

COURT FILE NO. 2101 00809

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFF/APPLICANT BANK OF MONTREAL

DEFENDANTS/  
RESPONDENTS METRO PAVING AND ROADBUILDING LTD.,  
METRO PAVING LTD., METRO PARS  
CORPORATION and GRASSLANDS OF  
BEISEKER DEVELOPMENT CORPORATION

PARTY FILING THIS  
DOCUMENT BANK OF MONTREAL

DOCUMENT **AFFIDAVIT OF SERVICE**

ADDRESS FOR SERVICE  
AND CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

Torys LLP  
4600 Eighth Avenue Place East  
525 - Eighth Ave SW  
Calgary, AB T2P 1G1



COM Jan 20 2021  
201060

Attention: Kyle Kashuba  
Telephone: +1 403.776.3744  
Fax: +1 403.776.3800  
Email: [kkashuba@torys.com](mailto:kkashuba@torys.com)  
File No. 01405-7287

**AFFIDAVIT OF SERVICE OF JAMIE WELSH**

Sworn on January 20, 2021

I, Jamie Welsh, of the City of Calgary, in the Province of Alberta, Canada, MAKE OATH AND SAY THAT:

1. I am a Legal Assistant at Torys LLP and as such have personal knowledge of the matters herein deposed to, except where stated to be based upon information from another person, in which case I do verily believe the same to be true.
2. I served all parties on the Service List attached hereto as Exhibit "A" (the "Service List"), by sending (a) a Statement of Claim brought by the Bank of Montreal ("BMO") against the Metro Paving and Roadbuilding Ltd., Metro Paving Ltd., Metro Pars Corporation and Grasslands of Beiseker Development Corporation (collectively, the "Metro Entities"); (b) Application for Consent Receivership Order (the "Application"); (c) proposed form of Consent Receivership Order, attached as Schedule "A" to the Application; (d) blackline PDF of the Consent Receivership

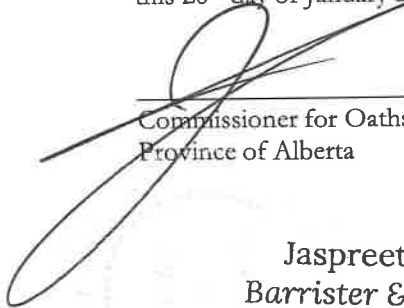



Order against the Alberta Court of Queen’s Bench Standard Template Order; (e) Consent to Act as Receiver executed by BDO Canada Limited; (f) Affidavit of Michelle Madrigga, sworn January 18, 2021; and (g) the WebEx videoconference details for the Application, with such service being affected on January 18, 2021 and January 19, 2021 to the parties included on the Service List.

- 3. Due to the circumstances of the COVID-19 pandemic, I am unable to be physically present to swear in this Affidavit. I, however, was linked by way of video technology to the Notary Public notarizing this Affidavit. Attached hereto and marked as Exhibit “B” is a Certificate of Commissioning by Videoconference completed by the commissioner to this my Affidavit, confirming that the commissioner is satisfied that the process to swearing this my Affidavit by way of video technology is necessary because it is either impossible or unsafe, for medical reasons, for myself and the commissions to be physically present together.
- 4. I make this Affidavit in respect of the service of a Statement of Claim and emergency Application by the Bank of Montreal for certain direction and relief from the Court.
- 5. I make this Affidavit for no improper purpose.

SWORN BEFORE ME at Calgary, Alberta,  
this 20<sup>th</sup> day of January 2021.

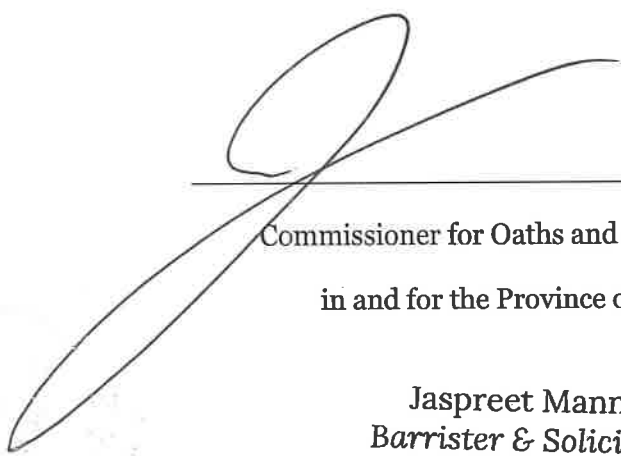
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 Commissioner for Oaths in and for the  
 Province of Alberta

