

2020 YEAR IN REVIEW



The MLT Aikins insolvency and restructuring practice group carried out assignments in 2020 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

Industrial Utility Installation Company (Insolvency)

Dana Nowak and Mandi Deren-Dubé acted as counsel to a national bank regarding the insolvency of an Alberta-based utility installation contractor.

Twisted Pair Technical Services Ltd. and Daniel Pinder (Enforcement)

Dana Nowak and Mandi Deren-Dubé acted as counsel to the secured creditor, who appointed a Receiver over the assets of Twisted Pair in 2016. Following the administration of the Receivership, the secured creditor sought judgment for the shortfall against the Defendant Daniel Pinder, pursuant to a personal guarantee. MLT Aikins was successful in appealing the dismissal of an Application for Judgment and obtained judgment for the full amount of the shortfall on behalf of the secured creditor.

Restaurant Group - Edmonton, Alberta (Enforcement)

Dana Nowak acted as counsel to a chartered bank regarding the insolvency of a group of restaurants in the greater Edmonton area, and enforcement as against the debtor companies and guarantors.

Hardware Store - Northern Alberta (Insolvency)

Dana Nowak acted as counsel to a chartered bank regarding the insolvency of a hardware store in Northern Alberta, and enforcement as against the debtor companies and guarantors.

Fitness Centre - Edmonton, Alberta (Enforcement)

Dana Nowak acted as counsel to a chartered bank regarding the insolvency of a fitness centre in Edmonton, Alberta, and enforcement as against the debtor companies and guarantors.

Leigh Builders Ltd. and Leigh Commercial Builders Inc. (Receivership)

Mandi Deren-Dubé acted as counsel to the Royal Bank of Canada in a successful contested receivership application over the assets of Leigh Builders Ltd. and Leigh Commercial Builders Inc. (Leigh Builders). The Receivership of Leigh Builders is ongoing.

Bow River Energy (Receivership)

Ryan Zahara and Catrina Webster acted as counsel to the Alberta Energy Regulator and Orphan Well Association and successfully obtained an Order of the Court of Queen's Bench of Alberta appointing a receiver of the property, assets and undertakings of Bow River Energy Ltd., an oil and natural gas production company operating in Alberta and Saskatchewan.

PrimeCARE Health Clinics (Receivership)

Ryan Zahara and Catrina Webster acted as counsel to the senior secured lender of a group of related health clinics, and successfully obtained an Order of the Court of Queen's Bench of Alberta appointing a receiver of the property, assets and undertakings of a group of related health clinics operating across Alberta.

Northern Silica Corporation (CCAA)

Ryan Zahara acted as counsel to a secured lender in Northern Silica Corporation's CCAA proceedings.

CLM Distribution Pool & Spa Products Inc. and Lectranator Systems Inc. (Receivership and Bankruptcy)

Ryan Zahara and Catrina Webster acted as counsel to Grant Thornton Limited in its role as the receiver and trustee in bankruptcy for CLM Distribution Pool & Spa Products Inc. and Lectranator Systems Inc., which distributed pool chemicals across Canada.

Petro West Limited Partnership, Petro West Ltd., Willow Park Limited Partnership, Willow Park Capital Corp., Wesley Church Building Limited Partnership, Wesley Church Building Inc., Paramount Building Limited Partnership and Paramount Building Ltd. (Receivership)

Ryan Zahara acted as counsel to Ernst & Young Inc. in its role as the court-appointed receiver of the property, assets and undertakings of the above-named companies, which own various commercial properties in Calgary, Alberta.

Accede Energy Services Ltd., Accede Fire & Safety Ltd., 1537723 Alberta Inc. and Access Valve Ltd. (Receivership)

Ryan Zahara and Catrina Webster acted as counsel to FTI Consulting Canada Inc. in its role as the court-appointed receiver of the property, assets and undertakings of Accede Energy Services Ltd. et al, a group of companies that provide oilfield equipment rentals.

