

FORCE FILED

No. S-224444
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 A PLAN OF COMPROMISE AND ARRANGEMENT OF CANADIAN
DEHUA INTERNATIONAL MINES GROUP INC.**

PETITIONER

NOTICE OF APPLICATION

Name of applicant: the Petitioner

To: the Service List (attached hereto as **Schedule "A"**)

TAKE NOTICE that an application will be made by the applicant to the Honourable Mr. Justice Walker at the courthouse at 800 Smithe Street, Vancouver, BC, V6Z 2E1 on March 15, 2024 at 9:30 a.m. for the orders set out in Part 1 below.

The applicant estimates that the application will take 1 Hour.

This matter is not within the jurisdiction of an Associate Judge. Justice Walker is seized of this matter.

Part 1: ORDER(S) SOUGHT

1. An Order substantially in the form attached hereto as **Schedule "B"**, which provides the following additional relief:
 - (a) an extension of the stay of proceedings (the **"Stay of Proceedings"**) granted in the Initial Order up to and including April 19, 2024.
2. Such other relief as this Honourable Court may deem just.

Part 2: FACTUAL BASIS

1. Pursuant to an order (the **"Initial Order"**) of the Supreme Court of British Columbia (the **"Court"**) made on June 3, 2022, Canadian Dehua International Mines Group Inc. (**"CDI"** or the **"Petitioner"**) are granted protection under the *Companies' Creditors Arrangement*

Act, R.S.C. 1985, c. C-36, as amended (the "**CCAA**"), and FTI Consulting Canada Inc. ("**FTI**") was appointed monitor (and in such capacity, the "**Monitor**").

2. Also pursuant to the terms of the Initial Order, the Court granted:
 - (a) an initial stay of proceedings until June 9, 2022 (the "**Stay Period**"); and
 - (b) the Administration Charge.
3. Pursuant to an order issued by the Court on June 3, 2022, the Court:
 - (a) ordered that the Petitioner shall deliver further evidence to the Court regarding the contemplated transactions and/or investments relating to the Wapiti Project and the Murray River Project (the "**Project Evidence**");
 - (b) granted the Petitioner short leave to file any such Project Evidence under seal at the June 9, 2022 hearing;
 - (c) directed the Monitor to provide the Monitor's position on the prospects of preserving the Petitioner's business as a going concern in a CCAA proceeding; and
 - (d) granted the Monitor short leave to file a confidential report, if deemed necessary by the Monitor, under seal at the June 9, 2022 hearing.
4. On June 9, 2022, the Court amended and restated the Initial Order (the "**ARIO**") and:
 - (a) Extended the Stay Period to August 19, 2022;
 - (b) Approved interim financing by way of a credit facility (the "**DIP Facility**") from Qubo Liu (the "**DIP Lender**"), and granted the Interim Lender's Charge;
 - (c) Granted the Directors' and Officers' Charge; and
 - (d) Granted the Claims Process Order.
5. On August 18, 2022, the Court amended and restated the ARIO (the "**Second ARIO**") and:
 - (a) Extended the Stay Period to December 1, 2022;
 - (b) Approved the SISF; and
 - (c) Increased the DIP Facility and Interim Lender's Charge up to the maximum amount of \$820,000.

6. On November 30, 2022, the Court amended and restated the Second ARIO (the "**Third ARIO**") and;
 - (a) Extended the stay period to March 16, 2022;
 - (b) Increased the DIP Facility and Interim Lender's Charge up to the maximum amount of \$1,090,000; and
 - (c) Amended the SISP.
7. On March 9, 2023, the Court amended and restated the Third ARIO (the "**Fourth ARIO**") to extend the stay period to June 16, 2023.
8. On June 15, 2023, the Court amended and restated the Fourth ARIO (the "**Fifth ARIO**") and;
 - (a) Extended the stay period to September 15, 2023; and
 - (b) Increased the DIP Facility and Interim Lender's Charge up to the maximum amount of \$1,390,000.
9. On September 11, 2023, the Court amended and restated the Fifth ARIO (the "**Sixth ARIO**") to extend the stay period to November 17, 2023.
10. On November 14, 2023, the Court extended the stay period to December 8, 2023.
11. On December 5, 2023, the Court extended the stay period to January 19, 2024.
12. On January 17, 2024, the Court extended the stay period to March 18, 2024 and increased the DIP Facility and Interim Lender's Charge up to a maximum amount of \$1,680,000.

