

2019

Hfx No. 494188

Supreme Court of Nova Scotia
In Bankruptcy and Insolvency

IN THE MATTER OF: the Receivership of Civic Homes Limited

Between:

Royal Bank of Canada

Applicant

-and-

Civic Homes Limited

Respondent

AFFIDAVIT OF GAVIN MACDONALD

I, Gavin MacDonald, make oath and give evidence as follows:

1. I am the solicitor of Deloitte Restructuring Inc., the Receiver.
2. I have personal knowledge of the evidence sworn to in this affidavit except where otherwise stated to be based on information or belief.
3. I state, in this affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief of the source.
4. Attached hereto and marked as Exhibit "A" is a copy of the parcel register for PID 41332503 (the "Property"), located at Lot A-1R, Loonview Lane, Westphal, Nova Scotia which contains a list of all recorded or registered instruments affecting that parcel as of September 30, 2020 and Exhibit "B" is the Certificate of Gavin MacDonald, a lawyer, dated September 30, 2020, containing the particulars of all instruments shown on Exhibit "A".
5. Attached hereto and marked as Exhibit "C" is a search of the Personal Property Security Registry (Nova Scotia) in respect of registrations in the name of the Respondent as of September 30, 2020.

SWORN TO before me on October 2,
2020 at Halifax, Nova Scotia.



DEVON E. CASSIDY
A Barrister of the Supreme
Court of Nova Scotia

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Gavin MacDonald

2019

Hfx No. 494188

*This is Exhibit "A" referred to in the Affidavit of
Gavin MacDonald sworn before me on the 2nd day
of October.*



Signature

DEVON E. CASSIDY
A Barrister of the Supreme
Court of Nova Scotia

Land Registration View

* Indicates interests inherited on subdivision or re-configuration of parcel

PID	41332503	Parcel Type	STANDARD PARCEL	Status	ACTIVE
Area	6.64 ACRE(S)	Parcel Access		Manag. Unit	MU0866
Lot	LOT A-1R	Created	Aug 23, 2010 10:48:52AM		
PDCA Status	APPROVED	Municipal Unit	HALIFAX REGIONAL MUNICIPALITY	Manner of Tenure	NOT APPLICABLE
LR Status	LAND REGISTRATION	LR Date	Aug 23, 2010 10:48:52AM		

Location	County	Primary Location	Source
LOONVIEW LANE WESTPHAL	HALIFAX COUNTY	Yes	Assigned by Municipality
34 LOONVIEW LANE WESTPHAL	HALIFAX COUNTY	No	Assigned by Municipality
38 LOONVIEW LANE WESTPHAL	HALIFAX COUNTY	No	Assigned by Municipality
32 LOONVIEW LANE WESTPHAL	HALIFAX COUNTY	No	Assigned by Municipality
36 LOONVIEW LANE WESTPHAL	HALIFAX COUNTY	No	Assigned by Municipality

Comments

Assessment Account	Value	Tax District	Tax Ward	Tax Sub
04213645	\$3,687,600 (2020 RESIDENTIAL TAXABLE)	040	000	

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[Map View](#)

Registered Interests

Interest Holder (Qualifier)	Interest Holder Type	Mailing Address	Type	Year	Doc #	Book/Page/Plan	Registration Date	NS Non-Res?
CIVIC HOMES LIMITED	FEF SIMPLE	10 ILSLEY AVENUE UNIT 1 DARTMOUTH NS CA B3B 1L3	DEED	2015	106871552 View Form View Doc		Mar 31, 2015	No

Farm Loan Board - Occupants & Mailing Addresses

Name	Interest Holder Type	Mailing Address
No Records Found		

Benefits to the Registered Interests

Benefit Details	Interest Holder Type	Type	Year	Doc #	Book/Page/Plan	Registration Date
TOGETHER WITH AN EASEMENT/RIGHT OF WAY	EASEMENT / RIGHT OF WAY HOLDER (BENEFIT)	EASEMENT/RIGHT OF WAY	2016	108979437 View Doc		May 20, 2016
40109084	SERVIENT TENEMENT PID	EASEMENT/RIGHT OF WAY	2016	108979437 View Doc		May 20, 2016
TOGETHER WITH AN EASEMENT/RIGHT OF WAY	EASEMENT / RIGHT OF WAY HOLDER (BENEFIT)	EASEMENT/RIGHT OF WAY	2016	108979445 View Doc		May 20, 2016
40109084	SERVIENT TENEMENT PID	EASEMENT/RIGHT OF WAY	2016	108979445 View Doc		May 20, 2016
00619635	SERVIENT TENEMENT PID	EASEMENT/RIGHT OF WAY	2016	108979445 View Doc		May 20, 2016