  
 \_\_\_\_\_  
 Jamie Welsh

Jaspreet Mann  
 Barrister & Solicitor  
 A Commissioner for Oaths  
 in and for Alberta

THIS IS EXHIBIT "A"  
TO THE AFFIDAVT OF JAMIE WELSH  
SWORN BEFORE ME THIS 20<sup>TH</sup> DAY OF JANUARY 2021



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Commissioner for Oaths and Notary Public

in and for the Province of Alberta

Jaspreet Mann  
*Barrister & Solicitor*  
A Commissioner for Oaths  
in and for Alberta

**In the Matter of Bank of Montreal v.  
Grasslands of Beiseker Development Corporation,  
Metro Paving and Roadbuilding Ltd., Metro Paving Ltd.,  
and Metro Pars Corporation (the “Metro Entities”); Action TBD**

**SERVICE LIST**

Updated: January 18, 2021

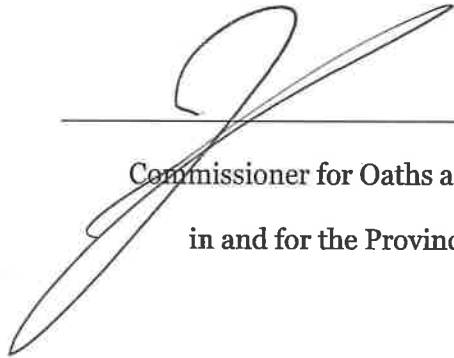
Service Recipient	Mode of Service	Recipient Status
Torys LLP 4600, 525 - 8 Avenue SW Eighth Avenue Place East Calgary, AB T2P 1G1 <b>Attn: Kyle Kashuba Jessie Mann</b>	Email: kkashuba@torys.com jmann@torys.com	Counsel for Bank of Montreal
Bank of Montreal 350 – 7 Avenue SW, 2 <sup>nd</sup> Floor Calgary, AB T2P 3N9 <b>Attn: Michelle Madrigga</b>	Email: Michelle.Madrigga@bmo.com	Secured Creditor of the Metro Entities
Alvarez & Marsal Canada Inc. Bow Valley Square IV 1100, 250 - 6 Avenue SW Calgary, AB T2P 3H7 <b>Attn: Orest Konowalchuk</b>	Email: okonowalchuk@alvarezandmarsal.com	Financial Consultant to the Bank of Montreal
Field Law 400, 444 - 7 Avenue SW Calgary, AB T2P 0X8 <b>Attn: Trevor Batty</b>	Email: tbatty@fieldlaw.com  ronf@metropaving.com darryl.conroy@metropaving.com AaronB@metropaving.com	Counsel for the Metro Entities
BDO Canada Limited 20 Wellington Street East, Suite 500 Toronto, ON M5E 1C5 <b>Attn: Clark Lonergan</b>	Email: clonergan@bdo.ca	Proposed Receiver and Manager of the Metro Entities
Cassels Brock & Blackwell LLP 3810, Bankers Hall West 888 – 3 Street SW Calgary, AB T2P 5C5 <b>Attn: Jeffrey Oliver</b>	Email: joliver@cassels.com	Counsel for BDO Global
Alberta Treasury Branches Bay 70, 2151 – 32 <sup>nd</sup> Street NE Calgary, AB T1Y 7G3	Mail	Secured Creditor of Metro Paving Ltd.
Brandt Finance Ltd. Box 3856 Hwy 1 Regina, SK S4P 3R8	Mail & Fax  Phone: 306-791-5950 Fax: 306-791-5945  *Note: contact details were obtained from PPSA	Secured Creditor of Metro Pars Corporation, and Metro Paving and Roadbuilding Ltd

