

This is the 1st Affidavit
of James W. Reid in this case and
was made on January 22, 2024

Court No. S-229607
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

MITSUBISHI HC CAPITAL CANADA INC.

Petitioner

- and -

**VIC VAN ISLE CONSTRUCTION LTD., VVI CONSTRUCTION LTD., AND
LORTAP ENTERPRISES LTD.**

Respondents

AFFIDAVIT

I, JAMES W.REID, of the City of Calgary in the Province of Alberta, MAKE OATH AND SAY:

1. I am a Partner at Miller Thomson LLP ("**Miller Thomson**"), counsel for BDO Canada Limited, the Court appointed receiver and manager (the "**Receiver**") of Vic Van Isle Construction Ltd., VVI Construction Ltd., and Lortap Enterprises Ltd. (collectively, the "**Debtors**") and as such, I have personal knowledge of the facts deposed to in this Affidavit, except where stated to be based on information and belief, in which case, I believe that such information is true and accurate.
2. Attached and marked as **Exhibit "A"** to this Affidavit are true copies of the accounts of Miller Thomson in this matter (collectively, the "**Accounts**"), as follows:

Invoice Number	Invoice Date	Amount
3950262	December 19, 2023	\$8,255.47
3951733	December 31, 2023	\$1,328.88
Total:		\$9,584.35

3. As detailed in the Account, from December 1, 2023 to December 31, 2023 the invoiced fees and disbursements incurred by Miller Thomson, inclusive of taxes, amounted to a total of \$9,584.35, which consists of \$8,461.00 in fees, \$21.30 in disbursements, \$1,102.05 in HST.
4. As detailed in the Account, a summary of the incurred fees, calculated on the basis of the hours spent by Miller Thomson professionals in relation to the Accounts, which amounts 14.60 hours, multiplied by the applicable standard hourly rates by Miller Thomson in its insolvency practice.
5. In the context of these proceedings, there were a number of matters required of Miller Thomson, the particulars of which are set out in the detailed narratives provided with the Accounts.
6. The matters required of our firm are set out in the attached accounts and included:
 - (a) attending to negotiations with potential purchasers;
 - (b) communicating with parties to collect accounts receivable;
 - (c) drafting agreements for the sale of the assets and property of the Debtors; and
 - (d) preparing materials for Court and attending to service and Court hearings with respect to the same.
7. Attached and marked as Exhibit "B" is a schedule summarizing the years of call and billing rates of each individual at Miller Thomson who has recorded time on this matter.
8. I have reviewed the Accounts and confirm that, to the best of my knowledge, information and belief, they accurately reflect the work that was done in connection with this matter, and that all the time spent was reasonable and necessary. I have also considered the delegation of work within the firm and note that where appropriate, particularly when it would be practicable and efficient to do so, the work was carried out by lawyers with lower hourly rates or delegated to paralegals or articling students.
9. I have reviewed the Accounts, and based on my experience as a lawyer practicing in the area of insolvency law and familiar with this matter, I verily believe that:

- (a) the professional fees and disbursements have been properly incurred and are fair and reasonable in the circumstances;
 - (b) as noted above, the work was delegated to the appropriate professionals with the appropriate seniority and hourly rates;
 - (c) the Accounts were provided to the Receiver when rendered, and all have been approved by the Receiver; and
 - (d) the services were provided by Miller Thomson in a prudent and economical manner.
10. To the best of my knowledge, the rates charged by Miller Thomson through the course of these proceedings are comparable to the rates charged by other firms in the British Columbia market for the provision of similar services on a matter of similar complexity and scope, and the rates charged by Miller Thomson for services rendered in similar proceedings.
11. I swear this affidavit in support of an application for, *inter alia*, approval of the fees and disbursements of Miller Thomson, and for no other or improper purpose.


SWORN before me at the City of Calgary,
 in the Province of Alberta, this 22nd day of
 January, 2024



 Notary Public in and for the Province of
 Alberta

Pavin Takhar
 Barrister & Solicitor practicing in and for the Province of Alberta

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 JAMES W. REID



This is Exhibit "A" referred to in the Affidavit of James W. Reid sworn before me this 22nd day of January 2024

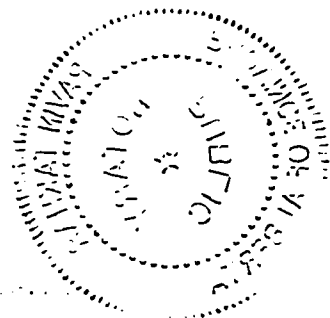


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Notary Public in and for the Province of Alberta

