

COURT FILE NUMBER 1903-08169
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE EDMONTON
PLAINTIFF(S) FORTIS LGS STRUCTURES INC.
DEFENDANT(S) STATION POINT DEVELOPMENTS LTD. and
BCM DEVELOPMENTS LTD.
DOCUMENT ORDER (APPROVING CONSTRUCTION
MANAGEMENT CONTRACT AND
RESTRICTING COURT ACCESS)

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS
DOCUMENT

BENNETT JONES LLP
Barristers and Solicitors
3200 Telus House
South Tower, 10020 – 100th Street
Edmonton, Alberta T5J 0N3

I hereby certify this to be a
true copy of the original.


For Clerk of the Court

Attention: Katherine Fisher and Sean Zweig
Telephone No.: (780) 917-4268/ (416) 777-6254
Fax No.: (780) 421-7591

DATE ON WHICH ORDER WAS PRONOUNCED: September 19, 2019
NAME OF JUDGE WHO MADE THIS ORDER: The Honourable Mr. Justice M.J. Lema
LOCATION OF HEARING: Edmonton, Alberta

UPON the application (the "**Application**") of the trustee, receiver and manager, KSV Kofman Inc. (in such capacities, the "**Receiver**"); **AND UPON** reading the First Report of the Receiver dated September 11, 2019 (the "**First Report**"); **AND UPON** hearing the submissions of counsel for the Receiver, counsel for Station Point Developments Ltd. ("**Station Point**") and BCM Developments Ltd. ("**BCM**"), and counsel for Fortis LGS Structures Inc. ("**Fortis**");

IT IS HEREBY ORDERED AND DECLARED THAT:

SERVICE

1. The time for service of this Application is hereby deemed good and sufficient, and this Application is properly returnable today.

APPROVAL OF CONSTRUCTION MANAGEMENT CONTRACT

2. The construction management contract between the Receiver and RMS Building Inc. ("**RMS**") dated September 11, 2019 (the "**Contract**"), in the form attached as Appendix "C" to the First Report, be and is hereby approved.
3. The request of Fortis to stay the Contract for a period of two weeks is denied.
4. The parties to the Contract are authorized and directed to comply with the terms of the Contract, and the Receiver is authorized to take such steps and execute such documentation as may be necessary or incidental to give effect to the Contract.
5. It is hereby confirmed that supporting documentation evidencing the cost of the Work (as defined in the Contract) shall be attached to each application for payment submitted by RMS, which includes those anticipated costs identified as "Div. 1 – General Requirements" in Schedule "E" – Cost of Work Estimate to the Contract or any portion thereof.
6. A meeting shall be held between the Receiver, RMS, BCM and Station Point for the purpose of permitting BCM and Station Point to provide to the Receiver and RMS details of subcontractors and/or suppliers of whom they are aware and/or have relationships with, and who may be interested in bidding on certain work related to the Contract. The date, time and agenda of the meeting shall be determined by the Receiver, RSM, BCM and Station Point.
7. Notwithstanding any provision of this Order, nothing herein shall affect, vary, derogate from, limit or amend, and the Receiver and its counsel shall continue to have the benefit of, the approvals and protections in favour of the Receiver at law, pursuant to the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, the *Builders' Lien Act*, R.S.A. 2000 c. B-7, the *Judicature Act*, R.S.A. 2000 c. J-2, the Order Appointing Builders' Lien Trustee and Receiver and Manager dated June 18, 2019, and any other order of this Court in these proceedings, all of which are expressly continued and confirmed, including any actions taken by the Receiver pursuant to this Order.

SEALING ORDER

8. The Confidential Proposal Summary appended to the First Report of the Receiver (the "**Confidential Exhibit**") as Confidential Appendix "1" shall be sealed on the Court file, kept confidential and not form part of the public record, notwithstanding Division 4 of Part

6 of the *Alberta Rules of Court*, until the conclusion of these proceedings pursuant to the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, as amended or by further Order of this Honourable Court.

9. The Clerk of the Court shall file the Confidential Exhibit in a sealed envelope attached to a notice that sets out the style of cause of these proceedings and states that:

THIS ENVELOPE CONTAINS CONFIDENTIAL MATERIALS FILED IN COURT FILE NO. 1903-08169. THE CONFIDENTIAL MATERIALS ARE SEALED PURSUANT TO THE SEALING ORDER GRANTED BY THE HONOURABLE MR. JUSTICE M.J. LEMA ON SEPTEMBER 19, 2019, AND ARE NOT TO BE PLACED ON THE PUBLIC RECORD OR MADE PUBLICALLY ACCESSIBLE, UNTIL THE CONCLUSION OF THESE PROCEEDINGS PURSUANT TO THE *BANKRUPTCY AND INSOLVENCY ACT*, RSC 1985, C B-3, AS AMENDED OR UNTIL FURTHER ORDER OF THIS HONOURABLE COURT.

10. 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 7 and 8 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*.

"M.J. Lema"

Justice of the Court of Queen's Bench of Alberta

Approved as to form and content:

OGILVIE LLP

Per:

Rod J. Wasylyshyn, counsel to Station Point Developments Ltd. and BCM Developments Ltd.

FIELD LAW

Per:

Ryan Krushelnitzky, counsel to Fortis LGS Structures Inc.

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Justice of the Court of Queen's Bench of Alberta

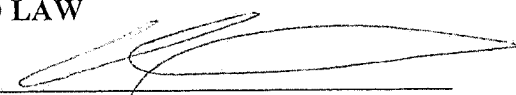
Approved as to form and consent: _____

Content

OGILVIE LLP

Per: _____
Rod J. Wasylyshyn, counsel to Station
Point Developments Ltd. and BCM
Developments Ltd.

FIELD LAW

Per: 
Ryan Krushelnitzky, counsel to Fortis
LGS Structures Inc.