

COURT FILE NO. 2203 13202

COURT COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

PLAINTIFF MOSKOWITZ CAPITAL MORTGAGE FUND II INC.

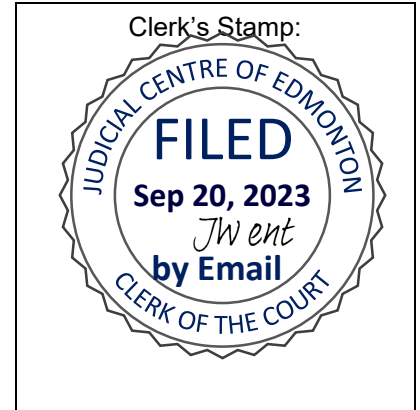
DEFENDANTS 1631807 ALBERTA LTD., RADIANT TECHNOLOGIES INC.,  
and RADIANT TECHNOLOGIES (CANNABIS) INC.

DOCUMENT **APPLICATION (INTERIM DISTRIBUTION, AND APPROVAL OF RECEIVER'S FEES AND ACTIVITIES)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

McLENNAN ROSS LLP  
#600 McLennan Ross Building  
12220 Stony Plain Road  
Edmonton, AB T5N 3Y4

Lawyer: Ryan Trainer  
Telephone: (780) 482-9153  
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Email: ryan.trainer@mross.com  
File No.: 20230959



**NOTICE TO RESPONDENTS: TO THE SERVICE LIST (attached as Schedule "A")**

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

You have the right to state your side of this matter before the Court.

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

**Date:** October 3, 2023  
**Time:** 2:00 p.m.  
**Where:** Law Courts, 1A Sir Winston Churchill Square, Edmonton, AB T5J 0R2 (by Webex)  
**Before Whom:** The Honourable Madam Justice M.E. Burns COM

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 abridging the time for service of notice of this Application to the date of actual service, approving the service given, and dispensing with further service of notice of this Application on any other party not otherwise served.

2. An Order substantially in the form attached hereto as **Schedule "B"**:
  - (a) approving MNP Ltd. ("**MNP**"), as receiver (the "**Receiver**") of certain personal property of 1631807 Alberta Ltd. and Radiant Technologies Inc. (collectively, the "**Debtors**") making an interim distribution of sale proceeds (the "**Interim Distribution**") collected by the Receiver following completion of the first auction sale (the "**First Auction Sale**");
  - (b) authorizing the Receiver to make an Interim Distribution as follows:
    - (i) \$226,284 to Canada Revenue Agency ("**CRA**");
    - (ii) up the maximum amount of \$331,290 to Agriculture Financial Services Corporation ("**AFSC**") plus accruing legal fees and interest, less any amounts paid or payable to AFSC by its legal counsel Dentons Canada LLP; and
    - (iii) \$520,000 to Moskowitz Capital Mortgage Fund II Inc. ("**MCMF**");
  - (c) directing the Receiver to take all steps reasonably required to carry out the Interim Distribution;
  - (d) approving the Receiver's accounts for fees and disbursements and that of its independent legal counsel McLennan Ross LLP, as set out in the Receiver's Fourth Report to the Court dated September 15, 2023 (the "**Fourth Report**") and the Fee Affidavit of Kristin Gray dated September 15, 2023, without the necessity of a formal passing of its accounts;
  - (e) approving the Receiver's interim statement of receipts and disbursements for the period of March 21, 2023, to September 11, 2023; and
  - (f) approving the Receiver's activities, conduct and actions as set out in the Receiver's Fourth Report.
3. An Order granting such other and further relief as the circumstances may require and as this Honourable Court shall deem appropriate.