Burdens on the Registered Interests

Interest Holder (Qualifier)	Interest Holder Type	Mailing Address	Type	Year	Doc #	Book/Page/Plan	Registration Date
HALIFAX REGIONAL MUNICIPALITY	PARTY TO AGREEMENT (BURDEN)	POST OFFICE BOX 1749 HALIFAX NS CA B3J 3A5	AMENDMENT (NOT CONDOMINIUM)	2016	108558892 View Doc		Feb 22, 2016
HALIFAX REGIONAL MUNICIPALITY	PARTY TO AGREEMENT (BURDEN)	POST OFFICE BOX 1749 HALIFAX NS CA B3J 3A5	AGREEMENT	2015	106827778 View Doc		Mar 24, 2015
HALIFAX REGIONAL MUNICIPALITY	PARTY TO AGREEMENT (BURDEN)	POST OFFICE BOX 1749 HALIFAX NS CA B3J 3A5	AMENDMENT (NOT CONDOMINIUM)	2016	108807950 View Doc		Apr 18, 2016
619627	EASEMENT/ROW HOLDER (BURDEN) - DOMINANT PID		EASEMENT/RIGHT OF WAY	2015	108219875 View Doc		Dec 07, 2015
619627	EASEMENT/ROW HOLDER (BURDEN) - DOMINANT PID		EASEMENT/RIGHT OF WAY	2015	108220014 View Doc		Dec 07, 2015
NOVA SCOTIA POWER INCORPORATED	EASEMENT / RIGHT OF WAY HOLDER (BURDEN)	POST OFFICE BOX 910 HALIFAX NS CA	EASEMENT/RIGHT OF WAY	2017	110199503 View Doc		Jan 16, 2017

Textual Qualifications on Title

Qualifications Text

Tenants in Common not registered pursuant to the *Land Registration Act*

Interest Holder (Qualifier)	Interest Holder Type	Mailing Address	Type	Year	Doc #	Book/Page/Plan	Registration Date
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No Records Found

Recorded Interests

Interest Holder (Qualifier)	Interest Holder Type	Mailing Address	Type	Year	Doc #	Book/Page/Plan	Registration Date
DELOITTE RESTRUCTURING INC (TRUSTEES)	TRUSTEE	PURDY'S WHARF TOWER II 1969 UPPER WATER STREET SUITE 1500 HALIFAX NS CA B3J 3R7	ORDER (NON-TRANSFERRING /NOT JUDGMENT)	2020	116618738 <input type="checkbox"/> View Doc		Jul 10, 2020
LOON LAKE DEVELOPMENT LIMITED	MORTGAGEE	222 MONTAGUE ROAD DARTMOUTH NS CA B2W 3P5	MORTGAGE	2015	106878813 <input type="checkbox"/> View Form <input type="checkbox"/> View Doc		Apr 01, 2015
LOON LAKE DEVELOPMENTS LIMITED	PARTY TO AGREEMENT	222 MONTAGUE ROAD DARTMOUTH NS CA B2W 3P5	NOTICE (ALL OTHERS)	2015	108220048 <input type="checkbox"/> View Doc		Dec 07, 2015
ROYAL BANK OF CANADA	MORTGAGEE	1 PLACE VILLE MARIE Etage 2ND E WING MONTREAL QC CA H3C 3A9	POSTPONEMENT AGREEMENT (NOT FOR JUDGMENT)	2016	109619024 <input type="checkbox"/> View Form <input type="checkbox"/> View Doc		Sep 21, 2016
ROYAL BANK OF CANADA	MORTGAGEE	1 PLACE VILLE MARIE Etage 2ND E WING MONTREAL QC CA H3C 3A9	MORTGAGE	2016	109613233 <input type="checkbox"/> View Form <input type="checkbox"/> View Doc		Sep 20, 2016
DEXTER CONSTRUCTION COMPANY LIMITED	MORTGAGEE	927 ROCKY LAKE DRIVE POST OFFICE BOX 48100 BEDFORD NS CA B4A 3Z2	MORTGAGE	2019	114433890 <input type="checkbox"/> View Form <input type="checkbox"/> View Doc		May 09, 2019

