

**IN THE MATTER OF THE INSOLVENCY ACT 1986 AND THE INSOLVENCY RULES 2016**

**Re: Metrix Commercial Interiors Limited – In Administration (“the Company”)**

**Registered number: 04299332**

**High Court of Justice Ref: CR-2020-002115**

**NOTICE TO CREDITORS IN ACCORDANCE WITH PARAGRAPH 51 OF SCHEDULE B1 OF THE  
INSOLVENCY ACT AND IN ACCORDANCE WITH RULE 15.8 INSOLVENCY RULES 2016  
REQUISITIONED DECISION PROCEDURE BY CORRESPONDENCE**

We, Virgil Harsham Levy of LA Business Recovery Limited, 1 Beasley's Yard, 126 High Street, Uxbridge, Middlesex, UB8 1JT and Danny Allen of 360 Insolvency Limited, 1 Castle Hill Court, Rochester, Kent, ME1 1LF, were appointed as Administrators of the Company on 16 April 2020.

NOTICE IS HEREBY GIVEN pursuant to Paragraph 51 of Schedule B1 of the Insolvency Act 1986 that the creditors are being asked to consider the Administrator's Proposals by correspondence.

To participate in the vote creditors need to return a voting form to my office at 1 Beasley's Yard, 126 High Street, Uxbridge, Middlesex, UB8 1JT or via email to [info@labr.co.uk](mailto:info@labr.co.uk) by 23:59 on 25 June 2020.

If any creditor wishes to propose a modification(s) to the Proposals they must do so in writing. Modifications should be sent to 1 Beasley's Yard, 126 High Street, Uxbridge, Middlesex, UB8 1JT and should be returned with a proof of debt form. Alternatively, the documentation can be sent by email to [info@labr.co.uk](mailto:info@labr.co.uk). If modifications are proposed it may become necessary to issue revised Proposals and to postpone the decision date.

The resolutions to be considered are: -

1. That the Administrators' Proposals for achieving the purpose of the Administration, as set out in their Statement of Proposals, be approved [with/without modifications]
2. That the unpaid pre-administration expenses as detailed in the Administrator's Statement of Proposals be approved for payment as an expense of the Administration
3. That the Administrators be discharged from liability under Paragraph 98 of Schedule B1 to the Insolvency Act 1986 immediately upon their appointment as Administrators ceasing to have effect.
4. The formation of a Creditors Committee if sufficient creditors are willing to be members of a Committee and if so, who the creditors' wish to nominate for membership of the Committee.

***Statutory information and creditors' entitlement to vote***

In accordance with Rule 15.8 of the Insolvency Rules 2016, please be aware of the following information:

- Creditors are only entitled to vote if they have submitted a proof of debt prior to the decision date and the claim has been accepted in whole or in part, together with a voting form. Whilst I am permitted to agree claims below £1,000 without a proof of debt, a creditor whose claim is less than £1,000 is not able to vote without having lodged a proof of debt. Creditors who have opted out from receiving notices may, nevertheless, vote if a proof of debt has been lodged.
- Creditors must lodge their voting form no later than 23:59 on 25 June 2020. Forms should be sent to [info@labr.co.uk](mailto:info@labr.co.uk). Alternatively voting forms can be faxed to 01895 520096 or submitted by email to [info@labr.co.uk](mailto:info@labr.co.uk).
- Secured creditors may only vote for the balance of the debt, which will not be recovered by enforcement of the security, unless the right to enforce is waived.
- I am obliged to advise creditors that applications to have any decision reviewed must be made to High Court of Justice under reference CR-2020-002115. Any such application should be made within 21 days

of the decision date.

- If any creditor is of the opinion that they have been excluded from the decision process or that the exclusion of another has adversely affected their position a complaint may be made to Virgil H Levy, the convener of the vote. Any complaint should be made as soon as reasonably practicable and no later than 4pm on the business day following the exclusion / adverse ramification.
- Creditors' attention is further drawn to Insolvency Rules 15.28, 15.31, 15.32 and 15.34 which detail the rules for voting. Extracts from these Rules have been included with this notice.
- If creditors are not satisfied with the decision procedure implemented they may request a physical meeting be convened providing their claim is 10% of the value of the creditors, 10% of the number of creditors request the same or 10 individual creditors request that a meeting be convened. All requests to hold a physical meeting should be made in writing. Requests for a physical meeting should be made within five business days of delivery of this notice.

