

Endorsement of Mr. Justice Koehnen
September 21, 2020 (via email)

This email constitutes my endorsement arising out of the hearing I conducted in this matter on Friday September 18, 2020 and should be placed into the court file.

Moore's moves to recognize a number of orders made in US Bankruptcy Proceedings. These are final orders respect of interim orders that I have previously recognized.

No one opposes the order sought.

There was an issue between Moore's and certain Canadian landlords. The issue centred on the amount of notice Canadian landlords would receive of any lease terminations and whether the rent in the month of filing amounts to a pre-filing debt as it may under American law or whether that month's rent should be prorated according to the filing date as is the practice in Canada.

The Court has been advised by the parties that, with respect to the rejection of leases and the payment of rent during the rejection period, the Applicant has agreed – without any admission whatsoever and as permitted in the Contract Assumption and Rejection Procedures Order rendered by the U.S. Bankruptcy Court – to treat its Canadian landlords in a manner that is customary under Canadian law for Canadian insolvency proceedings.

The arrangement that the parties have agreed to envisages that the Canadian landlords will receive a third ranking charge against Canadian assets to protect them against any breach of their arrangement regarding lease termination and for any prorated rent owing during the month of filing.

In light of the foregoing it strikes me that the order sought is in the interests of both the debtor and the creditors who appeared on this motion. I have therefore attached a signed order for the relief sought and agreed to.