



COURT FILE NUMBER: 2303 00601
COURT: COURT OF KING’S BENCH OF ALBERTA
JUDICIAL CENTRE: EDMONTON
PLAINTIFF: ENDALE GUTAMA in his capacity as Litigation Representative of MELESSE DAHESSA GUTAMA (deceased)
DEFENDANTS: VITAL PROPERTY SERVICES INC., TIDY HOLDINGS CORPORATION, HUSSEIN CHOUFI also known as HUSS CHOUFI, and BASIMA CHOUFI
DOCUMENT: **APPLICATION BY THE INTERIM RECEIVER**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT: **Witten LLP**
Barristers & Solicitors
Suite 2500, Canadian Western Bank Place
10303 Jasper Avenue
Edmonton, AB T5J 3N6
Solicitors for MNP Ltd. in its capacity as Interim Receiver of Vital Property Services Inc. and Tidy Holdings Corporation
ATTN: Bren R. Cargill
FILE: 131780-2/BRC
PHONE: (780) 428-0501
FAX: (780) 429-2559

NOTICE TO THE ATTACHED SERVICE LIST AT SCHEDULE “A”

This application is made against you. You are the Respondents.

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

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

Date May 12, 2023

Time 10:00 a.m.

Where Edmonton Law Courts Building, 1A Sir Wintson Churchill Square,

Before The Honourable Mr. Justice M. J. Lema, in Commercial Chambers via Webex

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 substantially in the form attached hereto as **Schedule “B”**, granting the following relief, among other things:
 - (a) Abridging and validating the time and method of service of the Notice of Application, so that this motion is properly returnable on the date of the application, and that further service is dispensed with; and
 - (b) Approving the First Report (“**First Report**”) of MNP Ltd. (the “**Interim Receiver**”), in its capacity as Interim Receiver of Vital Property Services Inc. and Tidy Properties Holdings Corporation (the “**Companies**”) and the activities of the Interim Receiver outlined therein.

Grounds for making this application:

Approving of the Interim Receiver’s Activities to Date

2. On February 6, 2023, MNP Ltd. was appointed as Interim Receiver of the Companies by way of the Consent Interim Receivership Order (the “Interim Receivership Order”) pronounced by the Honourable Mr. Justice J. T. Neilson.
3. The Interim Receivership Order authorizes the Interim Receiver to, among other things:
 - (a) Apply to this Court for advice and directions in the discharge of its powers and duties hereunder, in accordance with Paragraph 29 thereof; and
 - (b) Report to the Court from time to time, which reporting is not required to be in affidavit form and shall be considered by the Court as evidence; in accordance with Paragraph 30 thereof.
4. The Interim Receiver is seeking approval of its activities as set out in the First Report dated April 28, 2023.

Material or evidence to be relied on:

5. The First Report of the Interim Receiver, filed herewith;

Applicable rules:

6. *Alberta Rules of Court*, generally.

Applicable Acts and regulations:

7. *Bankruptcy and Insolvency Act*, RSC 1985, c. B-3, as amended.

Any irregularity complained of or objection relied on:

8. N/A

How the application is proposed to be heard or considered:

The proceedings will take place at the Courthouse as set out on the first page of this Notice of Application. The solicitors for the Applicant will attend electronically pursuant to Rules 6.9(2) and 6.10 of the *Alberta Rules of Court*.

WARNING

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

SCHEDULE "A"

**Endale Gutama in his capacity as Litigation Representative of Melesse Dahessa Gutama (deceased)
v Vital Property Services Inc., Tidy Holdings Corporation, Hussein Choufi also know as Huss
Choufi and Basima Choufi**