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MILLERTHOMSON.COM

Account Summary and Remittance Form

December 19, 2023

Invoice Number 3950262

Mitsubishi HC Capital Canada, Inc.
1100 – 1055 West Georgia St.
Vancouver, BC V6E 3P3

Attention: Philippe Frenette, Vice President, Factoring & Asset Based Lending

Re: Financing of VVI Construction Ltd. et al
Our File No. 0267850.0001

Fees:	\$7,285.00
Disbursements:	\$21.30
Ontario HST 13% (R119440766)	\$949.17
Total Amount Due	<u>\$8,255.47</u>

Please return the Account Summary and Remittance Form with your payment.
Terms: Accounts due when rendered. Interest at the rate of 12.0% per annum will be charged on accounts overdue 30 days or more. Any disbursements not posted to your account on the date of this account will be billed later.



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December 19, 2023

Invoice Number 3950262

Mitsubishi HC Capital Canada, Inc.
1100 – 1055 West Georgia St.
Vancouver, BC V6E 3P3

Attention: Philippe Frenette, Vice President, Factoring & Asset Based Lending

To Professional Services Rendered in connection with the following matter(s) including:

Re: Financing of VVI Construction Ltd. et al
Our File No. 0267850.0001

Date	Initials	Hours	Rate	Description
11/08/2023	JR	0.20	640.00	Emailing with client and Receiver regarding sale of Hampton home and discharge application;
11/17/2023	JR	0.20	640.00	Attending to correspondence with client and Receiver;
11/20/2023	JR	0.50	640.00	Telephone calls with Receiver and client regarding discharge and distribution;
11/21/2023	JR	0.70	640.00	Attending to meetings with Receiver and Mitsubishi regarding discharge and distribution and sale of Hampton property;
11/22/2023	JR	1.00	640.00	Attending to emails with former landlord; emailing with Receiver; attending to emails, telephone calls and conference meetings with Mitsubishi;
11/22/2023	BH	0.50	620.00	Corresponding and speaking with counsel for Hampton regarding property purchase closing, payout, and related matters.
11/23/2023	JR	0.10	640.00	Emailing with Receiver;
11/24/2023	JR	1.10	640.00	Emailing with Receiver and client regarding Hampton closing transaction; attending to

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Date	Initials	Hours	Rate	Description
				Application matters for Final Distribution and Discharge;
11/24/2023	JR	0.10	640.00	Attending to payout statement matters;
11/27/2023	JR	0.20	640.00	Attending to Discharge Application matters;
11/27/2023	PT	2.00	510.00	Reviewing precedent material from BC court regarding discharge of receiver and passing of accounts.
11/28/2023	PT	0.50	510.00	Reviewing report of receiver and affidavit of receiver. Providing comments on review.
11/28/2023	BH	0.30	620.00	Providing formal payout statement; corresponding regarding status of purchase proceed payouts.
11/28/2023	JR	0.40	640.00	Attending to service list updates from creditors; emailing with Receiver regarding report;
11/29/2023	JR	0.20	640.00	Telephone call with Receiver; emailing with Mitsubishi regarding payout notices and recovery matters;
11/30/2023	PT	3.00	510.00	Reviewing receiver's report and affidavit. Drafting application materials for discharge, distribution and approval of fees and activities.
12/01/2023	JR	0.80	640.00	Emailing and telephone calls with Receiver and Mitsubishi regarding closing;
12/05/2023	JC	0.20	400.00	Conduct preliminary NUANS searches against Accord Financial Canada Corp. and Varion Capital Corp.; conduct Alberta corporate search against Accord Financial Canada Corp.; review search results;
12/07/2023	JR	0.30	640.00	Attending to Hampton house sale issues and correspondences;
12/13/2023	JR	0.10	640.00	Emailing with client regarding invoices
12/14/2023	JR	0.20	640.00	Emailing with Mitsubishi and Receiver

Total Hours

12.60



Our Fee: **7,285.00**

TK ID	Initials	Name	Title	Rate	Hours	Amount
06683	BH	B. Hicks	Partner	\$620.00	0.80	\$496.00
01510	JC	J. Chau	Paraprofession al	\$400.00	0.20	\$80.00
09317	JR	J. Reid	Partner	\$640.00	6.10	\$3,904.00
09486	PT	P. Takhar	Associate	\$510.00	5.50	\$2,805.00

Taxable Disbursements

Corporate Profile Search/Report	16.30	
Total Taxable Disbursements	16.30	\$16.30

Non-Taxable Disbursements

Other Non Taxable Charges	5.00	
Total Non-Taxable Disbursements	5.00	\$5.00

Total Fees and Disbursements **\$7,306.30**

Ontario HST 13% (R119440766)

On Fees		\$947.05
On Disbursements		\$2.12

Total Amount Due **\$8,255.47**

E.&O.E.