Parcel Description

Registration County: HALIFAX COUNTY

Street/Place Name: HIGHWAY 7 / WESTPHAL

Title of Plan: PLAN OF SURVEY OF LOT A-1R & LOT B-1R2, RESULTING FROM A S/D & CONSOLIDATION OF PORTIONS OF LOT A-1, LANDS CONVEYED TO CIVIC HOMES LTD & LOT B-1R, LANDS CONVEYED TO 3240443 NOVA SCOTIA LIMITED

Designation of Parcel on Plan: LOT A-1R

Registration Number of Plan: 108850422

Registration Date of Plan: 2016-04-26 15:42:17

Subject to a Development Agreement and Amendments in favour of Halifax Regional Municipality recorded as Document No. 106827778, 108558892 and 108807950.

Subject to an Easement/Right of Way as found in Document No. 108219875.

Subject to an Easement/Right of Way as found in Document No. 108220014.

Together with an Easement/Right of Way as found in Document No. 108979437.

Together with an Easement/Right of Way as found in Document No. 108979445.

*** Municipal Government Act, Part IX Compliance ***

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: HALIFAX COUNTY

Registration Year: 2016

Plan or Document Number: 108850422

Non-Enabling Documents

Inst Type	Inst No	Year	Type	Book/Page	Registration System	Registration Date
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No Non Enabling Documents Found

Non-Enabling Plans

Inst Type	Inst No	Year	Type	Plan Name	Drawer Number	Registration Date
Plan	108850422 <input type="checkbox"/> View Plan	2016	SUBDIVISION & AMALGAMATIONS	PLAN OF SURVEY OF LOT A-1R & LOT B-1R2, RESULTING FROM A S/D & CONSOLIDATION OF PORTIONS OF LOT A-1, LANDS CONVEYED TO CIVIC HOMES LTD & LOT B-1R, LANDS CONVEYED TO 3240443 NOVA SCOTIA LIMITED		Apr 26, 2016
Plan	106799399 <input type="checkbox"/> View Plan	2015	SUBDIVISION & AMALGAMATIONS	PLAN OF SURVEY OF LOT A-1 AND LOT B-1R, RESULTING FROM A SUBDIVISION & CONSOLIDATION OF PORTIONS OF LOT R-E1-BX-B AND LOT A, LANDS CONVEYED TO 3240442 NOVA SCOTIA LIMITED		Mar 17, 2015
Plan	96599411 <input type="checkbox"/> View Plan	2010	SUBDIVISION & AMALGAMATIONS	PLAN OF SURVEY OF LOT A & E1-BX-B BEING S/D OF LOT A & PARCEL B FROM LOT S1-1WY & CONSOLIDATING PARCEL B WITH LOT E1-BX, LANDS OF 3240443 NOVA SCOTIA LIMITED		Aug 19, 2010

AFR Bundles

Inst Type Inst No Year Type Filing Reference Instrument Date

No AFR Bundles Found

Parcel Relationships

Related PID
00619502
00619494

Type of Relationship
PARENT PARCEL NUMBER
CONSOLIDATED - NOT RELATED TO

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This parcel IS REGISTERED PURSUANT TO THE *Land Registration Act*. The registered owner of the registered interest owns the interest defined in this register in respect of the parcel described in the register, subject to any discrepancy in the location, boundaries or extent of the parcel and subject to the overriding interests [*Land Registration Act* subsection 20(1)].

No representations whatsoever are made as to the validity or effect of recorded documents listed in this parcel register. The description of the parcel is not conclusive as to the location, boundaries or extent of the parcel [*Land Registration Act* subsection 21(1)].

[Boundary/Area Problem](#) [General Problem](#) [Municipal Tax Query](#)

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Compression: Off

2019

Hfx No. 494188

*This is Exhibit "B" referred to in the Affidavit of
Gavin MacDonald sworn before me on the 2nd day
of October.*



Signature

DEVON E. CASSIDY
A Barrister of the Supreme
Court of Nova Scotia

CERTIFICATE RE LAND REGISTRATION ACT

I certify that listed below are the particulars of all recorded or registered instruments shown on the parcel register attached to my accompanying Affidavit as Exhibit "B".