Service Recipient	Mode of Service	Recipient Status
<p>Brock White Canada ULC 20121 100A Ave Langley, BC V1M 3X6</p>	<p>Mail &amp; Email: Canada-AR@brockwhite.com</p> <p>*Note: contact details obtained from Demand Letter</p>	<p>Brock White Canada ULC sent a demand letter to Metro Paving and Roadbuilding Ltd. on January 11, 2021</p>
<p>Cassels Brock &amp; Blackwell LLP 3810, Bankers Hall West 888 – 3 Street SW Calgary, AB T2P 5C5 <b>Attn: Keith Templeton</b></p> <p>and</p> <p>Consite Construction Ltd. 1802 - 17th Avenue SE Calgary, AB T2G 1K4</p>	<p>Mail &amp; Email</p> <p>Email: ktempleton@cassels.com</p> <p>*Note: contact details obtained from demand letter</p> <p>Email: slade@consite.ca</p> <p>*Note: contact details obtained from demand letter</p>	<p>Counsel for: Consite Construction Limited</p> <p>Consite contact: Slade Stephenson</p> <p>(Cassels sent a demand letter on behalf of Consite Construction Limited to Metro Paving &amp; Roadbuilding Ltd. on November 19, 2020)</p>
<p>Caterpillar Financial Services Limited 3457 Superior Court, Unit 2 Oakville, ON L6L 0C4</p>	<p>Mail</p>	<p>Secured Creditor of Metro Pars Corporation, and Metro Paving and Roadbuilding Ltd.</p>
<p>Canada Legal Referral 200, 3100 Steeles Avenue West Vaughan, ON L4K 3R1</p> <p>and</p> <p>Strongco Limited Partnership 7923 – 54 Street SE Calgary, AB T2C 4R7</p>	<p>Mail &amp; Email</p> <p>Email: info@canlegal.ca (from website) Fax (toll fee): 1-844-325-6585</p> <p>*Note: contact details obtained from demand letter</p> <p>Email: kboon@canlegal.net</p> <p>*Note: contact details obtained from PPSA</p>	<p>Counsel for Strongco Equipment (Strongco Limited Partnership is a Lienholder against Metro Paving and Roadbuilding Ltd.)</p> <p>(Canada Legal Referral sent a demand letter to “Metro Paving and ROA” on behalf of Strongco Equipment on January 7, 2021)</p>
<p>DLA Piper (Canada) LLP 1000, Livingston Place West 250 – 2 Street SW Calgary, AB T2P 0C1 <b>Attn: G. Brian Davison, Q.C.</b></p> <p>and</p> <p>Jansal Trucking Inc. 2304 Vista Cres NE Calgary, AB T2E 6J1</p>	<p>Email: brian.davison@dlapiper.com</p> <p>*Note: contact details obtained from Demand Letter</p> <p>Mail</p> <p>*Note: contact address obtained from Google search</p>	<p>Counsel for: Jansal Trucking Inc. 2304 Vista Cres NE Calgary, AB T2E 6J1</p> <p>(Demand letter sent by DLA Piper on behalf of Jansal Trucking Inc. against Metro Paving and Roadbuilding Ltd. on January 13, 2021)</p>
<p>Echelon Insurance 300, 2680 Matheson Blvd East Mississauga, ON L4W 0A5</p>	<p>Mail &amp; Email</p> <p>Email: easternsurety@echeloninsurance.ca</p> <p>*Note: contact details obtained from PPSA</p>	<p>Secured Creditor of Metro Pars Corporation, Grasslands of Beiseker Development Corporation, Metro Paving Ltd., and Metro Paving and Roadbuilding Ltd.</p>
<p>Essex Lease Financial Corporation 10768 74<sup>th</sup> Street SE Calgary, AB T2C 5N6</p>	<p>Mail &amp; Email</p> <p>Email: info@elfc.ca Phone: 403-693-4060 Fax: 403-236-9076</p> <p>*Note: contact details obtained from PPSA</p>	<p>Secured Creditor of Metro Pars Corporation, Metro Paving Ltd., and Metro Paving and Roadbuilding Ltd.</p>

