

SYMPHONY CONDOMINIUM LTD. – IN RECEIVERSHIP
ESTATE NO. 24-116220
SECOND INTERIM REPORT OF THE RECEIVER AS AT APRIL 7, 2023
Subsection 246(2) of the *Bankruptcy and Insolvency Act*

BACKGROUND:

On April 7, 2022 (the “**Filing Date**”), the Court of King’s Bench of Alberta, known as the Court of Queen’s Bench of Alberta at the time (the “**Court**”) granted an Order (the “**Receivership Order**”) appointing MNP Ltd. as Receiver (the “**Receiver**”) over all of the assets, undertakings and property (the “**Property**”), as further described below, of Symphony Condominium Ltd. (“**Symphony**” or the “**Company**”). The Receivership Order was granted following an application by Timbercreek Mortgage Servicing Inc. and 2292912 Ontario Inc. A copy of the Receivership Order can be found on the Receiver’s website at: <https://mnpdebt.ca/en/corporate/corporate-engagements/symphony-condominium-ltd>

Symphony operated as a real estate developer and was incorporated in the Province of Alberta for the purpose of constructing and selling the Symphony Tower (as described below).

ASSETS

At the Filing Date, the Property included the following:

- 1) 34 residential units (the “**Condos**”), 53 parking stalls and 6 storage units in the Symphony Tower, which is a 27-storey residential high-rise condominium complex located at 9704 – 106 Street NW in Edmonton, Alberta;
- 2) A 3-storey multi-residential building comprising 12 rental units located at 10612 97 Avenue NW in Edmonton, Alberta (the “**Parkview Apartments**”); and
- 3) A single dwelling residence located at the base of the Symphony Tower (the “**Foote Residence**”).

On May 18, 2022, the Court granted an Order (Approval of Marketing Process, Sale Approval Process, Activities, Timbercreek Distribution and Sealing) which, among other relief approved a marketing process for the Condos and the Foote Residence through Sotheby's International Realty Canada ("**Sotheby's**") as well as a corresponding sale approval process (the "**Marketing and Sale Order**"). At a hearing scheduled for April 24, 2023, the Receiver will be seeking approval for, among other relief, an amendment to the process set out in the Marketing and Sale Order to revise the range that the purchase price for each of the Condos must fall within or exceed. At the April 24 Hearing, the Receiver is also seeking approval for the sale of a further Condo.

Sotheby's marketing efforts are ongoing and, as of the date of this report, only two of the Condos, together with the accompanying parking stalls, had been sold. Also, pursuant to two Orders granted by the Court on May 18, 2022, and June 23, 2022, respectively, the Court approved the sale of the Parkview Apartments, which has been completed.

STATEMENT OF RECEIPTS AND DISBURSEMENTS

The Receiver's Interim Statement of Receipts and Disbursements for the period ended March 31, 2023, is attached hereto.

NEXT STEPS

The Receiver is continuing to work with Sotheby's to market the remaining Property as approved in the Marketing and Sale Order and will only seek its discharge once all of the Property has been realized.

Prepared as at April 7, 2023. Dated at Calgary, Alberta this 25th day of January 2024.

MNP Ltd., in its capacity as the Receiver for Symphony Condominium Ltd. and not in its personal or corporate capacity



Vanessa Allen, B. Comm, CIRP, LIT
Senior Vice President

**Symphony Condominium Ltd. - in Receivership ("Symphony")
Interim Statement of Receipts and Disbursements
for the period from April 7, 2022 to March 31, 2023**

		Notes
Receipts:		
Net sale proceeds	\$ 3,589,117	1
Refund of common area holdback	166,986	2
Cash held in financial institutions	150,027	3
GST refunds	111,103	
GST collected	126,149	
Rent receipts	22,548	4
Miscellaneous refunds	63,126	
Interest	3,799	
Total receipts:	<u>4,232,855</u>	
Disbursements:		
Distribution to secured lender	2,300,018	5
Property taxes	260,109	6
Receiver's fees and disbursements	315,271	7
Condominium fees	354,203	8
Construction services	216,221	9
Legal fees and disbursements	147,295	10
Consulting services	78,876	
Utilities	63,185	
GST Paid	141,265	
Commission	32,713	11
Appraisal	15,000	12
Miscellaneous	18,755	
Repairs and maintenance	16,679	
Insurance	4,884	
Total disbursements:	<u>3,964,475</u>	
Excess of receipts over disbursements:	268,380	13
Less:		
Funds held re: release of common area holdback	- 166,986	2
Net available cash:	<u>\$ 101,393</u>	

Notes - general:

1. On April 7, 2022, the Court of King's Bench of Alberta (the "Court"), as it is currently known, granted a Consent Receivership Order (the "Receivership Order") appointing MNP Ltd. as Receiver and Manager (the "Receiver") over all of the assets, undertakings and property of Symphony.

Notes - specific:

1. Represents net pre-receivership sale proceeds that were being held by Sharek Logan & van Leenan LLP at the date of receivership as well as the net sale proceeds from the sale of the property known as the Parkview Apartments (the "Parkview Sale") and units 1606 and 2701 within the Symphony Tower (the "Unit Sales"). The Parkview Sale and the Unit Sales were approved by the Court pursuant to Orders granted on May 18, 2022 and June 23, 2022. No GST was payable on the Parkview Sale.
2. Represents the refund of a portion of the common area holdback for the Symphony Tower based on an updated report prepared by Turner & Townsend, dated July 13, 2022.
3. Represents amounts held in Symphony's bank account at the date of receivership.
4. Consists of rent from tenants of the Parkview Apartments and parking tenants of the Symphony Tower.
5. Represents distributions to Timbercreek Mortgage Servicing Inc. issued pursuant to the Order granted by the Court on May 18, 2022.
6. Represents 2022 property taxes payable for the units within the Symphony Tower that are subject to the Receivership Order and the Foote Residence.
7. Represents professional fees and disbursements payable to the Receiver for the period ended February 28, 2023.
8. Represents condominium fees payable for the units within the Symphony Tower that are subject to the Receivership Order and the Foote Residence for April 2022 through March 2023.
9. Represents amounts payable pursuant to two contracts with Teknicon Construction Services to complete work on the units within the Symphony Tower.
10. Represents professional fees and disbursements payable to the Receiver's legal counsel for the period ended February 28, 2023.
11. Represents commission payable to 2% Realty Pro on the Parkview Sale and commission payable to Sotheby's on the sale of unit 1606. Commission payable on the other Unit Sales is being paid directly from closing funds with the net sale proceeds being paid to the Receiver.
12. Represents the amount payable to Newmark Valuation & Advisory to complete appraisals on the various properties that are subject to the Receivership Order.
13. The following three additional deposits are currently being held in trust:
 - a. Deposits totalling approximately \$135,300 related to two matters that are the subject of ongoing litigation.
 - b. A deposit of approximately \$35,750 related to common property holdbacks on the pre-receivership sale of various condominium units.
 - c. A deposit of \$175,000 related to a contract between Symphony and the City of Edmonton.