Redrock Camps Inc., Sweetwater Hospitality Inc., Sockeye Enterprises Inc. and Baldr Construction Management Inc. (CCAA)

Ryan Zahara and Kaitlin Ward acted as counsel for BDO Canada Limited in its role as the court-appointed Monitor in the CCAA proceedings of Redrock Camps Inc., Sweetwater Hospitality Inc., Sockeye Enterprises Inc. and Baldr Construction Management Inc. (the "Redrock Companies"). The Redrock Companies provided and assembled remote service camps in northern British Columbia and Alberta.

Dinosaur Trail Golf & Country Club (Receivership)

Ryan Zahara and Catrina Webster acted as counsel for Hardie & Kelly Inc. (now BDO Canada Limited) in its role as the court-appointed receiver of the property, assets and undertakings of Dinosaur Trail Golf & Country Club, a golf course and club in Drumheller, Alberta.

Tartan Completion Systems Inc. (BIA NOI Proceedings)

Ryan Zahara acted as counsel for MNP Ltd. in its role as the Proposal Trustee in Tartan Completion Systems Inc.'s Notice of Intention to make a Proposal under Division I of the BIA. The Proposal Trustee successfully obtained a Sale Approval and Vesting Order with respect to the assets of Tartan Completion Systems Inc.

1075397 Alberta Ltd., Rigsat Communications Inc., Petrocraft Products (Receivership)

Ryan Zahara acted for MNP Ltd. in its role as the court-appointed receiver of 1075397 Alberta Ltd. et al. in respect of a commercial property located in Calgary, Alberta.

Carpet & Upholstery Business (Receivership)

Jonathan Bouchier and Catrina Webster acted as counsel for the senior secured lender of a carpet and upholstery business and successfully obtained a receivership order of the Court of Queen's Bench of Alberta appointing a receiver over the property, assets and undertakings of the business.

Restaurant (Bankruptcy)

Jonathan Bouchier, Catrina Webster and Kaitlin Ward acted as counsel for the senior secured lender of a restaurant business. and successfully applied for a Bankruptcy Order assigning the business into bankruptcy.

Ellis Fabrication Inc., The Generation Corporation, Generation Construction Corp., Generation Steel Inc. and Groundworks Safety Systems Inc. (Receivership)

Catrina Webster and Kaitlin Ward acted as counsel for the senior secured lender of Ellis Fabrications Inc. et al, and successfully obtained an Order of the Court of Queen's Bench of Alberta appointing a receiver of the property, assets and undertakings of Ellis Fabrications et al.

BRITISH COLUMBIA ASSIGNMENTS

Sunniva Inc. (CCAA/Bankruptcy)

William Skelly, Thomas Clifford and Vanessa Mensink acted as counsel to Matrix Venture Capital Management, Inc., an unsecured creditor of Sunniva Inc. This matter is ongoing.

Dubh Linn Gate (Vancouver) (Bankruptcy)

William Skelly acted as counsel to the shareholder of the debtor. The debtor was a restaurant which fell victim to COVID-19.

British Columbia Currency Exchange (Bankruptcy and Receivership)

William Skelly and Mark Gill acted for two significant unsecured creditors who were defrauded of funds advanced to the debtor.

Grabbers Last Stand Bison Ranch Ltd. (Receivership and Bankruptcy)

William Skelly, Thomas Clifford and Catrina Webster acted as counsel to The Bank of Nova Scotia, the senior secured creditor, in obtaining an Order appointing a receiver of the property, assets and undertakings of Grabbers Last Stand Bison Ranch Ltd., and subsequent enforcement against the guarantor. After the initial demand, the debtor filed for protection under the Farm Debt Mediation Act, however, on the request of The Bank of Nova Scotia, the stay of proceedings was terminated and no appeal was sought. This matter is ongoing.

