



**No. S-245481**  
**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 THE *COOPERATIVE ASSOCIATION ACT*, S.B.C. 1999, C 28

AND

IN THE MATTER OF BC TREE FRUITS COOPERATIVE, BC TREE FRUITS INDUSTRIES  
LIMITED and GROWERS SUPPLY COMPANY LIMITED

PETITIONERS

**FIRST REPORT OF THE RECEIVER**

**ALVAREZ & MARSAL CANADA INC.**

**SEPTEMBER 29, 2025**

## TABLE OF CONTENTS

1.0	INTRODUCTION .....	2
2.0	PURPOSE OF REPORT .....	3
3.0	INITIAL ACCEPTED CLAIMS .....	3
4.0	CLAIMS PROCESS UPDATE .....	4
5.0	CONCLUSIONS AND RECOMMENDATIONS .....	5

## APPENDIX

Appendix A –Second Accepted Claims

## 1.0 INTRODUCTION

- 1.1 On August 13, 2024, in Supreme Court of British Columbia Action No. S-245481, Vancouver Registry (the “**CCAA Proceedings**”), the Supreme Court of British Columbia (the “**Court**”) granted BC Tree Fruits Cooperative (“**BCTFC**”), BC Tree Fruits Industries Limited (“**BCTF Industries**”) and Growers Supply Company Limited (“**GSC**”, together with BCTFC and BCTF Industries, the “**BCTF Group**” or the “**Petitioners**”) an initial order (“**Initial Order**”) under the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c. C-36, as amended. Among other things, the Initial Order granted the BCTF Group an initial stay of proceedings up to and including August 23, 2024, and appointed Alvarez & Marsal Canada Inc. (“**A&M**”) as the monitor of the BCTF Group (the “**Monitor**”) with enhanced powers.
- 1.2 During the CCAA Proceedings, this Honourable Court granted several orders authorizing the sale of substantially all of the BCTF Group’s real property and other assets. All of the transactions approved under these orders have now been completed.
- 1.3 On August 27, 2025, on the application of the Monitor, this Court granted two orders:
  - a) an order (the “**Name Change and Claims Payment Order**”), among other things, approving the changing of names for the BCTF Group and payment of the claims (the “**Initial Accepted Claims**”) allowed by the Monitor as enumerated at Appendix B to the the Fourteenth Report of the Monitor dated August 25, 2025 (the “**Fourteenth Report**”); and
  - b) an order (the “**Receivership Order**”), among other things: (i) discharging A&M as Monitor of the Petitioners; (ii) releasing and discharging the Monitor, counsel for the Monitor and each of their respective affiliates and officers, directors, partners, employees and agents (collectively, the “**Released Parties**”) from any and all claims that any person may have or be entitled to assert against the Released Parties; and (iii) appointing A&M as receiver (the “**Receiver**”), without security, of all of the assets, undertakings and property of the BCTF Group, including all proceeds thereof (the “**Receivership Proceedings**”), pursuant to section 39 of the *Law and Equity Act (BC)*.
- 1.4 The Receivership Order further: (a) authorized the Monitor to make the payments contemplated under the Name Change and Claims Payment Order; and (b) expressly empowered and authorized the Receiver to carry out all of the duties of the Monitor under the Claims Process Order granted in the CCAA Proceedings on April 28, 2025 (the “**Claims Process Order**”).
- 1.5 Concurrent with the filing of this First Report of the Receiver dated September 29, 2025 (the “**First Report**”), the Receiver has filed an application seeking an order (the “**Second Claims Payment**”).

**Order**”), among other things, authorizing and empowering it to pay the claims of those claimants whose claims have now been accepted by the Monitor since the grant of the Name Change and Claims Payment Order, as such claims are enumerated at Appendix “A” to this First Report (collectively, the “**Second Accepted Claims**”).

