

This is the 5th Affidavit
of Ian Munson in this case
and was made on August ___, 2022

No. B-210198
Estate No. 11-2716201
Province of British Columbia
Bankruptcy Division
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA
IN BANKRUPTCY AND INSOLVENCY**

IN THE MATTER OF THE PROPOSAL OF
BEAR CREEK CONTRACTING LTD.

AFFIDAVIT

I, Ian Munson, businessperson, of 3550 Highway 16 East, Terrace, British Columbia,
MAKE OATH AND SAY THAT:

1. I am the sole director of Bear Creek Contracting Ltd. (“**BCC**”) and as such I have personal knowledge of the facts hereinafter deposed to except where stated to be on information and belief, in which case I verily believe them to be true.
2. I make this affidavit in support of BCC’s application (the “**Application**”) for an order (the “**Proposal Amendment Order**”) amending BCC’s amended proposal to its creditors dated July 15, 2021 (the “**Proposal**”) to provide that Crowe MacKay & Company Ltd. (the “**Proposal Trustee**”) may immediately issue a certificate of completion pursuant to section 65.3 of the *Bankruptcy and Insolvency Act* (the “**Certificate of Completion**”).
3. BCC has paid all funds required to be paid by it to the Proposal Trustee under the Proposal, being the sum of \$1,408,473.92.
4. The Proposal Trustee made an interim distribution to all affected creditors having proven claims, but still holds approximately \$442,000, in trust, to be distributed to affected creditors once all disputed claims (the “**Disputed Claims**”) are resolved. I understand that the Disputed Claims are not likely to be resolved any time in the near future, but

rather I understand the resolution of those claims could be delayed by several months if not more

- 5. The Proposal currently contemplates the issuance of the Certificate of Completion only after the Proposal Trustee has made all distributions to affected creditors as contemplated by the Proposal. Accordingly, the conclusion of these proposal proceedings has been delayed due to the resolution of the Disputed Claims.
- 6. BCC’s operations and financing efforts are both negatively affected by the ongoing delay in the resolution of this process. Among other things, BCC is unable to bid on or secure certain projects, and it has found it impossible to secure new financing due to the fact that it is still subject to these proposal proceedings.
- 7. Accordingly, BCC seeks the Proposal Amendment Order to authorize the Proposal Trustee to file the Certificate of Completion at this time so as to allow BCC to emerge from these proposal proceedings and carry on business in the ordinary course.

SWORNBEFORE ME at)
 _____, British Columbia, on)
 August ____, 2022)
)
)
)

 A Commissioner for taking Affidavits for)
 British Columbia)

IAN MUNSON

No. B-210198
Estate No. 11-2716201
Province of British Columbia
Bankruptcy Division
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA
IN BANKRUPTCY AND INSOLVENCY**

IN THE MATTER OF THE
NOTICE OF INTENTION TO
MAKE A PROPOSAL OF BEAR
CREEK CONTRACTING LTD.

AFFIDAVIT #5 OF IAN MUNSON

FASKEN MARTINEAU DuMOULIN LLP

Barristers and Solicitors
550 Burrard Street, Suite 2900
Vancouver, BC, V6C 0A3
+1 604 631 3131

Counsel: Kibben Jackson
Matter No: 322707.00001