True Leaf Group of Companies (Bankruptcy)

William Skelly acted for a group of purchasers who funded and acquired the assets of the companies which had filed an NOI.

SASKATCHEWAN ASSIGNMENTS

Korf Properties Ltd. (Receivership)

Jeff Lee and James Rose acted as counsel to a secured lender in obtaining a March 17, 2020 Order from the Court of Queen's Bench for Saskatchewan in regard to a portfolio of commercial and residential real estate properties owned by Korf Properties Ltd. and located in Estevan and Regina, Saskatchewan and Lloydminster, Alberta.

Harmon International Industries Inc. (Receivership)

Jeff Lee and Paul Olfert acted as counsel to BDO Canada Limited (formerly Hardie & Kelly Inc.), the Receiver of Harmon International Industries Inc. of Saskatoon, Saskatchewan appointed pursuant to an Order of the Court of Queen's Bench For Saskatchewan in January of 2020. The Receiver was discharged in October of 2020.

101100090 Saskatchewan Ltd o/a Kolibab Mechanical (NOI Proceedings)

Jeff Lee acted as counsel to The Bowra Group Inc., Proposal Trustee to 101100090 Saskatchewan Ltd. o/a Kolibab Mechanical ("Kolibab Mechanical"), in regard to a Proposal to Creditors commenced by Kolibab Mechanical under Division I of Part III of the BIA on June 26, 2020 and approved by the Creditors at a Meeting of Creditors on November 12, 2020.

Shawn Mantyka (Bankruptcy)

Jeff Lee and Marek Coutu acted as counsel to Pinder Bueckert & Associates Inc., Trustee of the Estate in Bankruptcy of Shawn Mantyka, in obtaining a decision of the Court of Queen's Bench For Saskatchewan on behalf of the Bankruptcy Estate establishing that a General Security Agreement held by a secured creditor in all present and after-acquired personal property of a bankrupt did not attach to proceeds of land sold by the Trustee in Bankruptcy subsequent to an assignment in bankruptcy.

P.S. Electric Ltd. (Receivership)

Paul Olfert acted as counsel to a secured lender in obtaining an October, 2020 Order of the Court of Queen's Bench For Saskatchewan appointing a receiver of the property, assets and undertaking of P.S. Electric Ltd., an electrical contractor carrying on business in Estevan, Saskatchewan.

MANITOBA ASSIGNMENTS

Globeways Canada Inc. (Receivership)

J.J. Burnell, Jeff Lee, Paul Olefort and Madison Sutherland acted as counsel to BDO Canada Limited, the Receiver of Globeways Canada Inc. having its head office in Mississauga, Ontario, Canpulse Food Ltd. located in Kindersley, Saskatchewan and Global Grain Canada Ltd. located in Plum Coulee, Manitoba, appointed pursuant to an Order of the Ontario Superior Court of Justice (Commercial List) on November 19, 2020.

Prendville Industries Ltd. (BIA Division I Proceedings/Receivership)

J.J. Burnell and Madison Sutherland acted as counsel to a secured lender in obtaining a May 2020 Order of the Court of Queen's Bench of Manitoba appointing a receiver of the property, assets and undertaking of Prendville Industries Ltd. owner and operator of a sawmill in Kenora, Ontario.

Nygaard Group (Receivership)

J.J. Burnell acted as counsel to a contingent creditor in the receivership proceedings of the Nygaard Group of companies, that were placed in receivership by order of the Manitoba Court of Queen's Bench in March 2020.

Composites Innovation Centre (Bankruptcy and BIA Division I Proceedings)

J.J. Burnell acted as counsel for Deloitte Restructuring Inc., the appointed Licensed Insolvency Trustee in the Bankruptcy of Composites Innovation Centre ("CIC"). Subsequently, CIC filed a proposal under Division I of Part III of the Bankruptcy and Insolvency Act with the Licensed Insolvency Trustee, and J.J. Burnell represented Deloitte in its capacity as proposal trustee.