Background

13. The Petitioner, Canadian Dehua International Mines Group Inc. ("**CDI**") is a company incorporated pursuant to the laws of British Columbia.
14. CDI is a company that invests in, and operates, mining assets in British Columbia and elsewhere.
15. CDI was incorporated in 2004 in order to develop underground core mining properties.
16. CDI primarily cooperated on mining projects with major Chinese mining companies and steel factories as partners. However, for various reasons, a number of the projects did not proceed as planned. This has resulted in significant debt and limited revenue while CDI finds new buyers and develops new mining projects.

17. The Wapiti River coal project is a large-scale underground mine at the senior exploration stage which is also located near Tumbler Ridge, British Columbia (the "**Wapiti Project**"). The Petitioner is the sole shareholder in the Wapiti Coking Coal Mines Corporation, the company that owns and operates the Wapiti Project.
18. The Murray River project involves the construction, operation and decommissioning of an underground coal mine and supporting infrastructure near Tumbler Ridge British Columbia (the "**Murray River Project**"). The Murray River Project would produce six million tonnes of metallurgic coal per year for an estimated life of 25 years.
19. CDI (indirectly holding 20.4%) and the Huiyong Holding Group (55%) are currently holding discussions with potential purchasers to sell their interests in the Murray River Coal Property.
20. The Pacific Iron project is a large-scale underground iron project located on Vancouver Island (the "**Pacific Iron Ore Project**"). CDI holds 80% of the shares of Vancouver Island Iron Ore Corporation, which owns and operates the Pacific Iron Ore Project.

Anticipated Restructuring

21. CDI has been addressing its insolvency through a number of steps which include:
 - (a) streamlining the go-forward operations of CDI;
 - (b) pursuing discussions with potential financiers and purchasers in order to secure long-term funding for the projects that may form the basis of CDI's go-forward business; and
 - (c) using the proceeds from such transactions to fund a plan of arrangement for CDI's creditors.

Wapiti and Murray River Purchaser

22. The potential purchaser, identified in the confidential supplement to Monitor's Fourth Report, arrived in Canada in May 2023 and performed due diligence at the mine sites, as is necessary under the LOI, to eventually complete the share purchase transaction for Wapiti.
23. The Petitioner is continuing to work with the potential purchaser of an interest in Wapiti to proceed to definitive agreements, and to that end have:
 - (a) provided background and due diligence materials to the potential purchasers;
 - (b) instructed counsel to draft preliminary definitive documents to expedite the process of finalizing a transaction for Wapiti;

- (c) facilitated the recent project site visits and discussions with the interested party;
 - (d) engaged its accountant to prepare the updated financial statements for CDI and Wapiti; and
 - (e) ensured that the mine permits and licenses are paid and are in good standing by paying the Minister of Finance the amount of \$116,595 in respect of the Wapiti project.
24. During the site visit in May 2023, the potential purchaser also visited the Murray River project. It has expressed some interest in CDI's investment in that project as well.
 25. As of August 31, 2023, the potential purchaser has completed their due diligence on the Wapiti Project.
 26. On September 2, 2023, the potential purchaser arrived in Canada to begin a final sale visit, with the intention of entering into a binding agreement for the purchase of the Wapiti Project before September 30, 2023.
 27. The potential purchaser also visited the Murray River project in September, 2023.
 28. During this site visit the potential purchaser brought along representatives of a steel company that is interested in acquiring CDI's interest in the Pacific Iron Ore Project.
 29. The potential purchaser returned to China on September 9, 2023.
 30. The potential purchaser and CDI have continued to negotiate since the purchaser returned to China, with the intention of entering into a binding agreement or closing the sale of CDI's interest in the Murray River project.
 31. On February 28, 2024, the Potential Purchaser, CDLV and Huiyong Holdings (BC) Ltd. entered into a framework agreement to sell and purchase the shares of the Murray River Project (the "**Murray River Agreement**").
 32. If this transaction was finalized and closed, this could net CDI an amount sufficient to develop a plan of arrangement that would likely pay out all of the claims from unrelated parties that have been submitted in the Claims Process.
 33. The Murray River Agreement received official seals from the signatories a few business days after signing. By the terms of the Murray River Agreement, the Potential Purchaser will provide a deposit in the amount of 95 Million RMB (approximately \$17.8 Million CAD) (the "**Deposit**"), to be paid within 16 business days of the Murray River Agreement being finalized, and to be held pending finalization of the transaction. It is expected that the Deposit will be paid on or before March 26, 2024.