**Grounds for making this application:**

4. Pursuant to section 243(1) of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, section 13(2) of the *Judicature Act*, RSA 2000, c J-2 and section 65(7) of the *Personal Property Security Act*, RSA 2000, c P-7, MNP was appointed limited Receiver without security of certain personal property of the Debtors described in Exhibit "L" of the Affidavit of Brian Moskowitz dated March 13, 2023, the assets described in the Consent Order granted June 23, 2023, and the assets described Exhibit "A" of the Affidavit of Brian Moskowitz dated July 10, 2023, together with any other personal property of the Debtors as may be agreed upon by the Receiver and the Debtors, including all proceeds thereof.
5. The First Auction Sale was completed and the Receiver is in receipt of sale proceeds arising therefrom.
6. The Receiver recommends an interim distribution be made to CRA, AFSC and MCMF in complete or partial satisfaction of the indebtedness owing to them, as applicable.
7. The Fourth Report sets out the activities of the Receiver since the Second Report, all of which are reasonable and appropriate in the circumstances.

8. It is appropriate in the circumstances for the Receiver to seek approval of its fees and disbursements as well as that of its independent legal counsel, McLennan Ross LLP.
9. Such further and other grounds as counsel may advise and this Honourable Court may permit.

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

10. The pleadings and proceedings filed and taken in this action.
11. The Receiver's Fourth Report to the Court dated September 15, 2023.
12. The Fee Affidavit of Kristin Gray sworn September 15, 2023.
13. Such further and other evidence as counsel may advise and this Honourable Court may permit.

**Applicable rules:**

14. Alberta Rules of Court rules 1.3, 1.4, 6.3(1), 6.9(1), 6.28, 6.29, 6.30, 6.31, 6.32, 11.27, 11.29 and 13.25.
15. Such further and other statutes and rules as counsel may advise.

**Applicable Acts and Regulations:**

16. *Judicature Act*, RSA 2000, c. J-2, as amended, specifically section 8.
17. *Bankruptcy and Insolvency Act*, RSC 1985 c. B-3.
18. *Personal Property Security Act*, RSA 2000, c. P-7.
19. 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:**

20. None.

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

21. By Webex hearing before the Honourable Madam Justice M.E. Burns.

**AFFIDAVIT EVIDENCE IS REQUIRED IF YOU WISH TO OBJECT.**

**WARNING**

If you do not come to Court either in person or by your lawyer, the Court may give the Applicants 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 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 Applicants a reasonable time before the application is to be heard or considered.

**Schedule "A"**

SERVICE LIST

Moskowitz Capital Mortgage Fund II Inc. v 1631807 Alberta Ltd.,  
Radiant Technologies Inc., and Radiant Technologies (Cannabis) Inc.

KB Action No. 2203 13202

Updated September 5, 2023

<b>Address/Counsel (if appointed)</b>	<b>Party Represented</b>
<p><b>DLA Piper (Canada) LLP</b> Suite 2700, Stantec Tower 10220 103<sup>rd</sup> Avenue Edmonton, AB T54J 0K4</p> <p>Attention: Jerritt Pawlyk and Kevin Hoy</p> <p>Emails: jerritt.pawlyk@dlapiper.com kevin.hoy@dlapiper.com</p>	<p>Moskowitz Capital Mortgage Fund II Inc.</p>
<p><b>McLennan Ross LLP</b> 600 McLennan Ross Building 12220 Stony Plain Road Edmonton, AB T5N 3Y4</p> <p>Attention: Ryan Trainer</p> <p>Email: ryan.trainer@mross.com kristin.gray@mnp.com steven.barlott@mnp.ca</p>	<p>MNP Ltd. (Receiver)</p>
<p><b>1631807 Alberta Ltd., Radiant Technologies Inc., and Radiant Technologies (Cannabis) Inc.</b> 4035 – 101 Street NW Edmonton, AB T6E 0A4</p> <p>Attention: Steven Splinter</p> <p>Email: ssplinter@radientinc.com</p>	<p>1631807 Alberta Ltd., Radiant Technologies Inc., and Radiant Technologies (Cannabis) Inc.</p>
<p><b>Akaura Holdings Inc.</b> 4025 101 Street NW Edmonton, AB T6E 0A5 Email: harry@amnorgroup.com</p>	<p>Akaura Holdings Inc.</p>