British Bazaar and British Confectionery (Receivership)

J.J. Burnell acted as counsel to the purchaser of the assets of British Bazaar and British Confectionery, which was placed into receivership by order of the Supreme Court of Newfoundland and Labrador after unsuccessful proceedings under Division I of Part III of the Bankruptcy and Insolvency Act (Canada) and the Companies' Creditors Arrangement Act (Canada).



MULTIPLE PROVINCE ASSIGNMENTS

EncoreFX Inc. (Bankruptcy)

William Skelly, Dana Nowak, Thomas Clifford, Mandi Deren-Dube Evan Halbert, Vanessa Mensink and Arooj Shah, acted as counsel to Ernst & Young Inc., the Trustee in Bankruptcy of EncoreFX Inc. (“EncoreFX”). EncoreFX is a Victoria, British Columbia-based financial services company which provided foreign exchange risk management services and cross-border payment services and cross-border payment solutions to predominantly small and medium enterprises including foreign exchange spot transactions, foreign exchange derivative contracts, and payment processing services. The administration of the EncoreFX estate is ongoing.

Trakopolis lot Corp. (Bankruptcy)

William Skelly, Catrina Webster and Kaitlin Ward acted for ESW Holdings Inc., the senior secured creditor in the realization of its security.

Morris Industries Ltd. (CCAA)

Jeff Lee, Ryan Zahara, Ryan Hallman, Paul Olfert and Brent Matkowski acted as counsel to Alvarez & Marsal Canada Inc., the court-appointed Monitor of Morris Industries Ltd., Morris Sales & Service Ltd., 101098672 Saskatchewan Ltd., Contour Realty Inc. and Morris Industries (USA) Inc. (“Morris Group”) in proceedings commenced by Morris Group under the CCAA on January 8, 2020. Morris Group has carried on the business of manufacturing farm implements from facilities in Yorkton and Saskatoon, Saskatchewan and Minnedosa and Virden, Manitoba for the past 90 years. The restructuring of Morris Group is ongoing.

SPEAKING ENGAGEMENTS, PAPERS AND OTHER MILESTONES



J.J. Burnell
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Ryan Zahara
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J.J. Burnell & Ryan Zahara Invited to Membership in Insolvency Institute of Canada

J.J. Burnell, Insolvency Partner in the Winnipeg office of MLT Aikins, and Ryan Zahara, Insolvency Partner in the Calgary office of MLT Aikins, were invited to become Members of the Insolvency Institute of Canada in October of 2019.

IIC membership is by invitation only and is based on a peer-reviewed application process. The IIC grants membership to insolvency professionals who demonstrate the highest standards of professionalism in the industry. Members of the organization are drawn from the most senior and experienced professionals representing the insolvency community in Canada.

MLT Aikins lawyers Jeff Lee (Saskatchewan) and Bill Skelly (British Columbia) are also members of the IIC. We are pleased to be the only law firm with IIC members in all four Western provinces.



Jeff Lee
Saskatoon

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[Jeff Lee Speaks at University of Saskatchewan College of Law Panel Discussion on Insolvency & the CCAA in 2020](#)

On November 16, 2020, Jeff Lee delivered a presentation on “Insolvency and the CCAA in 2020: Practical Developments and Tips for Legal Advisors” as part of a panel discussion for the University of Saskatchewan College of Law McKercher Lecture Series.

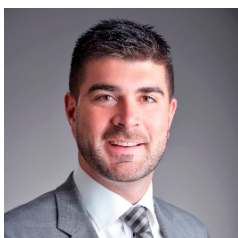


Paul Olfert
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Paul Olfert & James Rose Admitted to the Partnership at MLT Aikins LLP

On January 1, 2021, Paul Olfert of the Saskatoon office of MLT Aikins and James Rose of the Regina office of MLT Aikins were admitted to the partnership at MLT Aikins.



James Rose
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