

CLERK OF THE COURT  
FILED  
JUL 24 2019  
CALGARY, ALBERTA

Clerk's stamp:

COURT FILE NUMBER 1801-05767  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE CALGARY  
PLAINTIFF C.K.V. DEVELOPMENTS INC.  
DEFENDANT CENTRO MOTEL INC.

DOCUMENT **APPLICATION BY DELOITTE RESTRUCTURING INC., COURT-APPOINTED RECEIVER AND MANAGER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
Dentons Canada LLP  
Bankers Court  
15<sup>th</sup> Floor, 850 - 2<sup>nd</sup> Street S.W.  
Calgary, Alberta T2P 0R8  
Attention: David W. Mann / Afshan Naveed  
Ph. (403) 268-7097 / 7015 Fx. (403) 268-3100  
File No.: 131048-100

**NOTICE TO RESPONDENTS: *Service List***

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the master/judge.

To do so, you must be in Court when the application is heard as shown below:

Date	August 1, 2019
Time	11:00 a.m.
Where	Calgary Courts Centre, Calgary, Alberta
Before Whom	The Honourable Madam Justice K.M. Horner

Go to the end of this document to see what else you can do and when you must do it.

**Remedy claimed or sought:**

1. An order, substantially in the form attached as Schedule "A" to this application:
  - (a) abridging the time for service of this application and deeming service good and sufficient;
  - (b) authorizing and approving the sale and marketing process (the "Sales Process") by Deloitte Restructuring Inc. ("Deloitte"), in its capacity as court-appointed receiver and manager (the "Receiver") of the lands and premises legally described as Plan 7545FN,

Block 11, Lot 8 to 10 inclusive (the "**Lands**") and the motel assets and business located on the Lands ("**Centro Motel**", together with the Lands, the "**Property**"), as described in First Report of the Receiver (the "**First Report**") and the Confidential Supplement to the First Report (the "**Confidential Supplement**");

- (c) authorizing and directing the Receiver to take such steps and execute all such deeds, documents and instruments as may be reasonably necessary to conduct the Sales Process; and
  - (d) approving the activities of the Receiver, as described in the First Report;
  - (e) approving the Receiver's statement of receipts and disbursements for the period of June 4, 2019 to July 21, 2019, as set out in the First Report;
  - (f) granting such further and other relief, advice, and directions as counsel may advise and this Honourable Court deem just and appropriate.
2. An order, substantially in the form attached as Schedule "B" to this application, sealing the Confidential Supplement.

**Grounds for making this application:**

3. Deloitte was appointed as receiver and manager of the Property pursuant to a Consent Order granted on March 12, 2019 (the "**Receivership Order**").

**Sales Process**

4. The First Report provides detailed facts, background, and support for the proposed Sales Process order sought.
5. Pursuant to the terms of the Receivership Order, and in particular paragraph 6, the Receiver is authorized to market the Property for sale.
6. The Sales Process, as set out in paragraphs 27-29 of the First Report, is fair and just in the circumstances, with the interests of all stakeholders being considered. The Receiver recommends the approval of the Sales Process to this Honourable Court.

**Receiver's Activities**

7. The reasons set out in the Receiver's First Report, with respect to the following:
- (a) the activities of the Receiver for the period of June 6, 2019 to the date of the First Report (the "**Receiver's Activities**");
  - (b) the Receiver's Activities include, but are not limited to, taking possession of the Property, maintaining, preserving, and facilitating the sale of the Property pursuant to the Receivership Order; and
  - (c) the statement of receipts and disbursements for the period June 4, 2019 to July 21, 2019.

**Sealing Order**

8. The Confidential Supplement contains commercially sensitive information, is confidential, and should be sealed until the Sales Process has been completed and any sale completed. The terms set out in the proposed form of order attached as Schedule "B" are necessary to accomplish this.
9. The proposed sealing order is limited in that the Confidential Supplement would only remain sealed until the Sales Process is completed and a sale completed. The public disclosure of the information contained in the Confidential Supplement, prior to the completion of the Sales Process, would cause serious and irreparable harm to the estate and its stakeholders. The sealing provision is a fair and reasonable means to address the harm of restricting public dissemination at this time.
10. The relief requested is just, appropriate, and in the best interests of the administration of the estate.
11. Such further and other grounds as counsel may advise and this Honourable Court may permit.