Dated 9 June 2020

Signed



**Virgil H Levy**  
**Joint Administrator**

#### **Contact details**

Postal Address: 1 Beasley's Yard, 126 High Street, Uxbridge, Middlesex, UB8 1JT

Email: [info@labr.co.uk](mailto:info@labr.co.uk)

Fax: 01895 520096

Telephone: 01895 819460

## Creditors Decision Process – Extract from the Insolvency Rules 2016

### Creditors' voting rights

**15.28** - (5) In a decision relating to a proposed CVA or IVA every creditor, secured or unsecured, who has notice of the decision procedure is entitled to vote in respect of that creditor's debt.

### Calculation of voting rights

**15.31** —(1) Votes are calculated according to the amount of each creditor's claim—

- (a) in an administration, as at the date on which the company entered administration, less—
  - (i) any payments that have been made to the creditor after that date in respect of the claim, and
  - (ii) any adjustment by way of set-off which has been made in accordance with rule 14.24 or would have been made if that rule were applied on the date on which the votes are counted;
- (b) in an administrative receivership, as at the date of the appointment of the receiver, less any payments that have been made to the creditor after that date in respect of the claim;
- (c) in a creditors' voluntary winding up, a winding up by the court or a bankruptcy, as set out in the creditor's proof to the extent that it has been admitted;
- (d) in a proposed CVA—
  - (i) at the date the company went into liquidation where the company is being wound up,
  - (ii) at the date the company entered into administration (less any payments made to the creditor after that date in respect of the claim) where it is in administration,
  - (iii) at the beginning of the moratorium where a moratorium has been obtained (less any payments made to the creditor after that date in respect of the claim), or
  - (iv) where (i) to (iii) do not apply, at the decision date;
- (e) in a proposed IVA—
  - (i) where the debtor is not an undischarged bankrupt—
    - (aa) at the date of the interim order, where there is an interim order in force, (bb) otherwise, at the decision date,
  - (ii) where the debtor is an undischarged bankrupt, at the date of the bankruptcy order.

(2) A creditor may vote in respect of a debt of an unliquidated or unascertained amount if the convener or chair decides to put upon it an estimated minimum value for the purpose of entitlement to vote and admits the claim for that purpose.

(3) But in relation to a proposed CVA or IVA, a debt of an unliquidated or unascertained amount is to be valued at £1 for the purposes of voting unless the convener or chair or an appointed person decides to put a higher value on it.

(4) Where a debt is wholly secured its value for voting purposes is nil.

(5) Where a debt is partly secured its value for voting purposes is the value of the unsecured part.

(6) However, the value of the debt for voting purposes is its full value without deduction of the value of the security in the following cases—

- (a) where the administrator has made a statement under paragraph 52(1)(b) of Schedule B1 and the administrator has been requested to seek a decision under paragraph 52(2); and
- (b) where, in a proposed CVA, there is a decision on whether to extend or further extend a moratorium or to bring a moratorium to an end before the end of the period of any extension.

(7) No vote may be cast in respect of a claim more than once on any resolution put to the meeting; and for this purpose (where relevant), the claim of a creditor and of any member State liquidator in relation to the same debt are a single claim.

(8) A vote cast in a decision procedure which is not a meeting may not be changed.

- (9) Paragraph (7) does not prevent a creditor or member State liquidator from—
- (a) voting in respect of less than the full value of an entitlement to vote; or
  - (b) casting a vote one way in respect of part of the value of an entitlement and another way in respect of some or all of the balance of that value.

### **Requisite majorities**

**15.34**—(1) A decision is made by creditors when a majority (in value) of those voting have voted in favour of the proposed decision, except where this rule provides otherwise.

(2) In the case of an administration, a decision is not made if those voting against it—

- (a) include more than half in value of the creditors to whom notice of the decision procedure was delivered; and
- (b) are not, to the best of the convener or chair's belief, persons connected with the company.

(3) Each of the following decisions in a proposed CVA is made when three-quarters or more (in value) of those responding vote in favour of it—

- (a) a decision approving a proposal or a modification;
- (b) a decision extending or further extending a moratorium; or
- (c) a decision bringing a moratorium to an end before the end of the period of any extension.

(4) In a proposed CVA a decision is not made if more than half of the total value of the unconnected creditors vote against it.

