

2019 YEAR IN REVIEW



The MLT Aikins insolvency and restructuring practice group carried out assignments in 2019 as counsel to debtor companies, lenders and court officers administering insolvency proceedings. Notable highlights are as follows.

MLT AIKINS

WESTERN CANADA'S LAW FIRM

ALBERTA ASSIGNMENTS

1905383 Alberta Ltd. (Receivership)

Dana Nowak, Jeff Lee and Arooj Shah acted as counsel to PricewaterhouseCoopers Inc., court-appointed receiver of a debtor company which owned an extended stay hotel and a partially constructed development hotel in Grande Prairie. The Receiver obtained a Sale Approval and Vesting Order from the Court of Queen's Bench on May 21, 2019. Principals of the debtor company obtained leave to appeal the Sale Approval and Vesting Order. In a unanimous decision released on November 14, 2019, the Alberta Court of Appeal dismissed the appeal and reaffirmed the applicability of the principles of *Royal Bank v. Soundair* on Sale Approval and Vesting Order applications by Receivers in Alberta.

Solo Liquor Stores Ltd. and Solo Liquor Holdings Ltd. (Receivership)

Jeff Lee, Catrina Webster, Michael Clark, Jonathan Troyer and Chris Hahn acted as counsel to a secured creditor of Solo Liquor Stores Ltd. and Solo Liquor Holdings Ltd. in regard to the receivership and court-supervised sale of the assets of the debtor companies, which operated several dozen discount liquor stores across Alberta.

Schendel Mechanical Contracting Ltd. (NOI Proceedings)

Dana Nowak and Jeff Lee acted as counsel to the Proposal Trustee in regard to April 2019 NOI Proceedings by Schendel Mechanical Contract Ltd. and related companies under Division I of Part III of the *Bankruptcy and Insolvency Act*.

D.L.M. Oilfield Enterprises Ltd. (Receivership)

Dana Nowak and Catrina Webster acted as counsel to Ernst & Young Inc, court-appointed receiver of a Northern Alberta oilfield service company. The Receiver obtained Court approval to liquidate the debtor's assets by auction.

All Inclusive Maintenance A.I.M. Services Ltd. (Bankruptcy)

Dana Nowak acted as counsel to MNP Ltd., trustee in bankruptcy of a construction company.

Prime Vet Group of Companies (Receivership)

Dana Nowak and Mandi Deren-Dube acted as counsel to a secured creditor in obtaining an Order appointing a receiver of an Edmonton-based group of veterinary clinics.

Sanj Corporation Ltd. operating as Fionn Maccools (Enforcement)

Dana Nowak and Evan Halbert acted as counsel to a secured creditor in regard to enforcement of debt obligations against Fionn Maccools of Lloydminster (and guarantors).

Mack's Custom Welding & Fabrication Inc. (Enforcement)

Dana Nowak and Arooj Shah acted as counsel to a secured creditor in regard to enforcement of debt obligations against a fabrication shop (and guarantors).

Richard Pelletier Holdings Corporation (Bankruptcy)

Ryan Zahara and Catrina Webster acted as counsel to a judgment creditor regarding the bankruptcy of Richard Pelletier Holdings Corporation in respect of a \$33,000,000 judgment.

Hop Compost Ltd. (Receivership)

Ryan Zahara and Catrina Webster acted as counsel to a secured creditor of Hop Compost Ltd. ("Hop"). Hop originally filed a notice of intention to make a proposal to its creditors, but was unable to obtain interim financing. Ryan and Catrina successfully moved to appoint a receiver.

Penhold Crossing Plaza Ltd. and 1963843 Alberta Ltd. (Receivership)

Ryan Zahara and Catrina Webster acted as counsel to a secured creditor in obtaining an Order appointing a receiver of the property, assets and undertakings of Penhold Crossing Plaza Ltd. (real estate holding company) and 1963843 Alberta Ltd. (which operated an Esso gas station on the property owned by Penhold Crossing Plaza Ltd.).