**Material or evidence to be relied on:**

12. The pleadings and proceedings in the within Action.
13. The First Report of the Receiver, filed.
14. The Confidential Supplement to the First Report of the Receiver, not filed.
15. The proposed forms of order attached to this application.
16. Such further and other material and evidence as counsel may advise and this Honourable Court may permit.

**Applicable Rules:**

17. *Alberta Rules of Court*, Alta Reg 124/2010, including but not limited to rules 1.2-1.5, 6.3(1), 6.47(e) and (f), 6.9(1)(a), 11.27, and Part 6, Division 4, including Rule 6.28(b).
18. Such further and other Rules as counsel may advise and this Honourable Court may permit.

**Applicable Acts and regulations:**

19. *Judicature Act*, RSA 2000, c J-2.
20. *Bankruptcy and Insolvency Act*, RSC 1985 c B-3.
21. Such further and other Acts and regulations as counsel may advise and this Honourable Court may permit.

**Any irregularity complained of or objection relied on:**

22. None.

**How the application is proposed to be heard or considered:**

23. In person, before the Presiding Commercial List Justice.

**WARNING**

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

Draft Schedule "A"

Clerk's stamp:

COURT FILE NUMBER 1801-05767  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE CALGARY  
PLAINTIFF C.K.V. DEVELOPMENTS INC.  
DEFENDANT CENTRO MOTEL INC.

DOCUMENT

**ORDER**

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF PARTY  
FILING THIS DOCUMENT

Dentons Canada LLP  
Bankers Court  
15<sup>th</sup> Floor, 850 - 2<sup>nd</sup> Street S.W.  
Calgary, Alberta T2P 0R8  
Attention: David W. Mann / Afshan Naveed  
Ph. (403) 268-7097 / 7015 Fx. (403) 268-3100  
File No.: 131048-100

DATE ON WHICH ORDER WAS PRONOUNCED: August 1, 2019  
LOCATION WHERE ORDER WAS PRONOUNCED: Calgary, Alberta  
NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Justice K.M. Horner

**UPON THE APPLICATION** by Deloitte Restructuring Inc. in its capacity as the Court-appointed receiver and manager (the "**Receiver**") of the lands and premises described as Plan 7545FN, Block 11, Lot 8 to 10 inclusive (the "**Lands**") and the motel assets and business located on the Lands ("**Centro Motel**", together with the Lands, the "**Property**") of C.K.V. Developments Inc. (the "**Debtors**") for an order approving the sale and marketing process (the "**Sales Process**") as set out in the First Report of the Receiver dated July 24, 2019 (the "**First Report**");

**AND UPON HAVING READ** the Consent Order dated March 12, 2019 (the "**Receivership Order**"), the First Report, and the Affidavit of Service of \_\_\_\_\_; **AND UPON HEARING** the submissions of counsel for the Receiver, counsel for the Debtor and counsel for any interested parties present;

**IT IS HEREBY ORDERED AND DECLARED THAT:**

**SERVICE**

1. Service of notice of this application and supporting materials is hereby declared to be good and sufficient, and no other person is required to have been served with notice of this application, and time for service of this application is abridged to that actually given.

## **APPROVAL OF SALES PROCESS**

2. The Sales Process, as set out in paragraphs 27-29 of the First Report, is hereby approved and the Receiver is authorized and directed to carry out the Sales Process and do all things as are reasonably necessary to give full effect to the Sales Process.
3. The Receiver may amend the Sales Process, in any non-substantive manner, if in the Receiver's discretion any such amendment would be in the best interest of the estate and its stakeholders.

## **RECEIVER**

4. The Receiver's statement of receipts and disbursements, as set out in the First Report, for the period from June 4, 2019 to July 21, 2019 are hereby ratified and approved.
5. The Receiver's Activities, as set out in the First Report are hereby ratified and approved.

## **MISCELLANEOUS MATTERS**

6. Service of this Order shall be deemed good and sufficient by:
  - (a) serving the same on:
    - (i) the persons listed on the service list created in these proceedings or otherwise served with notice of these proceedings;
    - (ii) any other person served with notice of the application for this Order;
    - (iii) any other parties attending or represented at the application for this Order; and
  - (b) posting a copy of this Order on the Receiver's Websiteand service on any other person is hereby dispensed with.
7. Service of this Order may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following transmission or delivery of this Order.