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Account Summary and Remittance Form

December 31, 2023

Invoice Number 3951733

Mitsubishi HC Capital Canada, Inc.
1100 – 1055 West Georgia St.
Vancouver, BC V6E 3P3

Attention: Philippe Frenette, Vice President, Factoring & Asset Based Lending

Re: Financing of VVI Construction Ltd. et al
Our File No. 0267850.0001

Fees:	\$1,176.00
Ontario HST 13% (R119440766)	\$152.88
Total Amount Due	<u>\$1,328.88</u>

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December 31, 2023

Invoice Number 3951733

Mitsubishi HC Capital Canada, Inc.
1100 – 1055 West Georgia St.
Vancouver, BC V6E 3P3

Attention: Philippe Frenette, Vice President, Factoring & Asset Based Lending

To Professional Services Rendered in connection with the following matter(s) including:

**Re: Financing of VVI Construction Ltd. et al
Our File No. 0267850.0001**

Date	Initials	Hours	Rate	Description
12/06/2023	PT	0.80	510.00	Drafting application for discharge of receiver.
12/18/2023	JR	0.40	640.00	Corresponding with Receiver regarding Hampton transaction; emailing with Receiver regarding Lewis A/R purchase transaction
12/19/2023	JR	0.40	640.00	Telephone call with counsel to Lewis; emailing with Receiver and Mitsubishi; attending to correspondences with counsel to Landlord and Lewis
12/21/2023	JR	0.20	640.00	Emailing with client and counsel to Lewis and Landlord
12/22/2023	JR	0.20	640.00	Emailing with counsel to Lewis and Landlord
	Total Hours			2.00

Our Fee: 1,176.00

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TK ID	Initials	Name	Title	Rate	Hours	Amount
09317	JR	J. Reid	Partner	\$640.00	1.20	\$768.00
09486	PT	P. Takhar	Associate	\$510.00	0.80	\$408.00

Ontario HST 13% (R119440766)

On Fees

\$152.88

Total Amount Due

\$1,328.88

E.&O.E.

This is Exhibit "B" referred to in the Affidavit of James W. Reid sworn before me this 22nd day of January 2024

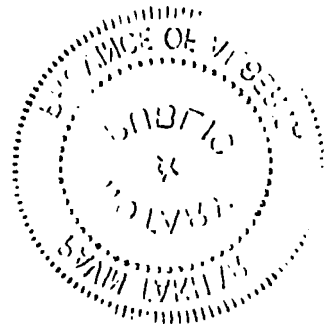


Pavin Takhar

Notary Public in and for the Province of
Alberta

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Bill No.	Bill Date	TK#	Working Timkeeper	Initials	Title	Year of Call
3950262	12/19/2023	01510	Chau, Jessie	JC	Paraprofessional	
3950262	12/19/2023	06683	Hicks, Bryan	BH	Partner	2012
3950262	12/19/2023	09317	Reid, James	JR	Partner	2014
3950262	12/19/2023	09486	Takhar, Pavin	PT	Associate	2019
3951733	12/31/2023	09317	Reid, James	JR	Partner	2014
3951733	12/31/2023	09486	Takhar, Pavin	PT	Associate	2019

Court No. S-229607

Vancouver Registry

**IN THE SUPREME COURT OF BRITISH
COLUMBIA**

BETWEEN

MITSUBISHI HC CAPITAL CANADA INC.

Petitioner

- and -

**VIC VAN ISLE CONSTRUCTION LTD., VVI
CONSTRUCTION LTD., AND LORTAP
ENTERPRISES LTD.**

Respondents

**IN THE SUPREME COURT OF BRITISH
COLUMBIA
IN BANKRUPTCY AND INSOLVENCY**

**IN THE MATTER OF THE RECEIVERSHIP OF
VIC VAN ISLE CONSTRUCTION LTD., VVI
CONSTRUCTION LTD., AND LORTAP
ENTERPRISES LTD.**

AFFIDAVIT OF JAMES W. REID

MILLER THOMSON LLP
525-8th Avenue SW, 43rd
Calgary, AB, Canada
Telephone: 403.298.2418

Attention: James W. Reid
File No.: 0267850.0001