

NO. S080752  
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

AND

IN THE MATTER OF THE BUSINESS CORPORATIONS ACT, R.S.B.C. 2002, c. 57

AND

IN THE MATTER OF BACKBAY RETAILING CORPORATION, and  
GRAY'S APPAREL COMPANY LTD.

PETITIONERS

### NOTICE OF MOTION

**TO:** The Petitioners and The Monitor

**AND TO:** Their Solicitors

TAKE NOTICE that an application will be made by Ivanhoe Cambridge Inc., 20 VIC Management Inc., OMERS Realty Management Corporation and Morguard Investments Limited before Mr. Justice Hinkson at the Law Courts, 800 Smithe Street, Vancouver, British Columbia, on Thursday, June 19, 2008 at a time to be determined for an Order that:

1. The above noted applicants seek directions on whether the Order pronounced by Mr. Justice Hinkson on May 31, 2008 properly authorizes the further agreement concerning the purchase as described in the Monitor's Fifth Report or whether a further Court Order is required.
2. The time for service of this motion be abridged.

The Applicants will rely on the *Companies' Creditors Arrangement Act*, R.S.C. 1985 c. C-36, the Initial Order pronounced by the Honourable Mr. Justice Hinkson on February 1, 2008 as amended by Orders pronounced by the Honourable Mr. Justice Hinkson on February 11, 2008 and February 29, 2008, the Monitor's Fifth Report to the Court, the Order of the Honourable Mr. Justice Hinkson pronounced May 31, 2008 and the inherent jurisdiction of this Honourable Court.


At the hearing of the application, the applicant will rely on all pleadings affidavits and materials filed to date and such further an other materials as counsel may advise and that this Honourable Court deems admissible.

This application is expected to be contentious and the estimated time for the hearing is 60 minutes

The Honourable Mr. Justice Hinkson is seized of this matter.

The provisions of Rule 51A are dispensed with in relation to all applications in this proceeding.

DATED: June 16, 2008



Solicitors for Ivanhoe Cambridge Inc.,  
20 VIC Management Inc., OMERS  
Realty Management Corporation and  
Morguard Investments Limited