34. 55 Million RMB of the Deposit will be paid to Huiyong. 40 Million RMB of the Deposit will be paid to CDLV. CDI's portion of the Deposit (approximately 20 Million RMB) will be held by Beijing Shuailing Trading Co., Ltd., a related company to the Petitioners ("**CDI RelatedCo**").
35. CDI RelatedCo is owned and controlled by two shareholders: Fushun Liu (Naishun Liu's younger brother) and Yunmao Liu (Qubo Liu's younger brother). Fushun Liu is the legal representative entitled to sign agreements on behalf of CDI RelatedCo.
36. CDI RelatedCo. has been used by CDI as a vehicle to fund previous projects in Canada where funding was coming from Chinese parties as CDI does not have an account in China. For example, CDI RelatedCo was used to hold a US\$ 20 million deposit which was advanced in connection with the Murray River project.
37. CDI RelatedCo will hold the Deposit in its account at the Business Department of Fangshan Sub-Branch, Lvliang, Shanxi Branch of Agricultural Bank of China. CDI is entering an agreement with CDI RelatedCo to reflect that the Deposit will be held in trust for CDI in connection with the Murray River Agreement (the "**Deposit Trust Agreement**").

Stay Extension

38. The Petitioner seeks an extension of the stay to April 19, 2024 (the "**Stay Extension**").
39. The Petitioner requires the Stay Extension to continue to advance negotiations with respect to the Wapiti Project, and the Murray River Project, which is now subject to an agreement between a potential purchaser and CDLV.
40. The Petitioner expects to receive the Deposit during this period in accordance with the terms of the Murray River Agreement.
41. The Petitioner does not anticipate the need for incremental increase in the DIP Facility at this time and should have sufficient liquidity through the proposed Stay Extension period.

Part 3: LEGAL BASIS

1. The Petitioner relies on:
 - (a) the CCAA;
 - (b) *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended (the "**BIA**");
 - (c) *Supreme Court Civil Rules*, in particular Rules 8-1, 13-1, and 22-4;
 - (d) the inherent and equitable jurisdiction of this Court; and

- (e) such further and other legal bases and authorities as counsel may advise and this Court may permit.

Extension of the Stay of Proceedings is Appropriate

2. Subsection 11.02(2) of the CCAA provides that the Petitioner may apply for an extension of the Stay of Proceedings for a period that a court considers necessary on any terms that a court may impose. Subsection 11.02(3) of the CCAA provides that the Court shall not make the order extending the Stay of Proceedings unless:
- (a) the applicant satisfies the Court that circumstances exist that make the order appropriate; and
 - (b) in the case of an order under subsection (2), the applicant also satisfies the Court that the applicant has acted, and is acting, in good faith and with due diligence.

CCAA s. 11.02.

3. In determining whether the appropriate circumstances exist to extend the Stay of Proceedings, the Court should inquire whether the order sought advances the remedial purpose of the CCAA.

North American Tungsten Corp. (Re), 2015 BCSC 1376 at para. 25.