Signed: September 30, 2020


Gavin MacDonald

PARTICULARS

PID 41332503

Agreement

Dated: March 24, 2015
Recorded: March 24, 2015
Document # 106827778

Halifax Regional Municipality
And
Civic Homes Limited

Warranty Deed

Dated: March 24, 2015
Recorded: March 31, 2015
Document # 106871552

3240443 Nova Scotia Limited
And
Civic Homes Limited

Mortgage

Dated: March 27, 2015
Recorded: April 1, 2015
Document # 106878813

Civic Homes Limited
And
Loon Lake Development Limited

All indebtedness

Easement Agreement
Dated: December 1, 2015
Recorded: December 7, 2015
Document #108219875

Civic Homes Limited
And
Loon Lake Development Limited

Agreement (Right of First Refusal)

Dated: December 1, 2015
Recorded: December 7, 2015
Document #108220048

Civic Homes Limited
And
Loon Lake Development Limited

Option to Obtain an Easement
Agreement

Dated: December 1, 2015

Civic Homes Limited
And
Loon Lake Development Limited

Recorded: December 7, 2015
Document # 108220014

Amendment to the Agreement
Dated: February 9, 2016
Recorded: February 22, 2016
Document # 108558892

Halifax Regional Municipality
And
Civic Homes Limited

Discharge Agreement
Dated: March 30, 2016
Recorded: April 18, 2016
Document # 108807950

Halifax Regional Municipality
And
Civic Homes Limited

Easement Agreement
Dated: April 12, 2016
Recorded: May 20, 2016
Document # 1008979445

Civic Homes Limited
And
Sobeys Land Holdings Limited

Easement Agreement
Dated: April 12, 2016
Recorded: May 20, 2016
Document # 1008979445

Civic Homes Limited
And
Sobeys Land Holdings Limited

Postponement Agreement
Dated: August 9, 2016
Recorded: September 21, 2016
Document # 109619024

Civic Homes Limited; Loon Lake
Developments Limited
And
Royal Bank of Canada

Mortgage
Dated: September 19, 2016
Recorded: September 20, 2016
Document # 109613233

Civic Homes Limited
And
Royal Bank of Canada

\$3,610,000.00

Grant of Easement
Dated: January 16, 2017
Recorded: January 16, 2017
Document # 110199503

Civic Homes Limited
And
Nova Scotia Power Incorporated

Mortgage
Dated: May 7, 2019
Recorded: May 9, 2019
Document # 114433890
\$600,000.00

Civic Homes Limited
And
Dexter Construction Company Limited

Form 39.08

Order

In the Matter Of: Civic Homes Limited

Dated: April 30, 2020

Recorded: July 10, 2020

Document # 116618738

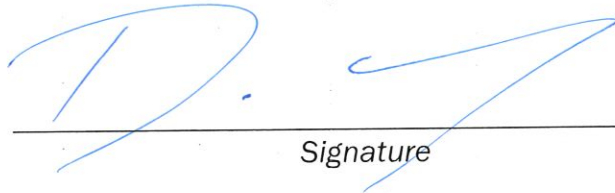
Hfx No.: 494188

Appointing Deloitte Restructuring Inc. as
Receiver

2019

Hfx No. 494188

*This is Exhibit "C" referred to in the Affidavit of
Gavin MacDonald sworn before me on the 2nd day
of October.*



Signature

DEVON E. CASSIDY
A Barrister of the Supreme
Court of Nova Scotia

This report lists registrations in the Personal Property Registry that match the following search criteria:

Province or Territory Searched: Nova Scotia
 Type of Search: Debtors (Enterprise)
 Search Criteria: CIVIC HOMES LIMITED
 Date and Time of Search (YYYY-MM-DD hh:mm): 2020-09-30 09:34 (Atlantic)
 Transaction Number: 20627571
 Searched By: M174776

The following table lists records that match the Debtors (Enterprise) you specified.

Exact	Included	Original Registration Number	Enterprise Name	Place
*	*	12602314	CIVIC HOMES LIMITED	Halifax
*	*	24297731	CIVIC HOMES LIMITED	Dartmouth
*	*	32717100	CIVIC HOMES LIMITED	DARTMOUTH

An '*' in the 'Exact' column indicates that the Debtor (Enterprise) exactly matches the search criteria.

Included Column Legend

- An asterisk (*) in the 'Included' column indicates that the registration's details are included within the Search Result Report.

Registration Counts

- 3 registration(s) contained information that **exactly** matched the search criteria you specified.

- 0 registration(s) contained information that **closely** matched the search criteria you specified.

When reviewing the registrations below, note that a registration which has expired or been discharged within the last 30 days can still be re-registered by the secured party.

All registration date/time values are stated in Atlantic Time.

