

COURT FILE NUMBER

BK01 095382

COURT

Court of King's Bench of Alberta in Bankruptcy and Insolvency

In the Matter of the Bankruptcy of Westmount Projects Inc.

JUDICIAL CENTRE

Calgary

**APPLICANTS** 

GORDON D. ANDERSON, ANDERSON & ASSOCIATES

FINANCIAL CORP AND BINDAL CORP

RESPONDENT

WESTMOUNT PROJECTS INC.

DOCUMENT

BANKRUPTCY ORDER

ADDRESS FOR **SERVICE AND** CONTACT

**INFORMATION OF** PARTY FILING THIS

**DOCUMENT** 

Wolff Leia

Barristers and Solicitors 203, 221 10th Avenue SE Calgary, Alberta T2G 0V9

Attention: Gregory J. Leia Tel: (403) 265-4122 Email" gleia@wolffleia.ca

File No.: 42815

Date on which Order was pronounced:

November 3, 2023

Name of Justice who made this Order:

C. Feasby

Location where this Order was made:

Calgary

UPON the application of Gordon D. Anderson ("Anderson"), Anderson & Associates Financial Corp ("AAFC") and Bindal Corp ("Bindal"), claimed creditors of Westmount Projects Inc. ("Westmount"); AND UPON having read the Affidavits of Gordon D. Anderson, Manish Bindal, Mumtaz Dhanani and Abby Skaug on behalf of the Applicants the Affidavits of Farhan Sattar on behalf of Westmount; AND UPON being referred to the transcripts from questioning on certain of those Affidavits, as conducted by the parties; AND UPON reference to the briefs prepared and filed by the Applicants and Westmount; AND UPON having heard submissions from counsel for the Applicants,

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Westmount and other parties appearing at the within application on October 27, 2023, with decision reserved and issued as 2023 ABKB 619 (the "Decision");

AND UPON having read the Order of Justice J. Little dated September 8, 2023 ("September 8, 2023 Order"); and the Order of Justice J. Little dated October 6, 2023 ("October 6, 2023 Order"); and

**AND UPON** having heard the cross application of Westmount to modify the terms of the September 8, 2023 Order and have the Anderson and AAFC mortgages discharged.

## IT IS HEREBY ORDERED THAT:

- 1. Westmount is hereby adjudged bankrupt.
- 2. Deloitte Restructuring Inc. (the "**Trustee**"), of the City of Calgary, in the Province of Alberta, is appointed as trustee of Westmount.
- 3. The bankruptcy shall not stay the receivership proceedings in Court of King's Bench of Alberta Action 2301 04941.
- 4. The bankruptcy shall not stay the following seizure proceedings by Canadian Western Bank in Court of King' Bench of Alberta Action #2303 -13954.
- 5. The Trustee shall not be required to give security in cash or by bond, in accordance with subsection 16(1) of the BIA.
- 6. The cross application of Westmount to modify the terms of the September 8, 2023 Order is dismissed.
- 7. The bankruptcy shall not stay the foreclosure/legal proceedings set out in Schedule "A".

8. Costs of this Application will be addressed by separate Order.

Justice Court of Kings Bench of Alberta

Approved as to Form and Content:

**Anderson Morin LLP** 

Counsel for Westmount Projects Inc

Norman Anderson

Dentons Canada LLP

Counsel for Deloitte Restructuring Inc.

Per:

Afshan Naveed/John Regush

Schedule "A"

	Legal	municipal	Creditor	Legal action
1	Plan B1, Block 35, Lot 12	303 23 <sup>rd</sup> Ave SW, Cal (Gloria)	BMO	2301 04941
			Horizon	2303 00958
2	Plan 4479P Block 9 Lot 18-20	1538 27th Ave, Calgary	BMO	2301 04941
		(Mardi Loop 6 plex)		
			Horizon	2303 00958
3	Condo 2011798 Unit 1	2617 12th Ave SE, Calgary	BMO	2301 04941
		Albert Park	Horizon	2303 00958
4	Condo 2011798 Unit 2	2617 12th Ave SE, Calgary	BMO	2301 04941
		Albert Park	Horizon	2303 00958
5	Condo 2011798 Unit 3	2617 12th Ave SE, Calgary	ВМО	2301 04941
		Albert Park	Horizon	2303 00958
6	Condo 2011798 Unit 4	2617 12th Ave SE, Calgary	BMO	2301 04941
		Albert Park	Horizon	2303 00958
7	Plan 4479P Block 2 Lot 17	2234 27th Ave Calgary	Quadrum	2301 04913
8	Plan 4479P Block 2 Lot 16	2232 27 <sup>th</sup> Ave Calgary	Quadrum	2301 04913
9	Plan 5472 HP B1 (A)	1722 44th St Calgary	1401946 BC	2301 10276
10	Plan 5472 HP B1 (B)	1726 44th St Calgary	1401946 BC	2301 10275
11	Condo 1011382 Unit 17	511, 888 4th Ave SE, Calgary-office	ATB	2301 07264
12	Condo 1011382 Unit 178	511, 888 4th Ave SE, Calgary	ATB	2301 07264
13	Condo 1710943 Unit 1	#1-3522 14A St SW, Calgary	CIBC	2301 06566
14	Condo 1710943 Unit 2	#1-3522 14A St SW, Calgary	CIBC	2301 06570
15	Condo 1710943 Unit 3	#1-3522 14A St SW, Calgary	CIBC	2301 06572
16	Condo 1710943 Unit 4	#1-3522 14A St SW, Calgary	CIBC	2301 06714
17	Plan 5661 O B1; 35-40	1902,1906,1910 24A St SW,	AP Capital	2310 01013
		Calgary		
18	Plan 5386 L Bl C Lots 30+31	711 5th St NE, Calgary	Calvert	2301 01500
19	Plan 5386 L Bl C Lots 30+31	711 5th St NE, Calgary	Guo	2101 12811
20	Plan 4367X Bl 9E Lots 33-34	2628 36th St SW Calgary	Calvert	2301 02785
21	Chattels		CWB	2303 13954