



ONTARIO SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

ENDORSEMENT

COURT FILE NO.: CV-23-00700581-00CL DATE: January 29, 2024

NO. ON LIST: 3

TITLE OF PROCEEDING: **FIRE & FLOWER HOLDINGS CORP. et al**

BEFORE: **JUSTICE OSBORNE**

PARTICIPANT INFORMATION

For Plaintiff, Applicant, Moving Party:

Name of Person Appearing	Name of Party	Contact Info
Maria Konyukhova	Counsel for the Applicants Fire & Flower Holdings Corp., Fire & Flower Inc., 13318184 Canada Inc., 11180703 Canada Inc., 10926671 Canada Ltd., Friendly Stranger Holdings Corp., Pineapple Express Delivery Inc. & Hifyre Inc.	mkonyukhova@stikeman.com
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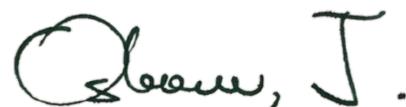
For Defendant, Respondent, Responding Party:

Name of Person Appearing	Name of Party	Contact Info
Rebecca Kennedy	Counsel for the Monitor	rkennedy@tgf.ca
Jeffery Rosenberg	FTI Consulting Canada Inc. the Court Appointment Monitor	jeffrey.rosenberg@fticonsulting.com
Patrick Corney	Counsel for Green Acre Capital LP	pcorney@millერთhompson.com

ENDORSEMENT OF JUSTICE OSBORNE:

[1] The Applicant has brought a motion seeking approval of the Fifth Report of the Monitor and the activities of the Monitor referred to therein; approval of the fees of the Monitor and its counsel; authorization for the Monitor to accept Late Claims; and an extension of the stay period until and including April 15, 2024.

- [2] At the hearing of the motion, and on consent, the relief with respect to approval of fees and activities of the Monitor and its counsel was adjourned.
- [3] On the consent of the parties, that motion, for fee and activity approval, will be heard before me on **Tuesday, February 13 commencing at 9:30 AM via Zoom**. If the matter is resolved on consent, I am prepared to address that matter in writing without the necessity of a further hearing, on the consent of the parties. The Applicant or the Monitor will advise.
- [4] The motion for the balance of the relief sought in the motion materials proceeded today. It is unopposed by any party, supported by Green Acre, and strongly recommended by the Monitor.
- [5] Defined terms in this Endorsement have the meaning given to them in the motion materials and/or the Fifth Report of the Monitor dated January 23, 2024 unless otherwise stated.
- [6] I have not set out in this Endorsement the factual background and context for the motion before me today. Such is fully set out in my earlier Endorsements in this matter, in the motion materials, and in the Fifth Report.
- [7] I am satisfied that the Monitor should be authorized to accept the Late Claims. The *Blue Range* factors are satisfied here. While not determinative, I am reinforced in my conclusion by the recommendation of the Monitor, the consent of Green Acre, and the lack of opposition from any party.
- [8] It is clear law that the fact that creditors will receive less money if late claims are allowed, is not prejudice relevant to the *Blue Range* factors. Allowing all legitimate creditors to share in the available process is an integral part of that process. (See *Blue Range* and *Target Canada Co.*).
- [9] Here, there is no prejudice. There has been no distribution, no evaluation or analysis of the claims, and indeed no relevant material or significant steps. Moreover, I am satisfied having heard the submissions of counsel that the late filing appears to have been inadvertent, and in some cases the claims were only barely late. It is appropriate that the Monitor be authorized to accept the Late Claims. That authorization is granted.
- [10] I am similarly satisfied that the stay extension should be granted. The factors set out in section 11.02 of the CCAA are satisfied here. I am satisfied that the Applicant has been acting, and continues to act, in good faith and with due diligence, and that no creditor is expected to suffer material prejudice as a result of the stay extension period. The Applicant is not carrying on active operations and is expected to maintain liquidity through the proposed extension of the stay period. The Monitor supports the proposed extension.
- [11] The stay is extended to April 15, 2024.
- [12] Order to go in the form signed by me today which is effective immediately and without the necessity of issuing and entering.

A handwritten signature in black ink, appearing to read "Osborne, J.", written in a cursive style.

Justice Osborne