Coredent Partnership et al (Enforcement)

Ryan Zahara acted as counsel to a secured creditor in a successful Application For Bankruptcy Order against the partners of Coredent Partnership and in obtaining summary judgement for \$5.4 million against the guarantor in September of 2019.

Aquila Fabrication and Equipment Ltd. et al (Receivership)

Ryan Zahara and Catrina Webster acted as counsel to KPMG Inc., receiver of the property, assets and undertakings of Aquila Fabrication and Equipment Ltd., 965431 Alberta Ltd. and 1768192 Alberta Ltd., manufacturers of pressurized vessels and tanks for oilfield services companies.

Kakkar Real Estate Ltd. (Receivership)

Ryan Zahara and Catrina Webster acted as counsel to MNP Ltd., receiver of the property, assets and undertakings of Kakkar Real Estate Ltd., owner of a Camrose hotel sold through receivership.

Galloway Construction Group Ltd. (Receivership)

Ryan Zahara and Catrina Webster acted as counsel to MNP Ltd., receiver of the property, assets and undertakings of Galloway Construction Group Ltd.

Trakopolis IoT CORP and Trakopolis SaaS CORP (BIA Division I Proposal)

William Skelly and Catrina Webster acted for ESW Holdings, the senior secured creditor, in recovering the amounts owed to ESW in the BIA Proceedings.

BRITISH COLUMBIA ASSIGNMENTS

Solid Holdings Ltd. (Bankruptcy)

William Skelly and Thomas Clifford acted as counsel to Grant Thornton Limited, court-appointed receiver, in a successful Application for Bankruptcy Order against a debtor company with mining operations in British Columbia and abroad. In a unanimous decision released on June 18, 2019, the British Columbia Court of Appeal dismissed the appeal of Solid Holdings Ltd., thereby affirming the law for a single creditor to obtain a Bankruptcy Order.

Grabbers Last Stand Bison Ranch Ltd. (Receivership)

William Skelly, Thomas Clifford and Catrina Webster acted as counsel to a secured creditor in obtaining an Order appointing a receiver of the property, assets and undertakings of Grabbers Last Stand Bison Ranch Ltd., which operated a bison farm in northern British Columbia.

ITLA Grain Inc. (CCAA)

William Skelly acted as counsel to the purchaser of certain assets of ILTA Grain Inc. in the Province of Saskatchewan pursuant to a Court Order obtained in the Supreme Court of British Columbia.

611802 B.C. Ltd. (Bankruptcy)

William Skelly and Thomas Clifford acted as counsel to a creditor in a successful Application for Bankruptcy Order against 611802 B.C. Ltd. in respect of a \$1,000,000 debt.

Darcy Pahl (Enforcement)

William Skelly and Thomas Clifford acted as counsel to a foreign judgment creditor regarding the registration and enforcement of a \$19,000,000 judgment.

Onstar Exploration Ltd. (Bankruptcy)

William Skelly and Thomas Clifford acted as counsel to a creditor in a successful Application for Bankruptcy Order against Onstar Exploration Ltd. in respect of a \$7,000,000 debt.

647497 B.C. Ltd (Bankruptcy)

William Skelly and Thomas Clifford acted as counsel to a creditor in a successful Application for Bankruptcy Order against 647497 B.C. Ltd. in respect of a \$500,000 debt.

Border Express Services Ltd. (Enforcement)

William Skelly and Thomas Clifford acted as counsel to a foreign judgment creditor regarding the registration and enforcement of a \$1,400,000 USD judgment.

SASKATCHEWAN ASSIGNMENTS

EMW Industrial Ltd. (Receivership)

Jeff Lee and Paul Olfert acted as counsel to a secured creditor of EMW Industrial Ltd. and related companies (“EMW”) in obtaining an April 11, 2019 Order of the Court of Queen’s Bench For Saskatchewan appointing a receiver of the property, assets and undertakings of EMW. EMW previously carried on the business of providing design, fabrication and maintenance services to the agricultural, mining and industrial sectors in Saskatchewan, Alberta, Manitoba, Ontario, Missouri, Iowa, North Dakota and Oklahoma.