4. Extending the relief granted by the Initial Order, as amended and restated, including the Stay of Proceedings, is appropriate and necessary to enable the Petitioner to complete transactions for the benefit of the Petitioner's stakeholders in a future plan of arrangement.
5. The Petitioner, with the assistance of the Monitor, has been moving the transactions concerning the Murray River and Wapiti Projects forward, despite a number of obstacles.
6. CDI has also utilized the Interim Facility funds to ensure that the licenses and permits relating to the mining assets of CDI will be maintained in good standing until a transaction can be completed and has recently obtained the Deposit Agreement to provide additional credibility that one or both of the transactions will proceed to completion and thereby allow the Petitioner to put forward a plan to its creditors.
7. This has all been in good faith and with due diligence to advance these CCAA proceedings in pursuit of a restructuring that will maximize value for their stakeholders.
8. The Petitioner submits that, in these circumstances, it is necessary and appropriate that the Stay of Proceedings be extended to April 19, 2024.

Part 4: MATERIAL TO BE RELIED ON


1. The 11th Report of the Monitor, to be filed;

- 2. The 2nd Affidavit of Wen Shih Yang, to be filed; and
- 3. Any such further materials as counsel advises and this Honourable Court permits.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- (a) file an application response in Form 33;
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in the proceeding; and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i) a copy of the filed application response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

March 13, 2024
Dated _____



Signature of lawyer for filing party
DLA Piper (Canada) LLP (Jeffrey D. Bradshaw)
Lawyer for the Petitioner

FOR

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:

- 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
- none of the above

Schedule "A"
(Service List)

IN THE SUPREME COURT OF BRITISH COLUMBIA

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R.S.C., 1985 c. C-36, AS AMENDED

AND

IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF CANADIAN
DEHUA INTERNATIONAL MINES GROUP INC.

PETITIONER

Service List

(Last Updated: January 16, 2024)

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<p>Bennett Jones LLP 666 Burrard Street, Suite 2500 Vancouver, BC V6C 2X8</p> <p>Attention: David E. Gruber and Mia Laity</p> <p>Email: gruberd@bennettjones.com laitym@bennettjones.com morenoe@bennettjones.com</p> <p>Telephone: 604.891.5150</p> <p><i>Counsel for the Monitor</i></p>	<p>Dentons 250 Howe St. 20th Floor Vancouver, BC V6C 3R8</p> <p>Attention: Jordan Schultz and Eamonn Watson</p> <p>Email: jordan.schultz@dentons.com eamonn.watson@dentons.com avic.arenas@dentons.com chelsea.denton@dentons.com</p> <p>Telephone: 604.691.6452 604.629.4997</p> <p><i>Counsel for China Shougang International Trade & Engineer Corporation</i></p>
<p>Harper Grey LLP 650 W Georgia St #3200 Vancouver, BC V6B 4P7</p> <p>Attention: Erin Hatch and Roselle Wu</p> <p>Email: ehatch@harpergrey.com rwu@harpergrey.com</p> <p>Telephone: 604.895.2818</p> <p><i>Counsel for Canada Zhonghe Investment Ltd.</i></p>	<p>Fasken 1500 – 1055 W Georgia St. Vancouver, BC V6E 4N7</p> <p>Attention: Kibben Jackson and Mihai Tomos</p> <p>Email: kjackson@fasken.com mtomos@fasken.com</p> <p>Telephone: 604.631.4786 403.261.7386</p> <p><i>Counsel for Canadian Kailuan Dehua Mines Co., Ltd.</i></p>
<p>Lawson Lundell LLP Suite 1600 Cathedral Place 925 W Georgia St. Vancouver, BC V6C 3L2</p> <p>Attention: William L. Roberts</p> <p>Email: wroberts@lawsonlundell.com</p> <p>Telephone: 604.631.9163</p> <p><i>Counsel for Accurate Court Bailiff Services Ltd.</i></p>	<p>McMillan LLP 550 Burrard Street, Suite 2900 Vancouver, BC V6C 0A3</p> <p>Attention: Bernhard Zinkhofer</p> <p>Email: Bernhard.Zinkhofer@mcmillan.ca</p> <p>Telephone: 604.689.9111 604.685.7084</p> <p><i>Counsel for HBIS Group International Holding Co., Limited</i></p>