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Justice of the Court of Queen's Bench of Alberta

Draft Schedule "B"

Clerk's stamp:

COURT FILE NUMBER 1801-05767  
COURT COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL CENTRE CALGARY  
PLAINTIFF C.K.V. DEVELOPMENTS INC.  
DEFENDANT CENTRO MOTEL INC.

DOCUMENT

**SEALING ORDER**

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Bankers Court  
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Attention: David W. Mann / Afshan Naveed  
Ph. (403) 268-7097 / 7015 Fx. (403) 268-3100  
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**IT IS HEREBY ORDERED AND DECLARED THAT:**

1. The manner of service of the within application and the materials in support thereof is hereby deemed good and sufficient, the time for notice is hereby abridged to the time provided, and no other person is required to have been served with notice of this application.
2. Part 6 Division 4 of the *Alberta Rules of Court*, Alta Reg 124/2010 does not apply to this application.

3. The Confidential Supplement shall immediately be sealed by the Clerk of the Court, kept confidential and not form part of the public record, and not be available for public inspection until otherwise ordered by this Court.
4. The Clerk of the Court shall file the Confidential Supplement in a sealed envelope attached to a notice that sets out the style of cause of these proceedings and states that:

THIS ENVELOPE CONTAINS THE CONFIDENTIAL SUPPLEMENT TO THE FIRST REPORT OF DELOITTE RESTRUCTURING INC. AS THE COURT-APPOINTED RECEIVER AND MANAGER OF THE LANDS AND PREMISES DESCRIBED AS PLAN 7545FN, BLOCK 11, LOT 8 TO 10 INCLUSIVE AND THE MOTEL ASSETS AND BUSINESS LOCATED ON THE LANDS, WHICH SHALL BE SEALED UNTIL FURTHER ORDER OF THIS COURT AND IS NOT TO BE PLACED ON THE PUBLIC RECORD OR MADE PUBLICALLY ACCESSIBLE EXCEPT IN ACCORDANCE WITH FURTHER ORDER OF THIS COURT.

5. Leave is hereby granted to any person or party affected by this Order to apply to this Honourable Court for a further order modifying or varying the terms of paragraphs 3 or 4 of this Order, with such application to be brought on no less than seven (7) days' notice to the Receiver, and any other affected party pursuant to the *Alberta Rules of Court*.
6. Service of this Order shall be deemed good and sufficient by:
  - (a) serving the same on:
    - (i) the persons listed on the service list created in these proceedings or otherwise served with notice of these proceedings;
    - (ii) any other person served with notice of the application for this Order;
    - (iii) any other parties attending or represented at the application for this Order; and
  - (b) posting a copy of this Order on the Receiver's Websiteand service on any other person is hereby dispensed with.
7. Service of this Order may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following transmission or delivery of this Order.

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Justice of the Court of Queen's Bench of Alberta



Action No. 1801-05767

C.K.V. DEVELOPMENTS INC.

v.

CENTRO MOTEL INC.

File: 131048-100

Service List  
(July 24, 2019)

Service Recipient	Recipient Status	Service Method
<p>Dentons Canada LLP 850 – 2nd Street SW Calgary, Alberta T2P 0R8</p> <p>Attention: David W. Mann &amp; Afshan Naveed Email: <a href="mailto:david.mann@denton.com">david.mann@denton.com</a> <a href="mailto:afshan.naveed@dentons.com">afshan.naveed@dentons.com</a></p> <p>With copy to: Bob Taylor and Naomi McGregor Email: <a href="mailto:bobtaylor@deloitte.ca">bobtaylor@deloitte.ca</a> <a href="mailto:naomcgregor@deloitte.ca">naomcgregor@deloitte.ca</a></p>	<p>Counsel for Deloitte</p>	<p>Email</p>
<p>Llewellyn Law 2440 Kensington Road NW Calgary, Alberta T2N 3S1</p> <p>Attention: Clive Llewellyn Email: <a href="mailto:cllewellyn@llewellynllp.com">cllewellyn@llewellynllp.com</a></p>	<p>Counsel to Dino Rossi and C.K.V. Developments Inc.</p>	<p>Email</p>
<p>Jensen Shawa Solomon Duguid Hawkes LLP 800, 304 – 8<sup>th</sup> Avenue SW Calgary, Alberta T2P 1C2</p> <p>Attention: Robert Hawkes QC Email: <a href="mailto:hawkesr@jssbarristers.ca">hawkesr@jssbarristers.ca</a></p>	<p>Counsel to Centro Management &amp; Consulting Ltd.</p>	<p>Email</p>

