



No. H240524
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

ROYAL BANK OF CANADA

PETITIONER

AND:

WHITEWATER CONCRETE LTD.,
WHITEWATER DEVELOPMENTS LTD.,
ROBERT KYLE SMITH,
CRAIG SMITH,
KRYSTLE HOLDINGS LTD.,
BASTIAN HOLDINGS LTD.,
145 GOLDEN DRIVE LTD.,
BARRY CHARLES HOLDINGS LTD.,
BECISON HOLDING CORPORATION,
G.I.H. PROPERTIES LTD.,
MCVICAR & COMPANY HOLDINGS INC.,
TNL DEVELOPMENTS LTD.,
AMAN GILL,
PETER CHAPPELL,
SANDRA CHAPPELL and
TERESA GAUTREAU

RESPONDENTS

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE MADAM
JUSTICE TUCKER

MONDAY, THE 18TH DAY
OF NOVEMBER 2024.

ON THE WITHOUT NOTICE APPLICATION of Deloitte Restructuring Inc. ("**Deloitte**"), in its capacity as receiver (the "**Receiver**"), without security, over certain lands, other assets and property of the Respondents Whitewater Concrete Ltd., Whitewater Developments Ltd. and 145

Golden Drive Ltd., coming on for hearing at Vancouver, British Columbia, on Monday, November 18th, 2024, and on hearing Peter J. Roberts, K.C. and Noor Mann, counsel for the Receiver, and those other counsel listed on **Schedule "A"** hereto;

AND ON READING the material filed, including Affidavit #1 of Jeff Keeble, made November 15, 2024;

THIS COURT ORDERS that:

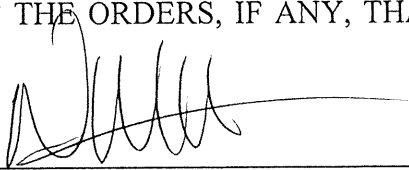
1. PCL Constructors Westcoast Inc. ("**PCL**") be and is ordered to pay any and all funds (the "**Holdback Funds**") due and owing to Trilogy Concrete 2021 Ltd. ("**Trilogy**") to the Receiver to be held in trust on behalf of Trilogy pending the provision to the Receiver by Trilogy of satisfactory evidence establishing the entitlement of any third party subcontractor or creditor of Trilogy to any portion of the Holdback Funds, or further order of this Court.

2. Upon proof satisfactory to the Receiver, and subject to the provisions of the *Builders Lien Act*, S.B.C. 1997, c. 45, the Receiver is authorized to pay out any amount of the Holdback Funds to subcontractors or creditors of Trilogy.

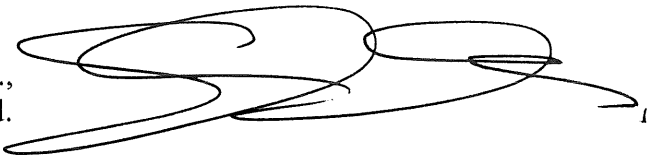
3. The relief sought in paragraphs 3 and 4 of the Notice of Application filed November 18, 2024 are adjourned generally.

4. The approval of all parties as to the form of this Order, with the exception of counsel for the Receiver, be and is hereby dispensed with.

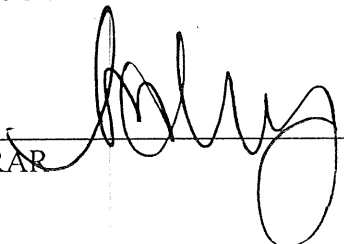
THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



NOOR MANN
Counsel for Deloitte Restructuring Inc., in its capacity as receiver without security, over certain lands, other assets and property of the Respondents Whitewater Concrete Ltd., Whitewater Developments Ltd., and 145 Golden Drive Ltd.



BY THE COURT

REGISTRAR 



SCHEDULE "A"
LIST OF COUNSEL

Counsel/Person Appearing	Party Represented
Peter J. Roberts, K.C. Noor Mann	The Receiver, Deloitte Restructuring Inc.
Glen Nesbitt	Royal Bank of Canada
Geoffrey Dabbs	Robert Kyle Smith, Craig Smith, Krystle Holdings Ltd. and Bastian Holdings Ltd.

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Petitioner

AND:

WHITEWATER CONCRETE LTD.,
WHITEWATER DEVELOPMENTS LTD.,
AND OTHERS

Respondents

ORDER MADE AFTER APPLICATION



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