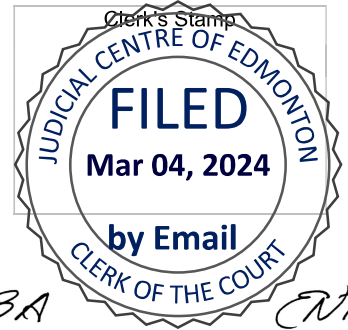


COURT FILE NUMBER 2203-01087  
COURT COURT OF KING'S BENCH OF ALBERTA  
JUDICIAL CENTRE EDMONTON  
PLAINTIFFS TIMBERCREEK MORTGAGE SERVICING INC. and 2292912 ONTARIO INC.  
DEFENDANTS SYMPHONY CONDOMINIUM LTD., ROCKWOOD MANAGEMENT LTD. and ALLEN WASNEA



DOCUMENT **ORDER (ASSIGNMENT INTO BANKRUPTCY, APPROVAL OF ACTIVITIES, FEES, AND INTERIM SRD, DISTRIBUTIONS, LAND TRANSFER)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

**McMillan LLP**  
TD Canada Trust Tower  
#1700, 421-7<sup>th</sup> Avenue SW  
Calgary, Alberta T2P 4K9

**Attention: Adam Maerov**  
Telephone: 403-215-2752  
Facsimile: 403-531-4720

**Attention: Preet Saini**  
Telephone: 403-531-4716  
Facsimile: 403-531-4720  
File Number: 287823

**DATE ON WHICH ORDER WAS PRONOUNCED:** February 29, 2024  
**LOCATION WHERE ORDER WAS PRONOUNCED:** Edmonton Law Courts  
**NAME OF JUSTICE WHO MADE THIS ORDER:** The Honourable Justice Whitting

UPON THE APPLICATION of MNP Ltd., in its capacity as court-appointed receiver and manager (the "Receiver") of Symphony Condominium Ltd. ("Debtor"); AND UPON reviewing the Fifth Report of the Receiver dated February 21, 2024 ("Fifth Report"); AND UPON reviewing the consent receivership order granted by the Honourable Justice Lema on April 7, 2022 appointing the Receiver as receiver and manager of Symphony Condominium Ltd. ("Receivership Order"), the order approving marketing process, sale approval process, activities, distributions and sealing granted by the Honourable Justice Dunlop on May 18, 2022 contained therein (the "Sales Process Order") and the order amending the Sales Process Order granted by the Honourable Justice Neilson on April 24, 2023 (the "First Sale Amendment"); AND UPON reviewing the Affidavit of Service confirming service on the service list contained therein ("Service List"); AND UPON hearing counsel for the Receiver and any other 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, 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 ACTIVITIES AND SRD**

2. The Receiver's actions, activities, and conduct in administering these receivership proceedings as set out in the Fifth Report, are hereby ratified and approved provided that only the Receiver, in its personal capacity and with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approvals.
3. The Receiver's interim statement of receipts and disbursements for the period from April 7, 2022, to February 15, 2024 as set out in the Fifth Report is hereby ratified and approved.

**AUTHORIZATION TO ASSIGN SYMPHONY INTO BANKRUPTCY**

4. The Receiver is hereby authorized, but not obligated, to assign Symphony Condominium Ltd. into bankruptcy, on such date as determined by the Receiver, for the general benefit of its creditors pursuant to section 49(1) of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3 ("BIA").
5. MNP Ltd. shall be appointed as the Licensed Insolvency Trustee of the bankrupt estate in the event that Symphony Condominium Ltd. is bankrupt.

**APPROVAL OF DISTRIBUTION OF GENERAL RECEIPTS IN RECEIVERSHIP**

6. The Receiver is hereby authorized to pay the to Timbercreek Mortgage Servicing Inc. one or more distributions from general receipts from this receivership, subject to reasonable reserves to fund the ongoing administration of the receivership and to satisfy any priority claims as determined by the Receiver.