Service Recipient	Recipient Status	Service Method
David Newsome 287 King George Terrace Victoria, British Columbia V8S 2J8	Mortgagee	Courier
ATB Financial 1110 – 17 Avenue SW Calgary, Alberta T2T 0B4 Attention : Alex Corbett Email : <a href="mailto:acorbett@atb.com">acorbett@atb.com</a>	Mortgagee / Lien Holder	Email
F.M.I. Consultants Ltd. 2628 – 1st Avenue NW Calgary, Alberta T2N 0C4	Mortgagee	Courier
Awakening Possibility Inc. 129 – 7 <sup>th</sup> Avenue NW Calgary, Alberta T2M 0A3	Mortgagee	Courier
Alberta Hotel and Lodging Association 2707 Ellwood Drive SW Edmonton, Alberta T6X 0P7	Creditor	Courier
Booking.com 401, 290 – 8 <sup>th</sup> Avenue SW Calgary, Alberta T2P 1B7	Creditor	Courier
Canada Revenue Agency 0755 King George Blvd. Surrey, British Columbia V3T 5E1 Email: <a href="mailto:cra-arc_tax-fisc_ins_t-f_g@cra-arc.gc.ca">cra-arc_tax-fisc_ins_t-f_g@cra-arc.gc.ca</a>	Creditor	Email

<b>Service Recipient</b>	<b>Recipient Status</b>	<b>Service Method</b>
City of Calgary 800 Macleod Trail SE P.O. Box 2100 Station M Calgary, Alberta T2P 2M5 Email: <a href="mailto:creditandcollections@calgary.ca">creditandcollections@calgary.ca</a>	Creditor	Email
Eden Textile 10934 – 120 <sup>th</sup> Street NW Edmonton, Alberta T5H 3P7	Creditor	Courier
Enmax 141 – 50 <sup>th</sup> Avenue SE Calgary, Alberta T2G 4S7 Email: <a href="mailto:bankruptcy@enmax.com">bankruptcy@enmax.com</a>	Creditor	Email
Expedia Group Lodging Partner Services 333 – 108 <sup>th</sup> Avenue NE Bellevue, WA, USA 98004	Creditor	Courier
Gordon Food Service 290212 Township Road 261 Rocky View County, Alberta T4A 0V6 Email: <a href="mailto:cgy-info@gfs.ca">cgy-info@gfs.ca</a>	Creditor	Email
Shaw Cable 900 – 1067 W Cordova Street Vancouver, British Columbia V6C 3T5 Email: <a href="mailto:mbxPaymentSolutionsBankruptcyNational@sjrb.ca">mbxPaymentSolutionsBankruptcyNational@sjrb.ca</a>	Creditor	Email
Telus Communications 8 <sup>th</sup> Floor, 3777 Kingsway Burnaby, British Columbia V5H 3Z7 Email: <a href="mailto:bankruptcy@telus.com">bankruptcy@telus.com</a>	Creditor	Email

<b>Service Recipient</b>	<b>Recipient Status</b>	<b>Service Method</b>
Travel.click 1306 Wellington Street West Ottawa, Ontario K1Y 3B2	Creditor	Courier
Worker's Compensation Board P.O. Box 2415 Edmonton, Alberta T5J 2S5 Email: <a href="mailto:employer.account.services@wcb.ab.ca">employer.account.services@wcb.ab.ca</a>	Creditor	Email
WorldWeb Technologies Inc. 115, 1925 – 18 <sup>th</sup> Avenue NE Calgary, Alberta T2E 7T8	Creditor	Courier
Adil Jabari Email: <a href="mailto:adil.kabbari@gmail.com">adil.kabbari@gmail.com</a>	Creditor / Employee	Email
Lamin Saidykhan Email: <a href="mailto:saidykhan1@yahoo.com">saidykhan1@yahoo.com</a>	Creditor / Employee	Email