



Court File No.: 33-1474256 and 33-1474264

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE

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Wednesday, the 30<sup>th</sup>

JUSTICE S.J. KERSHMAN

Day of November, 2016

B E T W E E N :

**In Bankruptcy and Insolvency**

IN THE MATTER OF THE BANKRUPTCY OF  
ENVISION ENGINEERING & CONTRACTING INC. and others of the City of  
Ottawa, in the Province of Ontario

IN THE MATTER OF THE BANKRUPTCY OF  
LANDEX CONSTRUCTION INC. and others of the City of Ottawa, in the Province of  
Ontario

**ORDER**

THIS MOTION, made by Alberta Treasury Branches (“ATB”), a creditor of the Envision Group (defined below), for an Order pursuant to s. 38(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the “*BIA*”) authorizing ATB, in its own name and at its own expense and risk, to take proceedings commenced by the Trustee of the Envision Group (the “Trustee”) for return of transfers at undervalue and an Order pursuant to s. 187(7) of the *BIA* transferring the within proceedings to the bankruptcy district of Alberta, division of Calgary, was heard this day at 161 Elgin Street, Ottawa, Ontario, K2P 2K1.

ON READING the Motion Record, Factum and Affidavit of ATB, filed, and on hearing the submissions of counsel to ATB;

AND UPON being advised that the Trustee takes no position on this motion;

AND WHEREAS none of Frank D'Addario, Ferne D'Addario, Adam D'Addario, Josh D'Addario, Darren McMullen, Antonio Maniaci, Michelle Belanger, or counsel for Lynn Zienka were in attendance, although properly served;

**Section 38(1) Order**

1. THIS COURT ORDERS that ATB may, and is hereby authorized, to continue and prosecute the proceedings commenced by in the Court of Queen's Bench of Alberta in Bankruptcy and Insolvency for the purpose of claiming an order setting aside certain alleged preferential payments made by Envision Engineering & Contracting Inc., Iona Contractors Ltd., Bow Valley Electrical Services Ltd., Western Construction & Combustion Services Inc., Landex Construction Inc., Inter Project Systems Inc. and/or RBT Electric Ltd. (together, the "Envision Group"), in its own name and at its own expense and risk.
2. THIS COURT ORDERS that the notice of the granting of this order upon other creditors of the Envision Group shall be deemed to be sufficiently served by mailing the said notice in a pre-paid addressed envelope by registered mail to each of the said creditors at their place of business or address as shown in the statement of affairs for the relevant Envision Group companies, filed.
3. THIS COURT ORDERS that service of notice granting this order shall be deemed to be made 7 days following the date on which the same is mailed in accordance with paragraph 2 hereof.
4. THIS COURT ORDERS that all benefits to be derived from the proceedings authorized by this order, together with the costs of same, shall belong exclusively to ATB and to such other creditors who may within 7 days of the service upon them of the notice of the granting of this order as hereinafter provided agree to contribute *pro rata* according to the amount of their respective claims, to the expense and risk of such proceedings, and who within the like time in writing directed to Mr. Sean F. Collins, solicitor for ATB, signify their agreement.

5. THIS COURT ORDERS that the costs of ATB and of others as may join with ATB in the said proceedings shall be paid, and after paying the said costs, the balance of any shall be divided between the said applicant and any creditors who may contribute under paragraph 4 hereof, *pro rata*, according to the respective amounts of their claims in addition to any dividends that they may be entitled to out of the said bankrupt's other assets, but only to the extent of their said claims.

6. THIS COURT ORDERS that in case there shall be a surplus after paying ATB its said claim and costs, and the costs of the bankruptcy proceedings herein, and the claims of such other parties, if any, entitled to participate, according to the priority of the same respectively, as determined by paragraph 5 hereof, such surplus shall be paid to the Trustee.

7. THIS COURT ORDERS that if any creditor or creditors shall fail to join in the said agreement provided for in paragraph 4 within the time hereby limited, they shall be thereafter excluded from participating in the benefits to be derived from the said proceedings.

8. THIS COURT ORDERS that the Trustee shall provide counsel to ATB, within 7 days of service of this order upon it, with a list of the names and addresses of all creditors who have proven claims against the bankrupts in the Envision Group.

9. THIS COURT ORDERS that the Trustee shall within 7 days of service of this order upon it execute an assignment assigning all its right, title and interest in the subject matter of the proceedings, and shall transfer and make available all books and documents in support thereof or relevant thereto, and that such assignment shall vest in ATB and such other creditors as may join in the proceedings, all the right, title and interest which the said Trustee has, had or shall have in the subject matter of the proceedings by virtue of its office as Trustee.

**Section 187(7) Order**

10. THIS COURT ORDERS that the proceedings herein bearing Court File Nos. 33-1474256 and 33-1474264 shall be and hereby are transferred to the bankruptcy district of Alberta, division of Calgary.

**Costs**

11. THIS COURT ORDERS that the costs of this motion shall be fixed in the amount of \$500.00, inclusive of disbursements and applicable taxes, reserved in the cause, *with the exception that there shall be no costs* ~~ordered~~ *ordered as against Michelle Belanger.*

  
KERSHMAN, J.

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**In Bankruptcy and Insolvency**

Proceeding commenced at Ottawa

**ORDER**

McCarthy Tétrault LLP  
Suite 5300, Toronto Dominion Bank Tower  
Toronto ON M5K 1E6

Byron Shaw LSUC#: 57745V  
Tel: (416) 601-8256  
Fax: (416) 868-0673

Lawyers for Alberta Treasury Branches,  
a Creditor

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