

FILE COPY

O'KEEFE & SULLIVAN

BY COURIER

The Supreme Court of Newfoundland and Labrador
233 Duckworth Street,
St. John's, NL
PO Box 937
Attn: Justice Alexander MacDonald

31 January 2024

To the Registry:

**Re: Pathway Construction Ltd.
Court No. 24615
Estate No. 51-2992411**

Please find the following documents enclosed:

1. Application of Pathway Construction Ltd. to approve the plan of arrangement under the *Bankruptcy and Insolvency Act*, RSC, 1985 B-3;
2. Affidavit of Darren D. O'Keefe and attached report of the Proposal Trustee; and
3. Our firm cheque in the amount of \$10.00.

Regards,



DARREN D. O'KEEFE
dokeefe@okeefesullivan.com
ddok/mdc

O'KEEFE & SULLIVAN LAWYERS

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2023 01G
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF

A Notice of Intention to Make a Proposal
filed by Pathway Construction Ltd. pursuant to
Section 50.4 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3

Court No. 24615

Estate No. 51-2992411

NOTICE OF MOTION

SUMMARY OF CURRENT DOCUMENT	
Court File Number:	Court No. 24615
Date of Filing Document:	31 January 2024
Name of Filing Party or Person:	Pathway Construction Ltd.
Application to which Document being filed relates:	Notice of Motion seeking approval of Proposal
Statement of Purpose in Filing:	To obtain approval of the BIA Proposal
Court Sub-File Number:	N/A

The Applicant herein, **Pathway Construction Ltd.** (the "**Applicant**"), will make a motion before the presiding Judge in Bankruptcy and Insolvency on the ___ day of February 2024, at 10:00 a.m., or so soon thereafter as the motion can be heard at the Courthouse, Duckworth Street, St. John's, Newfoundland and Labrador.

RELIEF SOUGHT:

1. On the hearing of this Motion, the Applicant intends to apply for an Order substantially in the draft form attached approving the Applicant's Proposal as accepted at the First Meeting of Creditors held 11 January 2024 at the chairmanship of the Trustee, BDO Canada, as represented by Neil Jones.

LEGISLATION RELIED UPON:

2. The Applicant relies upon the following:

- (i) *Bankruptcy and Insolvency Act*, R.S.C., 1985, c. B-3, as amended ("**BIA**"); and
- (ii) BIA General Rules

FACTS AND EVIDENCE RELIED UPON:

3. The Second Report of the Proposal Trustee, BDO Canada Ltd., filed with this Notice, outlines the facts and evidence relied upon in support of this Motion.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

DATED at the City of St. John's, in the Province of Newfoundland and Labrador, this 31st day of January, 2024.

O'KEEFE & SULLIVAN



Darren D. O'Keefe
Solicitor for Pathway Construction
80 Elizabeth Ave., 2nd Floor
St. John's, NL A1A 1W7
dokeefe@okeefesullivan.com

TO: Supreme Court of Newfoundland & Labrador
General Division (In Bankruptcy)
P.O. Box 937
313 Duckworth Street
St. John's, NL A1C 5M3

AND TO: The Office of the Superintendent in Bankruptcy Canada, via electronic mail

AND TO: See Service List attached as **Schedule "A"**

SCHEDULE "A"**SERVICE UST
As of 31 January 2024
Pathway Construction Ltd.
Court No. 24615
Estate No. 51-2992411**

Creditor	Address
Adams Electrical Inc	211 Nicholsville Rd. Deer Lake NL A8A 1W5
Allnorth Consultants Ltd.	PO Box 968 Prince George BC V2L 4V1
Allstar Rebar Ltd	PO Box 3244, Sin Main Paradise NLA1L1A0
Apex Construction Specialties Inc.	P O Box 8776, Sin A St John's NLA1B 3T2
ARROW Construction Products Limited	P. O. Box 760 Fredericton, NB E3B5B4
Atlantic Industries Ltd.	32 York Street P O Box 6161 Sackville NBE4L1G6
Atlantic Ready Mix	PO Box 353 Corner Brook NL A2H 6E3
Bank of Montreal	St John's NL
Benley Ventures Ltd.	P. O. Box 123 Baytona NLA0G 2J0
BFLCanada Risk and Insurance Services Inc	181 University Ave Suite 1700 Toronto ON M5H 3M7
Brandt	PO Box480 Grand Falls - Winsor NL A2A 2J9
Cabot Timber Mart	276 Balbo Drive Clarenville NL A5A4B3
Canada Revenue Agency-Payroll	1050 Notre Dame Avenue Sudbury Tax Centre Sudbury ON P3A 5C2
Canadian Tire Mastercard - Fuel	
Carma Construction Ltd	P. O. Box 790 Bonavista NLAOC 1B0
CARQUEST Canada Ltd 28	138 Bennett Drive Gander NL A1V 2E4

