ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST)

BETWEEN:

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

Applicant

and

QUALITY RUGS OF CANADA LIMITED, MALVERN CONTRACT INTERIORS LIMITED, WESTON HARDWOOD DESIGN CENTRE INC., ONTARIO FLOORING LTD., TIMELINE FLOORS INC., AND QUALITY COMMERCIAL CARPET CORPORATION

Respondents

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 OR ARRANGEMENT OF QUALITY RUGS OF CANADA LIMITED, MALVERN CONTRACT INTERIORS LIMITED, WESTON HARDWOOD DESIGN CENTRE INC., ONTARIO FLOORING LTD., TIMELINE FLOORS INC., AND QUALITY COMMERCIAL CARPERT CORPORATION

MOTION RECORD

(Dismissal of Waygar CCAA Application)

September 4, 2023

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ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST)

BETWEEN:

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

Applicant

and

QUALITY RUGS OF CANADA LIMITED, MALVERN CONTRACT INTERIORS LIMITED, WESTON HARDWOOD DESIGN CENTRE INC., ONTARIO FLOORING LTD., TIMELINE FLOORS INC., AND QUALITY COMMERCIAL CARPET CORPORATION

Respondents

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 OR ARRANGEMENT OF QUALITY RUGS OF CANADA LIMITED, MALVERN CONTRACT INTERIORS LIMITED, WESTON HARDWOOD DESIGN CENTRE INC., ONTARIO FLOORING LTD., TIMELINE FLOORS INC., AND QUALITY COMMERCIAL CARPERT CORPORATION

MOTION RECORD INDEX

ТАВ	DESCRIPTION	
1.	Notice of Motion of the Respondents, dated September 1, 2023	
2.	Draft Order	

Tab 1

ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST)

BETWEEN:

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

Applicant

and

QUALITY RUGS OF CANADA LIMITED, MALVERN CONTRACT INTERIORS LIMITED, WESTON HARDWOOD DESIGN CENTRE INC., ONTARIO FLOORING LTD., TIMELINE FLOORS INC., AND QUALITY COMMERCIAL CARPET CORPORATION

Respondents

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

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF QUALITY RUGS OF CANADA LIMITED, MALVERN CONTRACT INTERIORS LIMITED, WESTON HARDWOOD DESIGN CENTRE INC., ONTARIO FLOORING LTD., TIMELINE FLOORS INC., AND QUALITY COMMERCIAL CARPERT CORPORATION

NOTICE OF MOTION

The Respondents, Quality Rugs of Canada Limited, Malvern Contract Interiors Limited, Weston Hardwood Design Centre Inc., Ontario Flooring Ltd., Timeline Floors Inc., and Quality Commercial Carpet Corporation, will make a motion before the Honourable Justice Penny of the Ontario Superior Court of Justice (Commercial List) on Tuesday, September 5, 2023, at 10:00 a.m., or as soon after that time as the Motion can be heard, via Zoom videoconference.

PROPOSED METHOD OF HEARING: The motion is to be heard by video conference.at the following location:

https://ca01web.zoom.us/j/65400327305?pwd=WC91RjNENjNnZ1Q2NHpvbDlzaUNldz 09#success (Meeting ID: 654 0032 7305 Passcode: 082269).

THE MOTION IS FOR

- (a) An order, on consent, dismissing the application as against the Respondents,
 Quality Rugs of Canada Limited, Malvern Contract Interiors Limited, Weston
 Hardwood Design Centre Inc., Ontario Flooring Ltd., Timeline Floors Inc., and
 Quality Commercial Carpet Corporation, without costs; and
- (b) Such further and other relief as to this Honourable Court may seem just.

THE GROUNDS FOR THE MOTION ARE

- (a) Rules 1.04, 1.05, 2.03, 3.02, 16 and 37 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, as amended;
- (b) The Applicant and the Respondents have consented to an order dismissing this application as against the Respondents, Quality Rugs of Canada Limited ("QRCL"), Malvern Contract Interiors Limited, Weston Hardwood Design Centre Inc., Ontario Flooring Ltd., Timeline Floors Inc., and Quality Commercial Carpet Corporation, without costs; and
- (c) Such further and other grounds as the lawyers may advise.

- (a) The Affidavit of John Pacione sworn September 2, 2023 and filed in the QRCL et al CCAA Extension Motion in *Quality Rugs of Canada Ltd. et al* (Court File No. CV-23-00703933-00CL);
- (b) Draft Order dismissing this application without costs; and
- (c) Such further and other evidence as the lawyers may advise and this Honourable Court may permit.

September 1, 2023

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TO: THE SERVICE LIST

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Applicant

-and- QUALITY RUGS OF CANADA LIMITED et al.

Respondents

Court File No. CV-23-00703292-00CL

ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST)

PROCEEDING COMMENCED AT TORONTO

NOTICE OF MOTION

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Lawyer for the Respondents

RCP-F 4C (September 1, 2020)

Tab 2

ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST)

THE HONOURABLE)	, THE
)	
JUSTICE PENNY)	DAY OF, 2023

BETWEEN:

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

Applicant

and

QUALITY RUGS OF CANADA LIMITED, MALVERN CONTRACT INTERIORS LIMITED, WESTON HARDWOOD DESIGN CENTRE INC., ONTARIO FLOORING LTD., TIMELINE FLOORS INC., AND QUALITY COMMERCIAL CARPET CORPORATION

Respondents

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

AND IN THE MATTER OF A PLAN OF COMPROMISE OR ARRANGEMENT OF QUALITY RUGS OF CANADA LIMITED, MALVERN CONTRACT INTERIORS LIMITED, WESTON HARDWOOD DESIGN CENTRE INC., ONTARIO FLOORING LTD., TIMELINE FLOORS INC., AND QUALITY COMMERCIAL CARPERT CORPORATION

ORDER

THIS MOTION, made by the Respondents, Quality Rugs of Canada Limited, Malvern Contract

Interiors Limited, Weston Hardwood Design Centre Inc., Ontario Flooring Ltd., Timeline Floors

Inc., and Quality Commercial Carpet Corporation, for an Order dismissing the application without costs, was made this day by video conference.

ON READING the Notice of Motion, and on being advised of the consent of the parties,

 THIS COURT ORDERS that the within application is hereby dismissed as against the Respondents, Quality Rugs of Canada Limited, Malvern Contract Interiors Limited, Weston Hardwood Design Centre Inc., Ontario Flooring Ltd., Timeline Floors Inc., and Quality Commercial Carpet Corporation, without costs.

(Signature of judge, officer or registrar)

WAYGAR CAPITAL INC., AS AGENT FOR NINEPOINT CANADIAN SENIOR DEBT MASTER FUND L.P.

-and- QUALITY RUGS OF CANADA LIMITED et al.

Applicant

Respondents

Court File No. CV-23-00703292-00CL

ONTARIO SUPERIOR COURT OF JUSTICE (COMMERCIAL LIST)

PROCEEDING COMMENCED AT TORONTO

ORDER

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RCP-E 4C (May 1, 2016)

WAYGAR CAPITAL INC., AS AGENT FOR NINEPOINT CANADIAN SENIOR DEBT MASTER FUND L.P.

Applicant

- and - QUALITY RUGS OF CANADA LIMITED et al.

Respondents

Court File No. CV-23-00703292-00CL

ONTARIO SUPERIOR COURT OF JUSTICE COMMERCIAL LIST

PROCEEDING COMMENCED AT TORONTO

MOTION RECORD

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