- 1.6 Further information regarding the CCAA Proceedings and the Receivership Proceedings, including copies of all orders made in these proceedings and all affidavits, reports of the Monitor and Receiver, and other Court-filed documents and notices (other than anything filed under seal) (collectively, the “**Filed Materials**”) are available at [www.alvarezandmarsal.com/bctreefruits](http://www.alvarezandmarsal.com/bctreefruits) (the “**Receiver’s Website**”).

## 2.0 PURPOSE OF REPORT

- 2.1 This First Report has been prepared by the Receiver to provide information to this Honourable Court with information regarding the following matters:
- a) an update on the status of payment of the Initial Accepted Claims;
  - b) an update on the status of the claims process under the Claims Process Order;
  - c) the Second Accepted Claims; and
  - d) the Receiver’s recommendations in respect of the Second Claims Payment Order.
- 2.2 The First Report should be read in conjunction with the Filed Materials found on the Receiver’s Website. Background information contained in the Filed Materials has not been included herein to avoid unnecessary duplication. Capitalized terms not otherwise defined in this First Report have the meanings ascribed to them in the Filed Materials.
- 2.3 Unless otherwise stated, all monetary amounts contained in this First Report are expressed in Canadian dollars.

## 3.0 INITIAL ACCEPTED CLAIMS

- 3.1 The Initial Accepted Claims comprised 1,013 vendor claims totaling approximately \$16.7 million and 230 employee claims totaling approximately \$5.1 million, as follows.

BC Tree Fruits Cooperative & Growers Supply Company Limited Summary of Initial Accepted Claims \$CAD		
	No. of Claims	Amount
Vendor claims	1,013	\$ 16,708,020.07
Employee claims	230	5,148,154.15
<b>Total Initial Accepted Claims</b>	<b>1,243</b>	<b>\$ 21,856,174.22</b>

- 3.2 To date, of the Initial Accepted Claims, the Receiver has made payments to settle 1,012 vendor claims via cheques and wire transfers.
- 3.3 Payment of one (1) of the Initial Accepted Claims (in the amount of \$4,352.24) is currently being held because the claimant owes the BCTF Group the amount of \$57,029.55, and this amount is being pursued by Debt Collectors International (“**DCI**”). Per DCI, this claimant has been put on a payment plan, and has made one payment as at the date of this First Report. The Receiver is exploring options with respect to this Initial Accepted Claim, and may seek further direction from this Honourable Court, as necessary.
- 3.4 Further, prior to the payment of any Initial Accepted Claims that are employee claims, the Receiver is required to confirm with Service Canada: (a) the amounts subrogated from the employee claims to Service Canada under the Wage Earner Protection Program (“**WEPP**”); and (ii) the amounts of any Employment Insurance (“**EI**”) overpayments, in order for deductions to be first calculated and then made from such Initial Accepted Claims.
- 3.5 The Receiver has confirmed and reconciled the amounts paid via WEPP with Service Canada.
- 3.6 Regarding EI overpayments, the Receiver compiled and sent the 230 employee claims totaling \$5,148,154.15 to Service Canada for their review on September 6, 2025. Service Canada has communicated that the usual response timeline is a minimum of eight (8) to 12 weeks.
- 3.7 Upon the completion of Service Canada’s review, the Receiver will arrange payments to satisfy the Initial Accepted Claims that are employee claims, subject to any deductions and withholdings from any such payments as may be required under any applicable laws, including, without limitation, any tax withholdings, statutory deductions and any employment insurance overpayments, and to remit such amounts to the appropriate governmental authority.

#### **4.0 CLAIMS PROCESS UPDATE**

- 4.1 In the Fourteenth Report of the Monitor dated August 25, 2025 (the “**Fourteenth Report**”), the Monitor reported that, as at the date thereof, there remained 11 claims in dispute—i.e., in respect of which Notices of Dispute (“**NODs**”, and each, a “**NOD**”) had been filed—and six (6) outstanding restructuring claims.
- 4.2 Since the Fourteenth Report, six (6) claims in respect of which NODs were filed have been accepted by the Monitor/Receiver in the amount of \$256,388.35 (collectively, the “**Accepted Claims**”), and five (5) claims totaling \$1.72 million, remain to be determined (collectively, the “**Outstanding Claims**”).