Address/Counsel (if appointed)	Party Represented
<p><b>Fillmore Construction Management Inc.</b>                      c/o Parlee McLaws LLP in their capacity as the Primary Agent for Service                      1700, 10175-101 Street NW                      Edmonton, AB T5J 0H3</p> <p>Email: edmontoncorporateservices@parlee.com</p>	<p>Fillmore Construction Management Inc.</p>
<p><b>Bishop &amp; McKenzie LLP</b>                      2300, 10180-101 Street                      Edmonton, AB T5J 1V3</p> <p>Attention: Jose Delgado</p> <p>Email: jdelgado@bmlp.ca</p>	<p>Chinook Scaffold Systems Ltd.</p>
<p><b>Bishop &amp; McKenzie LLP</b>                      2300, 10180-101 Street                      Edmonton, AB T5J 1V3</p> <p>Attention: PPR@BMLLP.ca</p>	<p>Valwest Equipment Limited</p>
<p><b>Salt Capital Inc. o/a Capital Now Cannabis</b>                      #121, 234-5149                      Country Hills Blvd NW                      Calgary, AB T3A 5K8</p> <p>Email: accounting@capitalnow.ca</p>	<p>Salt Capital Inc. o/a Capital Now Cannabis</p>
<p><b>Workers' Compensation Board/ Collection Unit</b>                      9912 107 Street                      Edmonton, AB T5K 1G5</p> <p>Attention: Lisa Parker</p> <p>Email: lisa.parker@wcb.ab.ca</p>	<p>Workers' Compensation Board/ Collection Unit</p>
<p><b>Dentons Canada LLP</b>                      2500 Stantec Tower                      10220 102 Ave NW</p> <p>Attention: Dick Cotter, K.C.,                      and Kurtis Letwin</p> <p>Emails: richard.cotter@dentons.com                      kurtis.letwin@dentons.com</p>	<p>Agriculture Financial Services Corporation</p>

Address/Counsel (if appointed)	Party Represented
<p><b>Reset Financial Inc.</b> 100, 4208 97 Street NW Edmonton, AB T6E 54Z9</p> <p>Attention: ct104@cash-today.ca</p>	<p>Reset Financial Inc.</p>
<p><b>Special Contracting Ltd.</b> 1-2838 Garden St Abbotsford, BC V2T 4W7</p> <p>Email: specialcontractingltd@gmail.com</p>	<p>Special Contracting Ltd.</p>
<p><b>Mintz Law</b> 410, 10339 124 Street Edmonton, AB T5N 3W1</p> <p>Email: bmintz@mintzlaw.ca</p>	<p>Steris Barrier Product Solutions Inc. Series Sales Canada ULC</p>
<p><b>Duncan Craig LLP</b> 2800-10060 Jasper Ave Edmonton, AB T5J 3V9</p> <p>Attention: Neil Coghlan</p> <p>Email: ncoghlan@DCLLP.com</p>	<p>Azelis Canada Inc.</p>
<p><b>Emery Jamieson LLP</b> 2400, 10235-101 Street NW Edmonton, AB T5J 3G1</p> <p>Attention: Terence B. Arthur</p> <p>Email: tarthur@emeryjamieson.com</p>	<p>Tomasz Popek</p>
<p><b>Canada Revenue Agency</b> Surrey National Verification and Collections Centre 9755 King George Boulevard Surrey, BC V3T 5E1</p> <p>Fax: 1-866-219-0311</p> <p>Email: George.Body@justice.gc.ca</p>	<p>Canada Revenue Agency</p>
<p><b>2153983 Alberta Ltd.</b> 9433 58<sup>th</sup> Street Edmonton, Alberta T6E 0B8</p> <p>Email: ryan@pinenecapital.com</p>	<p>2153983 Alberta Ltd.</p>

<b>Address/Counsel (if appointed)</b>	<b>Party Represented</b>
<b>Bishop &amp; McKenzie LLP</b> 2300, 10180-101 Street Edmonton, AB T5J 1V3  Attention: PPR@BMLLP.ca	Chinook Scaffold Systems Ltd.