Service List

| | |
|--|--|
| Cooper Regel LLP 77 Chippewa Road Sherwood Park, Alberta T8A 6J7 Attn: Andrew S. Rice Via email: andrew@cooperRegel.ca (Counsel for Hussein Choufi and Basima Choufi) | MNP LTD. 1300, 10235 101St N.W. Edmonton, AB T5J 3G1 Attn: Kristin Gray, CPA, CA, CIRP, LIT Via email: Kristin.Gray@mnp.ca (Proposed Receiver/Liquidator and Interim Receiver) |
| Witten LLP 2500, 10303 Jasper Avenue NW Edmonton, Alberta T5J 3N6 Attn: Bren Cargill Via Email: bcargill@wittenlaw.com (Counsel for Proposed Receiver/Liquidator and Interim Receiver) | Vital Property Services Inc. c/o Agent for Service Peter Cave 131 Ozerna Road Edmonton, Alberta, T5Z 2Z4 Via Process Server & Email: pharnsworth@telus.net |
| Tidy Holdings Corporation c/o Agent for Service Hussein Choufi 15508 74 Street NW Edmonton, Alberta T5Z 2Y1 Via Process Server & Email: huss@vitalprops.com | Department of Justice, Canada (Courtesy Copy) Via email: George.Body@justice.gc.ca |
| Office of the Superintendent of Bankruptcy 725, 9700 Jasper Avenue NW Edmonton, Alberta T5J 4C3 Via Courier | Canada Revenue Agency 9700 Jasper Avenue Edmonton, Alberta, T2P 4K9 Via Courier |
| The Bank of Nova Scotia 10 Wright Boulevard Stratford, On N5A 7X9 (Security Agreement 18091809288) Via Courier | Canada Revenue Agency – Surrey National Verification and Collections Centre 9755 King George Boulevard Surrey, BC, V3T 5E1 Via Fax: 866.219.0311 |
| Royal Bank of Canada 10 York Mills Road Toronto, Ontario M2P 0A2 (Security Agreement 16090939832) Via Courier | Tricor Lease & Finance Corp. PO Box 397 Burlington, On L7R 3Y3 (Security Agreement 16092002799) Via Courier |
| Seada Hasen 15911-95 Street | Insight Law LLP |

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|--|---|
| <p>Edmonton, AB T5Z 0E9 (Courtesy Copy) Via Courier</p> | <p>605, 10080 Jasper Avenue NW Edmonton, AB T5J 1V9 Attn: Carolyn Grogan (Courtesy Copy) Via email: info@insightlaw.ca</p> |
| <p>DXC Insurance Services, Canada Via email: Gregory.robinson@dx.com (Claims adjustors for Ivori, Courtesy Copy)</p> | |

SCHEDULE “B”

Clerk’s stamp:

COURT FILE NUMBER
COURT
JUDICIAL CENTRE
PLAINTIFF

2303 00601
COURT OF KING’S BENCH OF ALBERTA
EDMONTON
ENDALE GUTAMA in his capacity as Litigation
Representative of MELESSE DAHESSA
GUTAMA (deceased)

DEFENDANTS

VITAL PROPERTY SERVICES INC., TIDY
HOLDINGS CORPORATION, HUSSEIN
CHOUFI also known as HUSS CHOUI, and
BASIMA CHOUI

DOCUMENT

**ORDER APPROVING INTERIM
RECEIVER’S ACTIVITIES**

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

Witten LLP
Barristers & Solicitors
Suite 2500, Canadian Western Bank Place
10303 Jasper Avenue
Edmonton, AB T5J 3N6
Solicitors for MNP Ltd. in its
capacity as Interim Receiver of Vital Property
Services Inc. and Tidy Holdings Corporation

ATTN: Bren R. Cargill
FILE: 131780-2/BRC
PHONE: (780) 428-0501
FAX: (780) 429-2559

DATE ON WHICH ORDER WAS PRONOUNCED: May 12, 2023

LOCATION WHERE ORDER WAS PRONOUNCED: Edmonton, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Justice M. J. Lema

UPON THE APPLICATION of MNP Ltd. in its capacity as the court appointed Interim Receiver and Manager (the “**Interim Receiver**”) of the undertakings, property and assets of Vital Property Services Inc. and Tidy Properties Holdings Corporation (collectively the “**Companies**”) **AND UPON HAVING READ** the Application, the Consent Interim Receivership Order granted by the Honourable Justice J. T. Neilson on February 6, 2023, in respect of the Companies and the First Report to the Court of MNP Ltd. in its capacity as interim receiver of the Companies dated April 28, 2023 (the “**First Report**”), filed; **AND UPON HEARING** the submissions of counsel for the Interim Receiver and all other interested parties present;

IT IS HEREBY ORDERED AND DECLARED THAT:

1. Service of Notice of this Application and all materials in support (the “**Materials**”) is hereby declared to be good and sufficient, no other person is required to have been served with the Materials and the time required for service of the Materials is abridged to that actually given.
2. The activities, conduct and actions of the Interim Receiver as described in the First Report are hereby approved.
3. 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; and
 - (b) Posting a copy of this Order on the Receiver's website at: <https://mnpdebt.ca/en/corporate/corporate-engagements/vital-property-services-inc-and-tidy-holdings-corporation>; and

Service on any other person is hereby dispensed with.
4. 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.

J.C.K.B.A