7 G.B. Enterprises Inc. (Receivership)

Jeff Lee and Paul Olfert acted as counsel to a secured creditor of 7 G.B. Enterprises Inc. in obtaining a July 16, 2019 Order of the Court of Queen’s Bench For Saskatchewan appointing a receiver of the property, assets and undertakings of the debtor company, a residential property development enterprise established to complete the Douglas Heights project in Weyburn, Saskatchewan.

Beckerland Farms Inc. (Receivership)

Jeff Lee and Paul Olfert acted as counsel to the court-appointed receiver of Beckerland Farms Inc., a Saskatchewan corporation which carried on the business of providing grain storage and drying services to farmers in the Districts of Canora and Wroxtton, Saskatchewan.

Swift Hotels Group Ltd. (Receivership)

Jeff Lee and Marek Coutu acted as counsel to the court-appointed receiver of Swift Hotels Group Ltd., which owns and operates a hotel in Swift Current, Saskatchewan.

101169093 Saskatchewan Ltd. o/a FIRST AUTORENTALSs (Receivership)

Jeff Lee and Marek Coutu acted as counsel to a secured creditor of 101169093 Saskatchewan Ltd. o/a FIRST AUTORENTALS in obtaining a December 19, 2019 Order of the Court of Queen’s Bench For Saskatchewan appointing a receiver of the property, assets and undertakings of the debtor company, which previously carried on a car rental business enterprise in Saskatoon.

MANITOBA ASSIGNMENTS

Prendiville Industries Ltd. (BIA Division I Proceedings)

J.J. Burnell acted as counsel to a secured creditor of Prendiville Industries Ltd., owner and operator of a sawmill in Kenora, Ontario which commenced proceedings under Division I of Part III of the Bankruptcy and Insolvency Act in December of 2019.

Force Rentals Ltd. and 5060470 Manitoba Ltd. (Receivership)

J.J. Burnell and Madison Sutherland acted as counsel to the court-appointed receiver of Force Rentals Ltd. and 5060470 Manitoba Ltd., Manitoba corporations which provided oil field equipment rentals in and around southwestern Manitoba.

Rainbow Colony of Hutterian Bretheren (Monitor)

J.J. Burnell and Madison Sutherland acted as counsel to the court-appointed monitor of Rainbow Colony of Hutterian Bretheren, Liberty Farms Ltd., Ile des Chenes Holding Co. Ltd., and 6201041 Manitoba Inc., a hutterite colony located in Manitoba.

5684855 Manitoba Ltd. (Receivership)

Jeff Lee and Madison Sutherland acted as counsel to the court-appointed receiver of 5684855 Manitoba Ltd., a Manitoba corporation which owned and operated a 46-unit multi-family residential apartment building in Winnipeg.

5274398 Manitoba Ltd. O/A Cross Country Manufacturing (NOI Proceedings)

J.J. Burnell acted as counsel to 5274398 Manitoba Ltd. operating as Cross Country Manufacturing, a manufacturer and dealer of specialty trailers in Morden, Manitoba and Blenheim Ontario, in respect of its NOI proceedings under Division I of Part III of the *Bankruptcy and Insolvency Act*.

Shopost Ltd. and 3830684 Manitoba Ltd. (NOI Proceedings and Bankruptcy)

J.J. Burnell acted as counsel to a secured creditor Shopost Ltd. and 3830684 Manitoba Ltd., a custom steel and miscellaneous metal fabrication business, in Winnipeg, Manitoba in respect of Shopost Ltd.’s NOI proceedings under Division I of Part III of the *Bankruptcy and Insolvency Act* and subsequent bankruptcy.