<p>BLG 1200 Waterfront Centre, 200 Burrard St., P.O. Box 48600, Vancouver, BC, Canada V7X 1T2</p> <p>Attention: Ryan Laity and Jennifer Pepper</p> <p>Email: RLaity@blg.com JPepper@blg.com</p> <p>Telephone: 604.632.3544</p> <p><i>Counsel for Huiyong Holdings (BC) Ltd.</i></p>	<p>Weiheng Law 16th Floor, Tower A, China Technology Trading Building No. 66 North Fourth Ring West Road, Haidian District, Beijing</p> <p>Attention: Wei Heng</p> <p>Email: weiheng@weihenglaw.com</p> <p>Telephone: +86-10-62684688</p> <p><i>Counsel for Feicheng Mining Co., Ltd</i></p>
<p>McMillan LLP Royal Centre, 1055 W. Georgia Street, Suite 1500 PO Box 11117 Vancouver, BC, Canada V6E 4N7</p> <p>Attention: Daniel Shouldice</p> <p>Email: Daniel.Shouldice@mcmillan.ca</p> <p>Telephone: 604.691.6858</p> <p><i>Counsel for HD Mining International Ltd.</i></p>	
<p>Bullmoose Mining Ltd 3577 West 34Th Ave Vancouver BC, V6N 2K7</p>	<p>Canada Revenue Agency C/O N.Sindu (462-11) 9755 King George Blvd. Surrey, BC, V3T 5E6</p>
<p>CIBC – CEBA 400 Burrard Street Vancouver, BC V6C 3M5</p>	<p>Canadian Dehua Lvliang International Mines Corp. 310-1155 Pender St. West Vancouver, BC V6E 2P4</p>

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Schedule "B"

(Draft Order)

IN THE SUPREME COURT OF BRITISH COLUMBIA

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 AND ARRANGEMENT OF CANADIAN
DEHUA INTERNATIONAL MINES GROUP INC.

PETITIONER

**ORDER MADE AFTER APPLICATION
(STAY EXTENSION ORDER)**

)))
)))
BEFORE)	THE HONOURABLE JUSTICE WALKER)	March 15, 2024
))	
))	

ON THE APPLICATION of the Petitioner coming on for hearing at 800 Smithe Street, Vancouver, BC V6Z 2E1 on March 15, 2024, and on hearing Colin D. Brousson, counsel for the Petitioner and those other counsel listed on Schedule "A" hereto; AND UPON READING the material filed herein; AND UPON BEING ADVISED that the creditors and others who are likely to be affected by the charges created herein were given notice; AND pursuant to the Companies' Creditors Arrangement Act, R.S.C. 1985 c. C-36 as amended (the "**CCAA**"), the British Columbia Supreme Court Civil Rules and the inherent jurisdiction of this Honourable Court; and further to the Initial Order pronounced by this Court on June 3, 2022 (the "**Order Date**") as revised, amended and restated from time to time including pursuant to the Amended and Restated Initial Order pronounced by this Court on June 9, 2022 (the "**ARIO**"), as amended from time to time; including the Sixth Amended and Restated Initial Order pronounced by this Court on September 11, 2023 (the "**Sixth ARIO**");

THIS COURT ORDERS that:

1. Any capitalized terms not herein defined shall have the meaning as set out in the Sixth ARIO;
2. The stay of proceedings set out in paragraph 15 of the Sixth ARIO granted by the Honourable Justice Walker is hereby extended up to and including April 19, 2024;
3. This Order and all of its provisions are effective as of 12:01 a.m. local Vancouver time on the Order Date;
4. Endorsement of this Order by counsel appearing on this application is hereby dispensed with.

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:

Signature of lawyer for the Petitioner
DLA Piper (Canada) LLP (Colin D. Brousson)

BY THE COURT

REGISTRAR

SCHEDULE "A"

NAME OF COUNSEL	PARTY REPRESENTING
Jordan Schultz and Eamonn Watson	China Shougang International Trade & Engineering Corporation
David Gruber	The Monitor, FTI Consulting Canada Inc.
Roselle Wu	Canada Zhonghe Investment Ltd.
Kibben Jackson and Glen Nesbitt	Canadian Kailuan Dehua Mines Co., Ltd.

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PETITIONERS

ORDER MADE AFTER APPLICATION

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CDB/day

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