SCHEDULE "A"

**SERVICE LIST
As of 31 January 2024
Pathway Construction Ltd.
Court No. 24615
Estate No. 51-2992411**

Central Cashier's Office	P.O Box8700 St. John's NL A1B 4J6
Central Hydraulics and Supply	6A Earle Street Grand Falls-Winsor NL A2B 1H5
City of St. John's	P O.Box 908 St. John's NL A1C 5M2
City Tire & Auto - Corner Brook	38 Confederation Drive Corner Brook NLA2H 6J3
Clarkes Trucking & Exe. Ltd.	163 Paradise Road Paradise NL A1L2Y1
Classic Truck & Trailer Tirecraft	26 Kyle Ave Mount Pearl NLA1N 4RS
Clifford Cooper Construction Ltd	General Delivery Old Shop, Trinity Bay NLA0B2W0
Coastal Entrance Solutions	146 Glencoe Drive Mount Pearl NL A1N 4P7
Competitive Edge	P. O. Box 323 Gander NL ASA 1M5
CRA- HST	
Dasil Recharging JMC Limited	88 Main Street Grand Falls-Windsor NL A2B1J6
Dooleys Trucking	60 Ward Street P. O. Box 398 Gander NL A1V1W8
Creditor	Address
EasternRoof & Floor Truss (2008 Inc)	27 Forest Road P.O. Box 17 Lethbridge NL AOC 1VO
ERHeating and Refrigeration (2017) Limited	13 Myers Ave Clarenville NL ASA 1TS
ESSO	

SCHEDULE "A"

**SERVICE LIST
As of 23 October 2023
Pathway Construction Ltd.
Court No. 24615
Estate No. 51-2992411**

Floyd's Construction Limited	P. O. Box 45 Rocky Harbour NL A0K 4N0
Fortis Concrete Inc.	P. O. Box 9134 Clareville, NL A5A 2C2
Greenwoods HHBC	Route 234, 1 Main St. Lethbridge NL AOC 1VO
H. WAREHAM & SONS LIMITED	49 Mccurdy Drive Gander NL A1V 1A1
Harvey Gale & Son Limited	P. O. Box 683 241 Carolina Avenue Stephenville NL A2N 3B5
Hercules	520 Windmill Rd. Dartmouth NS B3B 1B3
Horwood's Limited	245 Grenfell Heights Grand Fall-Windsor NL A2A 2J2
Iron Rock Equipment Ltd	615 Carol Drive Labrador City NL A2V 1S6
Jewer Bailey Consultants ULC	75 Tiffany Court St. John's NL A1A 0L1
Kent	P. O. Box 1200 Saint John NB E2L 4G7
King Process Technology Inc	4 Brentwood Ave Portugal Cove-St. Phillips NL A1M 0B2
Creditor	Address

SCHEDULE "A"

**SERVICE LIST
As of 23 October 2023
Pathway Construction Ltd.
Court No. 24615
Estate No. 51-2992411**

Log Max	P.O. Box 1398 Moncton NB E1C 8T6
Madsen Construction Equipment	141 Glencoe Drive Mount Pearl NL A1N 4S7
Marwood Ltd.	Postal Station A PO Box 338 Fredericton NB E3B 4Z9
Modern Printing Group	1037 Topsail Rd Mount Pearl NL A1N 5E9
P & B Trucking	13 Industrial Park Springdale NL A0J HO
Parts for Trucks	15 MacDonald Ave Dartmouth NS B3B1C6
Paul Equipmnet & Sons (2008)	CP/Box 2535 55 Rue Drapeau Street Balmoral NBEBE2W7
Pete Noseworthy	
Provall Parts Limited	7 Blackmore Avenue Clarenville NL ASA 1BB
Quality Component Repair	
R Coates Contracting	P O. Box 156 Glenwood NL A0G 2K0
R&R HVAC and Controls Ltd	961 CBS Highway Conception Bay South NL A1X 7T2

SCHEDULE "A"