MULTIPLE PROVINCE ASSIGNMENTS

Bentley Leathers Inc. (NOI Proceedings)

*Jeff Lee, Paul Olfert, Peter Anandranistakis, Jason Paw and Saravan Veylan acted as counsel to a secured lender in regard to Manitoba, Saskatchewan, Alberta and British Columbia matters pertaining to the November, 2019 NOI Proceedings by Bentley Leathers Inc. under Division I of Part III of the *Bankruptcy and Insolvency Act*.*

SPEAKING ENGAGEMENTS, PAPERS AND OTHER MILESTONES

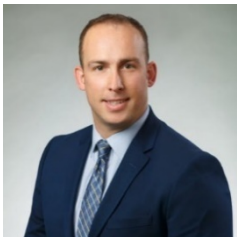


J.J. Burnell
Winnipeg

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J.J. Burnell Elected Secretary of CBA National Insolvency Law Section

In the Spring of 2019, J.J. Burnell was elected to serve on the 2019-2020 Canadian Bar Association Insolvency Law National Section Executive as Secretary. She joined the executive with the objectives of contributing to the growth of the section, providing representation for each province and giving every level of experience a voice.



Ryan Zahara
Calgary

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Ryan Zahara Joins MLT Aikins Insolvency & Restructuring Group

On August 1, 2019, Ryan Zahara joined MLT Aikins LLP as a partner in our Calgary office and a key member of our insolvency and restructuring team. Ryan has a wealth of experience in insolvency and restructuring. He has been involved in numerous restructuring proceedings under the *Companies Creditors' Arrangement Act* and the *Bankruptcy and Insolvency Act*. He frequently acts on behalf of court-appointed officers in insolvency proceedings, including receivers, monitors and trustees. Ryan has represented clients from a wide range of industries including real estate, mining, oil and gas and manufacturing.

J.J. Burnell and Ryan Zahara Speak at Canadian Bar Association National Insolvency Law Conference

On November 8, 2019, J.J. Burnell and Ryan Zahara spoke at the Canadian Bar Association (CBA) 15th Annual Insolvency Law Conference in Banff, Alberta. J.J. participated in a panel discussion entitled "*What To Do... What To Do... Ethical Considerations in Insolvency Practice*". Ryan took part in a panel discussion entitled "*Dealing With True Leases And Financing Leases*".



Jeff Lee
Saskatoon

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Jeff Lee Speaks at Insolvency Institute of Canada (IIC) Annual Conference

On October 26, 2019, Jeff Lee spoke at the IIC Annual Conference in Naples, Florida. Jeff co-presented with Montréal lawyer Christian Lachance of Davies Ward Phillips & Vineberg LLP on the Impact on Insolvency Law and Practice of the 2015 decision of the Supreme Court of Canada in *Attorney General For Saskatchewan v. Lemare Lake Logging Ltd.*



Conrad Hadubiak
Regina

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Conrad Hadubiak, Q.C. Joins MLT Aikins Regina Litigation Group

On November 18, 2019, Conrad Hadubiak, Q.C. joined the Regina Litigation Group of MLT Aikins LLP as counsel. Conrad has 30 years of experience as a commercial litigator with a particular emphasis on bankruptcy, insolvency and corporate restructuring. As counsel on insolvency related matters, Conrad has represented secured lenders and unsecured creditors, government lenders and revenue agencies, restructuring corporations, individuals, and receivers, trustees and court-appointed monitors.



Paul Olfert
Saskatoon

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Paul Olfert Speaks to CBA Saskatchewan Labour and Employment Section

On April 16, 2019, Paul Olfert spoke to the Canadian Bar Association's Labour and Employment Section for Saskatchewan regarding select topics at the intersection of insolvency and employment law, including deemed trusts for unpaid wages, the Wage Earner Protection Program Act (Canada), and the treatment of collective agreements in restructuring proceedings.

Key Contacts



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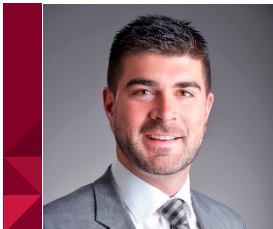
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