(5) For the purposes of paragraph (4)—

- (a) a creditor is unconnected unless the convener or chair decides that the creditor is connected with the company;
- (b) in deciding whether a creditor is connected reliance may be placed on the information provided by the company's statement of affairs or otherwise in accordance with these Rules; and
- (c) the total value of the unconnected creditors is the total value of those unconnected creditors whose claims have been admitted for voting.

(6) In a case relating to a proposed IVA—

- (a) a decision approving a proposal or a modification is made when three-quarters or more (in value) of those responding vote in favour of it;
- (b) a decision is not made if more than half of the total value of creditors who are not associates of the debtor vote against it.

(7) For the purposes of paragraph (6)—

- (a) a creditor is not an associate of the debtor unless the convener or chair decides that the creditor is an associate of the debtor;
- (b) in deciding whether a creditor is an associate of the debtor, reliance may be placed on the information provided by the debtor's statement of affairs or otherwise in accordance with these Rules; and
- (c) the total value of the creditors who are not associates of the debtor is the total value of the creditors who are not associates of the debtor whose claims have been admitted for voting.

### **Appeals against decisions under this Chapter**

**15.35** — (1) A decision of the convener or chair under this Chapter is subject to appeal to the court by a creditor, by a contributory, or by the bankrupt or debtor (as applicable).

(2) In a proposed CVA, an appeal against a decision under this Chapter may also be made by a member of the company.

(3) If the decision is reversed or varied, or votes are declared invalid, the court may order another decision procedure to be initiated or make such order as it thinks just but, in a CVA or IVA, the court may

only make an order if it considers that the circumstances which led to the appeal give rise to unfair prejudice or material irregularity.

(4) An appeal under this rule may not be made later than 21 days after the decision date.

(5) However, the previous paragraph does not apply in a proposed CVA or IVA, where an appeal may not be made after the end of the period of 28 days beginning with the day—

(a) in a proposed CVA, on which the first of the reports required by section 4(6) or paragraph 30(3) of Schedule A1 was filed with the court(a); or

(b) in a proposed IVA—

(i) where an interim order has not been obtained, on which the notice of the result of the consideration of the proposal required by section 259(1)(a) has been given, or

(ii) otherwise, on which the report required by section 259(1)(b)(b) is made to the court.

(6) The person who made the decision is not personally liable for costs incurred by any person in relation to an appeal under this rule unless the court makes an order to that effect.

(7) The court may not make an order under paragraph (6) if the person who made the decision in a winding up by the court or a bankruptcy is the official receiver or a person nominated by the official receiver.

## Complaint

**15.38.**—(1) A person may make a complaint who—

(a) is, or claims to be, an excluded person; or

(b) attends the meeting and claims to have been adversely affected by the actual, apparent or claimed exclusion of another person.

(2) The complaint must be made to the appropriate person who is —

(a) the chair, where the complaint is made during the course of the meeting; or

(b) the convener, where it is made after the meeting.

(3) The complaint must be made as soon as reasonably practicable and, in any event, no later than 4pm on the business day following—

(a) the day on which the person was, appeared or claimed to be excluded; or

(b) where an indication is sought under rule 15.37, the day on which the complainant received the indication.

(4) The appropriate person must, as soon as reasonably practicable following receipt of the complaint,—

(a) consider whether there is an excluded person;

(b) where satisfied that there is an excluded person, consider the complaint; and

(c) where satisfied that there has been prejudice, take such action as the appropriate person considers fit to remedy the prejudice.

(5) Paragraph (6) applies where the appropriate person is satisfied that the complainant is an excluded person and—

(a) a resolution was voted on at the meeting during the period of the person's exclusion; and

(b) the excluded person asserts how the excluded person intended to vote on the resolution.

(6) Where the appropriate person is satisfied that if the excluded person had voted as that person intended it would have changed the result of the resolution, then the appropriate person must, as soon as reasonably practicable,—

(a) count the intended vote as having been cast in that way;

(b) amend the record of the result of the resolution;

(c) where notice of the result of the resolution has been delivered to those entitled to attend the meeting, deliver notice to them of the change and the reason for it; and

(d) where notice of the result of the resolution has yet to be delivered to those entitled to attend the meeting, the notice must include details of the change and the reason for it.

(7) Where satisfied that more than one complainant is an excluded person, the appropriate person must have regard to the combined effect of the intended votes.

(8) The appropriate person must deliver notice to the complainant of any decision as soon as reasonably practicable.

(9) A complainant who is not satisfied by the action of the appropriate person may apply to the court for directions and any application must be made no more than two business days from the date of receiving the decision of the appropriate person.