr. Justice Hainey dated June 22, 2017, as amended and restated on July 13, 2017 (the "**Initial Order**") and as extended by subsequent orders made in this proceeding, ceased to be of any force or effect as against FGL, and other relief, was heard on February 20, 2020 at 330 University Avenue, Toronto, Ontario.

ON READING the Affidavit of Randy Grochwoski, made January 17, 2020, and the exhibits attached thereto, and the Affidavit of M. Van Doorn, made February 5, 2020, and the

exhibits attached thereto, and on hearing the submissions of counsel for FGL, the Monitor, and such other counsel as appeared, and on being advised that no party opposes FGL's Motion, and on being advised that the Service List was served with the Motion Record and Supplementary Motion Record of FGL, as appears from the affidavit of service of Priscilla Cheng sworn January 22, 2020 and the affidavit of service of Madison Van Doorn sworn February 7, 2020:

1. THIS COURT ORDERS that the Co-Tenancy Stay is of no further force or effect as against FGL and FGL is accordingly entitled to exercise forthwith any rights that it may have against its landlords arising from the failure of any of the Applicants to operate in such commercial shopping centres or other commercial properties (the "**Co-Tenancy Rights**"), in relation to all FGL leases for Sport Chek stores (the "**Sport Chek Leases**"), including without limitation the leases described in the attached Schedule "A".

2. THIS COURT DECLARES, for greater certainty, that the Co-Tenancy Stay did not suspend or delay the running of any time periods that under the Sport Chek Leases give rise to the exercise of the Co-Tenancy Rights, and FGL is at liberty to exercise its Co-Tenancy Rights in accordance with the terms of the Sport Chek Leases.

3. THIS COURT FURTHER ORDERS that the provisions of this Order are not intended to grant upon the moving party, FGL, any greater rights than those provided for in the Sport Chek Leases.

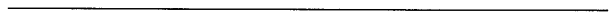
4. THIS COURT FURTHER ORDERS that there be no costs of FGL's Motion.

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO:

FEB 20 2020

PER / PAR:





**SCHEDULE "A"**

FGL Store #	Retail Location	Landlord
SC 201	Corner Brook Plaza, 54 Maple Valley Road, Corner Brook, Newfoundland and Labrador	Montez (Corner Brook) Inc., c/o Westcliff Management Ltd.
SC 5120	Hillside Centre, 1644 Hillside Avenue, Victoria British Columbia	Hillside Centre Holdings Inc. c/o Bentall Kennedy (Canada) LP
SC 5121	Eastgate Square, 75 Centennial Parkway North, Stoney Creek, Ontario	Eastgate Square LP c/o Bentall Kennedy (Canada) LP

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Court File No. CV-17-11846-00CL

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PROCEEDING COMMENCED AT TORONTO  
(COMMERCIAL LIST)

**ORDER**

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