# ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST)

THE HONOURABLE REGIONAL SERVICE)

WEDNESDAY, THE 16<sup>th</sup>

JUSTICE MORAWETZ

DAY OF NOVEMBER, 2016

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

AND IN THE MATTER OF A PROPOSED PLAN OF COMPROMISE OR ARRANGEMENT OF 1511419 ONTARIO INC., FORMERLY KNOWN AS THE CASH STORE FINANCIAL SERVICES INC., 1545688 ALBERTA INC., FORMERLY KNOWN AS THE CASH STORE INC., 986301 ALBERTA INC., FORMERLY KNOWN AS TCS CASH STORE INC., 152919 ALBERTA INC., FORMERLY KNOWN AS INSTALOANS INC., 7252331 CANADA INC., 5515433 MANITOBA INC., 1693926 ALBERTA LTD., DOING BUSINESS AS "THE TITLE STORE"

**APPLICANTS** 

#### **ORDER**

(re: Stay Extension and Records Disposal)

**THIS MOTION,** made by the Monitor, pursuant to the *Companies' Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended, for an order extending the stay of proceedings up to and including November 18, 2017 and authorizing the Monitor to dispose of certain records, was heard this day in Toronto, Ontario.

ON READING the motion record of FTI Consulting Canada Inc., (the "Monitor") and the Twenty-Third Report of the Monitor (the "Twenty-Third Report"), and on hearing the submissions of counsel for the Monitor and such other counsel present, and on being advised that all parties on the service list maintained in these proceedings were served with the motion record of the Monitor:

### EXTENSION OF STAY PERIOD

1. **THIS COURT ORDERS** that the Stay Period provided in the Amended and Restated Initial Order dated April 14, 2014 (the "Initial Order") in these proceedings, as amended, be and is hereby extended until and including November 18, 2017, or such later date as this Court may order.

#### RECORDS DISPOSAL

- 2. THIS COURT ORDERS that notwithstanding any Records Retention Laws (as defined on Schedule "A" hereto), the Monitor is authorized to dispose of all records specified in paragraph 14 of the Twenty-Third Report, consisting only of branch-level loan applications, client loan documentation, client identification documents, void cheques/PAD forms of clients, banking information of clients, copies of client bank statements, client paystubs, and branch-level client correspondence (the "Records"), without further Order of this Court or notice to any Person, upon the Monitor's receipt of (i) written confirmations from National Money Mart Company, CSF Asset Management Ltd. and the Litigation Trustee (as defined in the Plan of Compromise or Arrangement concerning, affecting and involving the Applicants, sanctioned by this Court on November 19, 2015) that the record review and/or digitization processes described in paragraphs 15 to 19 of the Twenty-Third Report have been completed; and (ii) written confirmation from the Alberta Securities Commission that it no longer requires the Records to be preserved.
- 3. **THIS COURT ORDERS** that the Applicants, the Monitor, the Litigation Trustee and their respective agents, employees, advisors, lawyers and representatives shall have no liability whatsoever arising from or relating to the disposal of any Records pursuant to the terms of this Order.

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### SCHEDULE "A" RECORDS RETENTION LAWS

### "Records Retention Laws" means:

- 1. Income Tax Act (R.S.C., 1985, c.1 (5<sup>th</sup> Supp));
- 2. Excise Tax Act (R.S.C. 1985, c. E-15);
- 3. Corporations Tax Act (R.S.O. 1990, Chapter C.40)
- 4. Retail Sales Tax Act (R.S.O. 1990, Chapter R. 31)
- 5. Canada Business Corporations Act (R.S.C., 1985, c.C-44)
- 6. Employment Insurance Act (S.O. 2000, Chapter 41)
- 7. Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3)
- 8. Personal Heath Information Protection Act (S.O. 2004, Chapter 3, Schedule A);
- 9. Workplace Safety and Insurance Act (S.O. 1997, c. 16, Schedule A);
- 10, Medicine Act (S.O. 1991, c.30);
- 11. Personal Information Protection and Electronic Documents Act (S.C. 2000, c.5); and
- 12. Any other law, common law, statute, legislation, regulation, by-law, rule, decree, order, ordinance, protocol, code, guideline, policy, notice, direction, directive, bulletin, judgement or other requirement of any governmental, regulatory or administrative authority, department, agency, commission, board, panel, tribunal, Crown corporation, Crown ministry or court or other law, rule or regulation-making or enforcing entity having or purporting to have jurisdiction on behalf of any nation, or province, territory or statute or other subdivision thereof or any municipality, district or other subdivision thereof (collectively, "Legislation") that requires the preservation of records, documents, information or data, in whatever form, including, without limitation, the regulations promulgated under the Legislation specified hereto and any Legislation of any jurisdiction, province, territory or municipality of Canada similar to the Legislation specified above.

IN THE MATTER OF THE COMPANIES' CREDITORS ARRANGEMENT ACT, AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF 1511419 ONTARIO INC., FORMERLY KNOWN AS THE CASH STORE FINANCIAL SERVICES INC., et al.

Court File No. CV-14-10518-00CL

## ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST)

### ORDER (Stay Extension & Records Disposal)

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