**DIRECTION TO LAND TITLES REGISTRAR TO TRANSFER COMMON PROPERTY**

7. The Registrar of the Alberta Land Titles Office ("Land Titles Registrar") for the lands defined below shall and is hereby authorized, requested and directed to forthwith:
  - a. cancel existing Certificate of Title No. 192 043 232 +344 and Certificate of Title No. 192 043 232 +238 for those lands legally described as:

CONDOMINIUM PLAN 1920542  
UNIT 345  
AND 1 UNDIVIDED ONE TEN THOUSANDTH SHARES IN THE COMMON PROPERTY  
EXCEPTING THEREOUT ALL MINES AND MINERALS

and

CONDOMINIUM PLAN 1920542  
UNIT 239  
AND 1 UNDIVIDED ONE TEN THOUSANDTH SHARES IN THE COMMON PROPERTY  
EXCEPTING THEREOUT ALL MINES AND MINERALS

(collectively, the "Lands")

- b. issue a new Certificate of Title for each of the Lands in the name of Condominium Corporation No. 192 0542 (or its nominee);
  - c. transfer to the New Certificates of Title the existing instruments listed in Schedule "A", to this Order, and to issue and register against the New Certificate of Title such new caveats, utility rights of ways, easements or other instruments as are listed in Schedule "A" (the "Permitted Encumbrances"); and
  - d. discharge and expunge the encumbrances listed in Schedule "B" to this Order (the "Encumbrances") and discharge and expunge any Claims (as defined in the Fifth Report) including Encumbrances (but excluding Permitted Encumbrances) which may be registered against the existing Certificate of Title to the Lands;
8. Upon delivery of a copy of this Order, this Order shall be immediately registered and followed by the Land Titles Registrar notwithstanding the requirements of section 191(1) of the Land Titles Act, RSA 2000, c.L-7 and notwithstanding that the appeal period in respect of this Order has not elapsed. The Land Titles Registrar is hereby directed to accept all Affidavits of Corporate Signing Authority submitted by the Receiver in its capacity as Receiver of the Debtor and not in its personal capacity.
9. The Receiver is authorized and empowered to do such things, and executed and deliver such additional, related and ancillary documents and assurances governing or giving effect to this Order which, in the Receiver's discretion, are reasonably necessary or advisable to properly effect this Order.

**PROFESSIONAL FEES**

10. The Receiver's fees and disbursements for the period from August 1, 2023, to January 31, 2024 in the amount of approximately \$112,700 (inclusive of applicable sales taxes) are hereby ratified and approved; and

11. The fees and disbursements of McMillan LLP, as counsel to the Receiver, for the period from August 1, 2023, to January 31, 2024 in the amount of approximately \$58,900 (inclusive of applicable sales taxes) are hereby ratified and approved.

#### **FILING**

12. The Clerk of the Court is directed to file this Order forthwith and return it to McMillan LLP for further handling.

#### **SERVICE**

13. 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;
    - (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;
  - b. Posting a copy of this Order on the Receiver's website at:  
<https://mnpdebt.ca/en/corporate/corporate-engagements/symphony-condominium-ltd>.

and service on any other person is hereby dispensed with.

14. 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.

  
\_\_\_\_\_  
Justice of the Court of King's Bench of Alberta

**SCHEDULE "A"****PERMITTED ENCUMBRANCES****Certificate of Title No. 192 043 232 + 344**

<b>Instrument No.</b>	<b>Description</b>
162 016 735	Agreement Re: Restrictive Covenant and Easement
192 043 229	Caveat Re: Encroachment Agreement Pursuant to Municipal Government Act
192 043 230	Caveat Re: Encroachment Agreement Pursuant to Municipal Government Act
192 064 491	Caveat Re: Encroachment Agreement Pursuant to Municipal Government Act

**Certificate of Title No. 192 043 232 + 238**

<b>Instrument No.</b>	<b>Description</b>
162 016 735	Agreement Re: Restrictive Covenant and Easement
192 043 229	Caveat Re: Encroachment Agreement Pursuant to Municipal Government Act
192 043 230	Caveat Re: Encroachment Agreement Pursuant to Municipal Government Act
192 064 491	Caveat Re: Encroachment Agreement Pursuant to Municipal Government Act

**SCHEDULE "B"****ENCUMBRANCES****Certificate of Title No. 192 043 232 + 344**

<b>Instrument No.</b>	<b>Description</b>
192 012 146	Mortgage Mortgagee – Canada ICI Capital Corporation
192 012 147	Caveat Re: Assignment of Rents and Leases Caveator – Canada ICI Capital Corporation
222 157 271	Order in Favour of MNP Ltd.

**Certificate of Title No. 192 043 232 + 238**

<b>Instrument No.</b>	<b>Description</b>
192 012 146	Mortgage Mortgagee – Canada ICI Capital Corporation
192 012 147	Caveat Re: Assignment of Rents and Leases Caveator – Canada ICI Capital Corporation
192 166 289	Mortgage Mortgagee – 2292912 Ontario Inc.
192 166 290	Caveat Re: Assignment of Rents and Leases Caveator – 2292912 Ontario Inc.
192 166 301	Postponement
222 157 271	Order in Favour of MNP Ltd.