



Please consider the environment before printing.

Required for all applications using a distribution advance towards meeting a portion of the required Eligible Triggering Commitment Threshold as described in section 3.2.4. of the Linear Content – Core Production Guidelines.

Project Title: _____
(the “PROJECT”)

Genre: _____ Cycle: _____

From Episode # _____ to # _____ Total number of episodes: _____ Length per episode(s): _____
minutes

Name of the Distributor: _____
(the “ELIGIBLE CANADIAN DISTRIBUTOR”)

Name of Applicant company: _____
(the “APPLICANT”)

This DAF is an appendix to the Eligible Canadian Distributor’s commitment letter and/or distribution agreement with the Applicant for the Project dated: _____

DISTRIBUTION ADVANCE:

- Total confirmed distribution advance amount to the Project \$: _____
- Portion of the total confirmed distribution advance amount that will count towards the Project’s Eligible Triggering Commitment Threshold for the Project’s International Territory Exploitation Right only:

\$ _____

1. The Eligible Canadian Distributor and Applicant (the “**Parties**”) are duly authorized to declare the following for each of their corporations and respective Related Parties¹;
2. The Eligible Canadian Distributor has performed a complete due diligence of all relevant facts for the drafting of this declaration and has personal knowledge of said facts;
3. The Eligible Canadian Distributor confirms that it has read the (i) Linear Content – Core Production Guidelines, (ii) specific Program Guidelines applicable to the Project that is seeking Canada Media Fund (“**CMF**”) funding and (iii) [Appendices A and B](#) (including *Appendix B, Chapter 9, Eligible Canadian Distributor Business Policy*) and confirms that it meets all the eligibility requirements noted in these documents necessary to help the Project access CMF funding. These requirements include but are not limited to the following:
 - Once the CMF has committed production financing to the Project, the Eligible Canadian Distributor confirms that its financial commitment will not be withdrawn, or be reduced to a level that results in the Project no longer meeting the Eligible Triggering Commitment Threshold;
 - The Eligible Canadian Distributor confirms that it has not entered and will not enter into any oral or written agreement or “side deal” with the Applicant that conflicts with any of the provisions of the *Eligible Canadian Distributor Business Policy* and of the applicable CMF Guidelines.
4. The Parties acknowledge that the CMF is relying on this declaration to determine whether the Eligible Canadian Distributor is eligible to help the Project access CMF funding;
5. The Eligible Canadian Distributor helping the Project meet the Eligible Triggering Commitment Threshold in order to access CMF funding is not 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;
6. The Eligible Canadian Distributor confirms that there is not now pending nor, to the best of the knowledge of the Eligible Canadian Distributor, threatened against the Eligible Canadian Distributor any cause of action or legal proceeding of any kind before any court, tribunal or other competent authority in any jurisdiction in the world;
7. The Eligible Canadian Distributor shall promptly deliver notice to the CMF of any material adverse change in the financial position of the Eligible Canadian Distributor that could impair the Eligible Canadian Distributor’s capacity to perform its obligations towards the Applicant and the Project;
8. The Eligible Canadian Distributor has read sections 1 to 3 and 26 to 28 of the *Investment Canada Act* and confirms that:
 - it is “Canadian controlled”, within the meaning given to this expression in the aforementioned provisions;
 - no determination or declaration has been made with respect to the Eligible Canadian Distributor under subsections 26(2.1) or (2.2) of the *Investment Canada Act* and the officer of the Eligible Canadian Distributor is not aware of any fact or circumstance as a result of which such a determination or declaration could be made; and
 - there is no fact or event that could affect the Canadian control of the Eligible Canadian Distributor;

¹“**Related Parties**” is defined in Appendix A of the CMF’s Guidelines and has the meaning set out in the CPA Canada Handbook, as amended, supplemented or replaced from time to time, as that definition has been applied by CMF in its Accounting and Reporting Requirements.

9. The Parties acknowledge that making a false declaration is considered as an event of default for the Applicant under CMF's policies, will impact the ability of the Parties to participate in future CMF-funded Projects and may constitute a criminal offense.

ELIGIBLE CANADIAN DISTRIBUTOR:

APPLICANT:

SIGNATURE:

SIGNATURE:

I am duly authorized

I am duly authorized

NAME:

NAME:

Please print

Please print

TITLE:

TITLE:

DATE:

DATE:

YYYY/MM/DD

YYYY/MM/DD