**SERVICE LIST
As of 23 October 2023
Pathway Construction Ltd.
Court No. 24615
Estate No. 51-2992411**

Richard Power CPA	221E Memorial Drive Clarenville, NL A5A 1R3
Riverbend Freight Services Ltd	26 Kyle Avenue Mount Pearl NL A1N 4R5
S&H Construction Ltd	P.O. Box 9132 Clarenville NL A5A 2C2
Creditor	Address
Shagg Island Enterprises Ltd.	P O. Box 293 Musgravetown NL AOC 1Z0
South Coast Construction Inc.	2 Fish Plant Road P. O. Box 369 Burgeo NL AON 2H0
Stephenson's Services (2006) Limited	P O, Box 180 Bloomfield NL AOC 1A0
T & G Woodworks	Site 3 Box 8 Appleton NL A0G 2KG
Technical Lift and Transport Limited	37 Tobins Road St. John's NL A1E 6A3
Town Of Clarenville	99 Pleasant Street Clarenville NL A5A 1V9
Town of Georges Brook - Milton	149 Trinity Drive Georges Brook-Milton NL A5A 0L4
Town of Ramea	P.O. Box 69 Ramea NL AON 2J0

SCHEDULE "A"

SERVICE LIST
As of 23 October 2023
Pathway Construction Ltd.
Court No. 24615
Estate No. 51-2992411

United Rentals of Canada, Inc.	Postal Station A P O Box 4526 Toronto ON M5W 5Z9
Vardy Villa Limited	129 Cormack Drive Clarenville NL A5A 1M5
Wajax	PO Box 11790 Dept 29 M9082C/U Succursale Centre-Ville QC H3C 0C4
Western Pumps Services	P. O. Box 39 Norris Point NL A0K 3V0
Workplace Health & Safety	146-148 Forest Rd St. Johns NLA1A 3B8

SCHEDULE "B"

**2023 01G
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
IN BANKRUPTCY AND INSOLVENCY**

IN THE MATTER OF the Bankruptcy and Insolvency Act R.S.C., 1985 c. 8-3 as Amended (the "**BIA**"); and

AND IN THE MATTER OF a Notice of Intention to make a proposal for Pathway Construction Limited (the "**Company**").

Court No. 24615

Estate No. 51-2992411

Before the Honourable Justice MacDonald:

UPON hearing Darren O'Keefe, counsel for the Applicant, Pathway Construction Ltd. (the "**Applicant**");

AND UPON having read the Second Report of Neil Jones of BDO Canada Ltd., the Proposal Trustee dated 19 January 2024, as well as all other materials filed in connection with this Motion;

AND UPON the Proposal Trustee having requested that this Honourable Court grant its approval to the Proposal filed by the Applicant pursuant to the ***Bankruptcy and Insolvency Act***, R.S.C. 1985, c.B-3 (the "**BIA**"), a copy of such Proposal being attached hereto (the "**Proposal**");

AND UPON it appearing that appropriate Notice of this Motion has been provided to all interested parties;

IT IS HEREBY ORDERED THAT:

1. This Honourable Court grants its approval to the Proposal, pursuant to ss. 58, 59 and 60 of the BIA; and

2. This Order shall be effective as of 12:01 a.m. local time on the date of this Order.

Dated at St. John's, Newfoundland and Labrador this _____ day of January, 2024.

2023 01G
IN THE SUPREME COURT OF NEWFOUNDLAND AND
LABRADOR IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF the Bankruptcy and
Insolvency Act R.S.C., 1985 c. B-3 as
Amended (the "BIA"); and

AND IN THE MATTER OF a Notice of Intention
to make a proposal for Pathway Construction
Limited (the "Company").

Court No. 24615

Estate No. 51-2992411

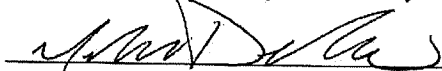
AFFIDAVIT OF DARREN O'KEEFE

I Darren O'Keefe, Barrister, make oath and give evidence as follows:

- 1 I am legal counsel for Pathway Construction Ltd. (the "**Company**"), the debtor in this proposal proceeding pursuant to the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended (the "BIA").
- 2 I attach hereto as Schedule "A" a copy of the Report of the Proposal Trustee with respect to this application.
- 3 I have personal knowledge of the evidence sworn to in this affidavit except where otherwise stated to be based on information and belief.
- 4 That I make this affidavit in support of the within application and for no other or improper purpose and for no other or improper purpose.

DATED at the 31st day of January 2024 at the City of St. John's, in the Province of Newfoundland and Labrador.

SWORN before me in the City of St. John's in
the Province of Newfoundland and Labrador,
Canada this 31st day of January 2024:


DARREN O'KEEFE

MELISSA De CARIA
A Commissioner for Oaths in and for
the Province of Newfoundland
and Labrador.
Commission expires December 31, 2028