

**ATTESTATION**

**COVID-19 EMERGENCY RELIEF FUND – TELEFILM ALLOCATION**

**PHASE 2 – MOVIE THEATRE PROGRAM**

(the “Telefilm Relief Fund for Movie Theatres”)

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Name of the corporation (the “**Corporation**”)

**I, the undersigned,**

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Full name of the deponent

**DECLARE, that**

1. I am an officer of the Corporation and am duly authorized to declare the following for the Corporation and its related parties<sup>1</sup> within the meaning defined herein (the “**Related Parties**”).
2. I confirm that I have performed a complete due diligence of all relevant facts for the drafting of this declaration and that I have personal knowledge of said facts.
3. I acknowledge that Telefilm Canada (“**Telefilm**”) is relying on this declaration to determine whether the Corporation is eligible to access the Telefilm Relief Fund for Movie Theatres.
4. The Corporation and its Related Parties (the “**Corporate Group**”) have been negatively impacted by the COVID-19 pandemic, which has resulted in financial hardship to their operations, and therefore are in need of the emergency relief funds to ensure continuity of operations and to safeguard jobs.
5. The Corporate Group can demonstrate a projected negative financial impact of at least 25% as a result of the COVID-19 pandemic.
6. The Corporation and its Related Parties have submitted to Telefilm a single application for their entire Corporate Group under the Telefilm Relief Fund for Movie Theatres.
7. Neither the Corporation nor any of its Related Parties have received any financing under Phase 1 of the *Emergency Support Fund for Cultural, Heritage and Sport Organizations*, including the *COVID-19 Emergency Relief Fund – Telefilm Allocation*, subject to any exceptions provided in the Telefilm Relief Fund for Movie Theatres guidelines.
8. Neither the Corporation nor any of its Related Parties has submitted or will submit an application to receive financing under Phase 2 of the *Emergency Support Fund for Cultural, Heritage and Sport Organizations* to another organization (Canadian Heritage, Canada Council for the Arts, Canada Media Fund).
9. Neither the Corporation nor any of its Related Parties are receiving funding from multiple Government of Canada COVID-19 initiatives (e.g., Canada Emergency Response Benefit, Canada Emergency Wage Subsidy, Canada Emergency Business Account, and Canada Emergency Commercial Rent Assistance for Small Businesses and any other Government of

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<sup>1</sup> “Related Parties” are defined as parties that are related within the meaning of the *CPA Canada Handbook*, as amended, supplemented or replaced from time to time, as that definition may be adapted by Telefilm to the context of the film and television industry.

Canada COVID-19 response initiatives) to cover the same costs as those covered under the Telefilm Relief Fund for Movie Theatres. Further, if the Corporation and/or any of its Related Parties subsequently receives any funding related to a Government of Canada COVID-19 initiative, it will not use that funding to cover the same costs as those covered by the financing provided under the Telefilm Relief Fund for Movie Theatres.

10. Neither the Corporation nor any of its Related Parties which are benefiting from the Telefilm Relief Fund for Movie Theatres (the “**Beneficiary Corporations**”) is insolvent or bankrupt, in the course of the reorganization of its business within the meaning of the *Bankruptcy and Insolvency Act (Canada)*, and it has not taken steps and no steps have been taken against it for its winding-up or dissolution and no receiver or trustee has been appointed for its property.
11. The Beneficiary Corporations are active in the audiovisual sector as commercial movie theatre exhibitors and intend to remain so for the foreseeable future.
12. The Beneficiary Corporations own one or more movie theatre establishments in Canada having showed one or more Canadian Feature Films<sup>2</sup> during any of Telefilm’s last three (3) fiscal years<sup>3</sup>.
13. Funds will be used for business continuity, to cover additional costs relating to the suspension of operations due to the COVID-19 pandemic or to support workers.
14. The Beneficiary Corporations will use such funds according to the objectives of the Government of Canada and the spirit and intent of the Telefilm Relief Fund for Movie Theatres.
15. I have read sections 1 to 3 and 26 to 28 of the *Investment Canada Act* and confirm that the Beneficiary Corporations are exclusively composed of “Canadian controlled” entities, within the meaning given to this expression in the aforementioned provisions.
16. No determination or declaration has been made with respect to the Beneficiary Corporations under subsections 26(2.1) or (2.2) of the *Investment Canada Act* and I am not aware of any fact or circumstance as a result of which such a determination or declaration could be made.
17. There is no fact or event that could affect the Canadian control of the Beneficiary Corporations.
18. The Beneficiary Corporations will maintain their “Canadian controlled” status for at least 12 months following receipt of financing under the Telefilm Relief Fund for Movie Theatres.
19. I acknowledge that making a false declaration is considered as an event of default for the Corporate Group under Telefilm’s policies and may constitute a criminal offense.

**AND I HAVE SIGNED**

In \_\_\_\_\_  
City Province

This \_\_\_\_\_ of \_\_\_\_\_  
Day Month / year Signature of deponent

<sup>2</sup> “Canadian Feature Film” is defined as a fictional or documentary film of 75 minutes or more that has : (i) obtained a minimum of 6 out of 10 points (or 60% of the points) from the Canadian Audio-Visual Certification Office (CAVCO), or (ii) received a preliminary or final recommendation by Telefilm as an audiovisual coproduction governed by a Canadian treaty.

<sup>3</sup> Telefilm’s fiscal year is from April 1<sup>st</sup> to March 31<sup>st</sup>; the fiscal years covered are 2019-2020, 2018-2019 and 2017-2018.