Service Recipient	Mode of Service	Recipient Status
Finning International Inc. 16901 – 109 Avenue Edmonton, AB T5P 4P6	Mail & Fax  Phone: 780-443-7140 Fax: 780-443-7241  *Note: contact details obtained from PPSA	Secured Creditor of Metro Paving and Roadbuilding Ltd.
Hi-Mark Enterprises Ltd c/o T&S Collections Ltd. #105, 412 – 53 Avenue SE Calgary, AB T2H 0N4	Mail & Email  Agent: T&S Collections Ltd. Email: kenpratherts@shaw.ca Phone: 403-202-7336 Fax: 403-201-7236  *Note: contact details obtained from Court claim	T&S Collections Ltd. filed a Provincial Court claim on behalf of Hi-Mark Enterprises Ltd operating as Pro-Built Alternators & Starters against Metro Paving and Roadbuilding Ltd on January 11, 2021
JT Equipment Corp. 9479 Endeavor Drive SE Calgary, AB T3S 0A1	Mail & Email  Email: admin@jtereprair.ca; admin@jtequip.ca  *Note: contact details obtained from PPSA	Lienholder against Metro Paving & Roadbuilding Ltd.
Jim Peplinski Leasing Inc. 81 The East Mall, Suite 101 Toronto, ON M8Z 5W3	Mail & Email  Email: ppsa@jimpeplinski.ca  *Note: contact details obtained from PPSA	Secured Creditor of Metro Pars Corporation, and Metro Paving and Roadbuilding Ltd.
John Deere Canada ULC/ John Deere Financial Inc. 3430 Superior Court Oakville, ON L6L 0C4	Mail	Secured Creditor of Metro Pars Corporation, and Metro Paving and Roadbuilding Ltd.
Kirwin LLP 100, 12420 – 104 Avenue NW Edmonton, AB T5N 3Z9 <b>Attn: Mark M. Kirwin</b>	Mail & Email  Email: mail@kirwinllp.com  *Note: contact details obtained from demand letter  Email: carmen@maxfuel.ca  *Note: contact details obtained from demand letter	Counsel for Max Fuel Distributors Ltd. Box 236 Slave Lake, AB T0G 2A0  Max Fuel Contact: Carmen Peloquin Phone: (780) 778-2346  (Kirwin LLP sent a demand letter to Metro Paving & Roadbuilding on behalf of Max Fuel Distributors Ltd. on May 1, 2020 and subsequently filed a Statement of Claim against same on November 25, 2020)
Kirwin LLP 100, 12420 – 104 Avenue NW Edmonton, AB T5N 3Z9 <b>Attn: Mark M. Kirwin</b>  and  Barricades and Signs Ltd. 285177 Wrangler Ave #2 Rocky View County, AB T1X 0P3	Mail & Email  Email: mail@kirwinllp.com  *Note: contact details obtained from demand letter	Counsel for: Barricades and Signs Ltd. 285177 Wrangler Ave #2 Rocky View County, AB T1X 0P3  (Kirwin LLP sent a demand letter to Metro Paving & Roadbuilding on behalf of Barricades & Signs Ltd. on January 4, 2021)