**BC Tree Fruits Cooperative & Growers Supply Company Limited**  
**Notice of Dispute Adjudication**  
*\$CAD*

	No. of Claims	NoD Amount	Allowed Amount
Notices of Dispute received	14	\$ 2,987,989.32	\$ -
Accepted and included in the Initial Accepted Claims	(3)	(573,338.77)	545,492.11
Accepted and included in the Second List of Accepted Claims	(6)	(691,060.32)	256,388.35
<b>Remaining claims to be resolved</b>	<b>5</b>	<b>1,723,590.23</b>	<b>N/A</b>

- 4.3 The Receiver is in the process of attempting to resolve the Outstanding Claims. In accordance with the Claims Process Order, any Outstanding Claims that are not being settled in a manner satisfactory to the Receiver shall be referred to this Honourable Court for adjudication. To date, two of the five claimants with Outstanding Claims have further disputed the Receiver's adjudication to their NODs, and will be referred to this Honourable Court for adjudication in due course.
- 4.4 Further, since the Fourteenth Report, six (6) proofs of claim totaling \$827,637.55, from terminated employees of the BCTF Group (each comprising a Restructuring Period Claim, as such term is defined under the Claims Process Order), have been filed and accepted by the Receiver (the "Accepted Employee Claims").
- 4.5 Accordingly, under the Second Claims Payment Order, the Receiver seeks approval from this Honourable Court to make payments to the claimants having the Second Accepted Claims in the amounts enumerated at Appendix "A", which total the sum of \$1,084,025.90. The Second Accepted Claims comprise the Accepted Claims, and the Accepted Employee Claims described above.
- 4.6 The Receiver confirms that it has sufficient funds on hand to satisfy the payments on account of the Second Accepted Claims in full, as well as the full amount of the Outstanding Claims (even if proven in the amounts asserted by their respective claimants).
- 4.7 Similar to the Initial Accepted Claims, the Accepted Employee Claims will be subject to review by Service Canada prior to the Receiver's payment of them. The Receiver provided the accepted amounts, subject to Court approval, to Service Canada for their review on September 6, 2025.

## **5.0 CONCLUSIONS AND RECOMMENDATIONS**

- 5.1 For the foregoing reasons, the Receiver respectfully recommends that this Honourable Court grant the Second Claims Payment Order as sought.

\*\*\*\*\*

All of which is respectfully submitted to this Honourable Court this 29<sup>th</sup> day of September, 2025.

**Alvarez & Marsal Canada Inc.,**  
in its capacity as Receiver of  
BC Tree Fruits Cooperative,  
BC Tree Fruits Industries Limited and Growers Supply Company Limited

A handwritten signature in black ink, appearing to read 'Anthony Tillman', with a stylized, cursive script.

Per: Anthony Tillman  
Senior Vice President

A handwritten signature in black ink, appearing to read 'Pinky Law', with a stylized, cursive script.

Per: Pinky Law  
Vice President

## **Appendix A - Second Accepted Claims**



**BC Tree Fruits Cooperative & Growers Supply Company Limited**  
**Second Accepted Claims**  
*\$CAD*

<b>Claim Ref #</b>	<b>Claimant</b>	<b>Amount</b>
1363	Morico, Christopher	\$ 25,904.56
1365	Doug Pankiw	204,540.12
1366	Craig Ogilvie	323,025.05
1367	Laurel Van Dam	184,419.80
1368	Robert Bartoszewicz	71,347.64
549	IMPETT J Donald & IMPETT	458.53
698	Linton, Lisa	40,956.13
735	Mark S. Welton	23,271.34
999	Sandre, Andrew P.	51,339.89
1151	Tanemura, Sandra D.	35,531.36
1232	VAN DOREN SALES NORTH INC.	104,831.11
1369	Pam McGuire	18,400.37
<b>Total</b>		<b>\$ 1,084,025.90</b>