



No. S-230255
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

**WAYGAR CAPITAL INC., as agent for
NINEPOINT CANADIAN SENIOR DEBT MASTER FUND L.P.**

PETITIONER

AND:

**THE VERY GOOD FOOD COMPANY INC., 1218158 B.C. LTD., 1218169 B.C. LTD.,
THE CULTURED NUT INC., THE VERY GOOD BUTCHERS INC., LLOYD-JAMES
MARKETING GROUP INC., and VGFC HOLDINGS LLC**

RESPONDENTS

ORDER MADE AFTER APPLICATION

BEFORE) THE HONOURABLE JUSTICE WALKER) February 13, 2023
)
)
)
)
)
)

ON THE APPLICATION of the applicant, Modern Forklift Services Ltd., coming on for hearing at 800 Smithe Street, Vancouver, BC, on 13/Feb/2023, and on hearing Kenneth Armstrong, K.C. and Lena Muratkina, articulated student, counsel for the applicant, William E.J. Skelly, counsel for the Petitioner, and Peter J. Reardon, counsel for BDO Canada Limited, the Receiver/Manager of the Respondents;

THIS COURT ORDERS that:

1. The application of the applicant, Modern Forklift Services Ltd., is dismissed.
2. Representatives of Modern Forklift Services Ltd. shall attend at the premises of The Very Good Food Company Ltd. forthwith to re-enable the equipment which is the subject of this application.

3. The Receiver shall make lease payments from the date each of the disabled pieces of equipment was re-enabled at the rates set out in the seven existing leases.
4. The applicant pay to each of the Petitioner and the Receiver costs of this application at 1.5 times scale B costs.
5. The Receiver may set off its costs against any future lease payments it is required to make.
6. This Order may be signed in one or more counterparts, electronic or otherwise, each of which when so executed and delivered shall be deemed to be an original and all for which will constitute one document.

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 counsel for the applicant,
Modern Forklift Services Ltd.



Signature of counsel for the Receiver/Manager of the Respondents,
BDO Canada Limited,

Signature of counsel for the Petitioner,
Waygar Capital Inc., as agent for
Ninepoint Canadian Senior Debt Master Fund L.P.

BY THE COURT

REGISTRAR



3. The Receiver shall make lease payments from the date each of the disabled pieces of equipment was re-enabled at the rates set out in the seven existing leases.
4. The applicant pay to each of the Petitioner and the Receiver costs of this application at 1.5 times scale B costs.
5. The Receiver may set off its costs against any future lease payments it is required to make.
6. This Order may be signed in one or more counterparts, electronic or otherwise, each of which when so executed and delivered shall be deemed to be an original and all for which will constitute one document.

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 counsel for the applicant,
Modern Forklift Services Ltd.

Signature of counsel for the Receiver/Manager of the Respondents,
BDO Canada Limited,



Signature of counsel for the Petitioner,
Waygar Capital Inc., as agent for
Ninepoint Canadian Senior Debt Master Fund L.P.

BY THE COURT

REGISTRAR



No. S-2030255
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

**WAYGAR CAPITAL INC., as agent for
NINEPOINT CANADIAN SENIOR DEBT MASTER FUND L.P.**

PETITIONER

AND:

**THE VERY GOOD FOOD COMPANY INC., 1218158 B.C. LTD., 1218169 B.C. LTD.,
THE CULTURED NUT INC., THE VERY GOOD BUTCHERS INC., LLOYD-JAMES
MARKETING GROUP INC., and VGFC HOLDINGS LLC**

RESPONDENTS

ORDER MADE AFTER APPLICATION

Peter J. Reardon
NATHANSON, SCHACHTER & THOMPSON LLP
750 – 900 Howe Street,
Vancouver, BC V6Z 2M4
Telephone: (604) 662-8840
Email: preardon@nst.ca