For more information concerning the Personal Property Registry, go to www.acol.ca

Registration Details for Registration Number: 12602314

Province or Territory: Nova Scotia
 Registration Type: PPSA Financing Statement

Registration History

Registration Activity	Registration Number	Date/Time (Atlantic) (YYYY-MM-DD hh:mm)	Expiry Date (YYYY-MM-DD)	File Number
Original	12602314	2007-06-21 13:09	2012-06-21	868495-RB10
Renewal	19496413	2012-05-03 18:23	2017-06-21	
Global Change	20353868	2012-11-09 23:32	2017-06-21	
Renewal	27647684	2017-05-19 12:12	2022-06-21	

As listed in the Registration History section above, this registration has been the subject of an Amendment or Global Change to add or delete information. The following registration details provide the registration number for the Amendment that added or deleted information. If no "added by" or "deleted by" registration number is provided, the information was added by the original registration and has not been deleted.

Debtors

Type: Enterprise
 CIVIC HOMES LIMITED
 PO BOX 51019
 Halifax NS B4A 1P7
 Canada

Secured Parties

The Secured Party below was deleted by registration number 20353868

Type: Enterprise
 Royal Bank of Canada
 630 Rene Levesque W 1st Fl
 Montreal PQ H3B 1S6
 Canada

The Secured Party below was added by registration number 20353868

Type: Enterprise
 Royal Bank of Canada
 1 PVM - 2e Etage, Aile Est
 Montreal QC H3C 3A9
 Canada

General Collateral

All of the Debtor's present and after-acquired personal property except for consumer goods and all proceeds thereof, including, without limitation, all of the Debtor's personal and after-acquired personal property.

Registration Details for Registration Number: 24297731

Province or Territory: Nova Scotia
 Registration Type: PPSA Financing Statement

Registration History

Registration Activity	Registration Number	Date/Time (Atlantic) (YYYY-MM-DD hh:mm)	Expiry Date (YYYY-MM-DD)	File Number
Original	24297731	2015-05-20 16:15	2020-05-20	101355
Renewal	32770364	2020-05-19 12:25	2025-05-20	

This registration has **not** been the subject of an Amendment or Global Change. The following registration information was added by the original registration and has not been deleted.

Debtors

Type: Enterprise
 CIVIC HOMES LIMITED

Mohsen Teimouri
 1-10 Ilsley Avenue
 Dartmouth NS B3B 1L3
 Canada

Secured Parties

Type: Enterprise
 LOON LAKE DEVELOPMENTS LIMITED
 222 Montague Road
 Dartmouth NS B2W 3P5
 Canada

General Collateral

A security interest is taken in all of the Debtors present and after acquired personal property related to the development of lands at 661 Main Street, Dartmouth, Nova Scotia - PID 41332503.

Registration Details for Registration Number: 32717100

Province or Territory: Nova Scotia
 Registration Type: Notice of Appointment of Receiver

Registration History

Registration Activity	Registration Number	Date/Time (Atlantic) (YYYY-MM-DD hh:mm)	Expiry Date (YYYY-MM-DD)	File Number
Original	32717100	2020-05-04 16:04	2025-05-04	39598-2
Amendment	32717324	2020-05-04 16:25	2025-05-04	39598-2

As listed in the Registration History section above, this registration has been the subject of an Amendment or Global Change to add or delete information. The following registration details provide the registration number for the Amendment that added or deleted information. If no "added by" or "deleted by" registration number is provided, the information was added by the original registration and has not been deleted.

Court Information

There is only one set of "active" Court Information per registration. Rows of Court Information shown in strikethrough have been amended by the next registration in the table.

Registration Number	Court File Number	Court
32717100	HFX NO. 494188	Supreme Court of Nova Scotia
32717324	HFX NO. 494188	Supreme Court of Nova Scotia

Debtors

Type: Enterprise
 CIVIC HOMES LIMITED
 10 ILSLEY AVENUE, UNIT 1
 DARTMOUTH NS B3B 1L3
 Canada

Receivers

The Secured Party below was deleted by registration number 32717324

Type: Enterprise

~~DELOITTE RESTRUCTURING INC.~~

~~FORAN, JAMES~~

~~1669 UPPER WATER ST.~~

~~HALIFAX NS B3J 1L3~~

~~Canada~~

The Secured Party below was added by registration number 32717324

Type: Enterprise

DELOITTE RESTRUCTURING INC.

FORAN, JAMES

1969 UPPER WATER ST.

HALIFAX NS B3J 1L3

Canada

General Collateral

A security interest is taken in all of the Debtor's present and after-acquired personal property.

END OF REPORT