Service Recipient	Mode of Service	Recipient Status
Komatsu International (Canada) Inc. 3755 Boul Matte, Suite E Brossard, QC J4Y 2P4	Mail	Secured Creditor of Metro Pars Corporation, and Metro Paving and Roadbuilding Ltd.
Miles Davison LLP 900, 517 10 Avenue SW Calgary, AB T2R 0A8 <b>Attn: Ward Mather</b>	Mail & Email  Email: Wmather@milesdavison.com  *Note: Metro is indebted to Zulu Aggregates Inc. Zulu assigned or sold their receivable to Capital Now Inc.	Counsel for: Capital Now Inc. PO Box 9613, Station M Calgary, AB T2P 0E9  (Miles Davison sent a demand letter on behalf of Capital Now Inc. to Metro Paving and Roadbuilding Ltd. on November 9, 2020)
Pacesetter Equipment Ltd. c/o Warnock Kraft Anderson 225 – 1 Avenue NW Airdrie, AB T4B 2M8  and  Pacesetter Equipment Ltd. 261033 Wagon Wheel Way Rocky View, Alberta T4A 0E2	Mail	Builders Lien against Metro Paving and Roadbuilding Ltd. via Statements of Lien 201233892 and 201233893 dated December 17, 2020
ProTemps Ltd. c/o T&S Collections Ltd. #105, 412 – 53 Avenue SE Calgary, AB T2H 0N4	Mail & Email  Agent: T&S Collections Ltd. Email: kenpratherts@shaw.ca Phone: 403-202-7336 Fax: 403-201-7236  *Note: contact details obtained from Court claim	T&S Collections Ltd. filed a Provincial Court claim on behalf of ProTemps Ltd. against Metro Paving and Roadbuilding Ltd on December 14, 2020
Reynolds Mirth Richards & Farmer LLP 3200, 10180-101 Street Edmonton, AB T5J 3W8 <b>Attn: Paul D. Greep</b>	Mail & Email  Email: pgreep@rmrf.com  Email: appres@rmrf.com Phone: 780-425-9510  *Note: contact details obtained from PPSA	Counsel for Lafarge Canada Inc. (Secured Creditor of Metro Paving and Roadbuilding Ltd.)  (Reynolds sent a demand letter on behalf of Lafarge Canada Inc. to Metro Paving and Roadbuilding Ltd. on December 1, 2020)
Roynat Inc. 4710 Kingsway, Suite 1500 Burnaby, BC V5H 4M2	Mail	Secured Creditor of Metro Pars Corporation, and Metro Paving and Roadbuilding Ltd.
Summit Acceptance Corp. 1260 Highfield Cres SE Calgary, AB T2G 5M3	Mail and Email  Email: ABpps_a_notifications@kaisenauto.com Phone: 403-243-6200 Fax: 403-243-6448  *Note: contact details obtained from PPSA	Secured Creditor of Metro Pars Corporation, and Metro Paving and Roadbuilding Ltd.
Wells Fargo Equipment Finance Company 1100, 1290 Central Parkway W Mississauga, ON L5C 4R3	Mail	Secured Creditor of Metro Pars Corporation, and Metro Paving and Roadbuilding Ltd.

THIS IS EXHIBIT "B"  
TO THE AFFIDAVIT OF JAMIE WELSH  
SWORN BEFORE ME THIS 20<sup>TH</sup> DAY OF JANUARY 2021



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Commissioner for Oaths and Notary Public  
in and for the Province of Alberta

Jaspreet Mann  
*Barrister & Solicitor*  
A Commissioner for Oaths  
in and for Alberta

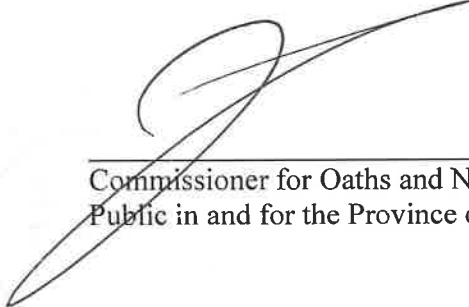


**Certificate of Commissioning by Videoconference  
to the Affidavit of Jamie Welsh  
sworn on January 20, 2021**

I, Jessie Mann, Commissioner of Oaths in and for the Province of Alberta, took the Affidavit of Service of Jamie Welsh via videoconference on January 20, 2021 (the "Affidavit").

The affiant and I followed the process outlined by the Alberta Court of Queen's Bench in Notice to the Profession and Public #2020-02 dated March 25, 2020. In addition to the steps described in the Affidavit, I compared each page of the copy I received from the affiant with the initialed copy that was before me while I was linked by videoconference with the affiant. Upon being satisfied that the two copies were identical, I affixed my name to the jurat.

On March 17, 2020, the Government of Alberta declared a state of public health emergency pursuant to the Alberta *Public Health Act* in response to the COVID-19 pandemic. The Government of Alberta also strongly recommends that all individuals stay home and avoid contact with others whenever possible. Therefore, I am satisfied that this process was necessary because it was unsafe for the deponent and I to be physically present together.



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Commissioner for Oaths and Notary  
Public in and for the Province of Alberta

Jaspreet Mann  
Barrister & Solicitor  
A Commissioner for Oaths  
in and for Alberta