**Schedule "B"**

COURT FILE NUMBER 2203 13202  
COURT COURT OF KING'S BENCH OF ALBERTA  
JUDICIAL CENTRE EDMONTON



PLAINTIFF MOSKOWITZ CAPITAL MORTGAGE FUND II INC.  
DEFENDANTS 1631807 ALBERTA LTD., RADIANT TECHNOLOGIES INC.,  
and RADIANT TECHNOLOGIES (CANNABIS) INC.

DOCUMENT **ORDER (INTERIM DISTRIBUTION AND APPROVAL OF RECEIVER'S FEES AND ACTIVITIES)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT  
McLENNAN ROSS LLP  
#600 McLennan Ross Building  
12220 Stony Plain Road  
Edmonton, AB T5N 3Y4

Lawyer: Ryan Trainer  
Telephone: 780.482.9153  
Fax: 780.482.9100  
Email: ryan.trainer@mross.com  
File No.: 20230959

**DATE ON WHICH ORDER WAS PRONOUNCED: October 3, 2023**

**LOCATION WHERE ORDER WAS PRONOUNCED: Edmonton, Alberta**

**NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Madam Justice M.E. Burns**

**UPON THE APPLICATION** of MNP Ltd. in its capacity as the Court-appointed limited receiver (the "Receiver") of certain personal property of 1631807 Albert Ltd. and Radiant Technologies Inc. (collectively, the "Debtors") described in Exhibit "L" of the Affidavit of Brian Moskowitz dated March 13, 2023, the assets described in the Consent Order granted June 23, 2023, and the assets described in Exhibit "A" of the Affidavit of Brian Moskowitz dated July 10, 2023, together with any other personal property of the Debtors as may be agreed upon by the Receiver and the Debtors, including all proceeds thereof, for an Order approving an interim distribution, the activities of the Receiver and the fees and disbursements of the Receiver and its legal counsel; **AND UPON HAVING READ** the Application, the Receiver's Fourth Report to the Court dated September 14, 2023 (the "Fourth Report"), the Affidavit of Kristin Gray sworn September 14, 2023 (the "Fee Affidavit"), and the Affidavit of Service of Shauna

Trueman; **AND UPON HEARING** the submissions of counsel for the Receiver and all other parties in attendance;

**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 time for service of this application is abridged to that actually given.

**INTERIM DISTRIBUTION**

2. The Receiver is authorized and directed to make the following distributions without further Order:
  - (a) \$226,284 to Canada Revenue Agency;
  - (b) a maximum amount of \$331,290 to Agriculture Financial Services Corporation ("AFSC") plus accruing legal fees and interest, less any amounts paid or payable to AFSC by its legal counsel Dentons Canada LLP as of the date of the Fourth Report; and
  - (c) \$520,000 to Moskowitz Capital Mortgage Fund II Inc.

**APPROVAL OF RECEIVER'S FEES**

3. The Receiver's accounts for fees and disbursements attached to the Fourth Report and Fee Affidavit are fair and reasonable and are hereby approved without the necessity of a formal passing of its accounts.
4. The accounts of the Receiver's independent legal counsel, McLennan Ross LLP, for its fees and disbursements attached to the Fourth Report and Fee Affidavit are fair and reasonable and are hereby approved without the necessity of a formal assessment of its accounts.

**APPROVAL OF RECEIVER'S ACTIVITIES**

5. The Receiver's activities as set out in the Fourth Report are hereby ratified and approved.

**APPROVAL OF RECEIVER'S INTERIM STATEMENT OF RECEIPTS AND DISBURSEMENTS**

6. The Receiver's interim statement of receipts and disbursements for the period of March 21, 2023, to September 11, 2023 as set out in the Fourth Report are hereby ratified and approved.

**MISCELLANEOUS**

7. 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; and
- (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/radiant-technologies-inc>

and service on any other person is hereby dispensed with.

8. 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 King's Bench of Alberta