

COURT FILE NUMBER 1501-11817
COURT COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
APPLICANTS EASY LOAN CORPORATION AND MIKE TERRIGNO
RESPONDENTS BASE MORTGAGE AND INVESTMENTS LTD., BASE FINANCE LTD., ARNOLD BREITKREUTZ, SUSAN BREITKREUTZ, SUSAN WAY AND GP ENERGY INC.



DOCUMENT **ORDER**
(Document Request Process)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
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DATE ON WHICH ORDER WAS PRONOUNCED: July 5, 2022

LOCATION WHERE ORDER WAS PRONOUNCED: Calgary, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER: The Honourable Madam Justice
B.E.C. Romaine

UPON THE APPLICATION of BDO Canada Limited, in its capacity as receiver (the “Receiver”) of Base Mortgage and Investments Ltd. and Base Finance Ltd. (the “Debtors”); **AND UPON** reviewing the Eleventh Report of the Receiver, dated June 23, 2022 (the “Eleventh Report”) and other Reports previously filed by the Receiver in this Action; **AND UPON** hearing from counsel for the Receiver and counsel for any other interested party appearing at the hearing of the Application;

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 no other person is required to have been served with notice of this Application, and time for service of this Application is abridged to that actually given.

SEIZURE

2. The Honourable Madam Justice B.E.C. Romaine is and remains seized with all matters: (i) affecting or in respect of the Receiver, or (ii) arising out of or in respect of the Order (the “**Discharge Order**”) granted in the within proceedings on January 27, 2020. Any applications brought or proceedings commenced touching upon the foregoing matters must be brought before the Honourable Madam Justice B. E. C. Romaine in the first instance for determination or disposition as this Court deems appropriate.

SUPPLEMENT TO THE DOCUMENT REQUEST PROCESS

3. The process (the “**Document Request Process**”) set out in paragraph 12 of the Discharge Order is hereby clarified and supplemented as follows:
 - (a) The books and records described in the Document Request Process extends to all books and records in the possession of the Receiver, whether same are held by the Receiver in hard copy or electronic format;
 - (b) The Receiver’s estimate of costs (the “**Receiver’s Estimate**”) to be provided by the Receiver to the Requestor (as that term is defined in the Discharge Order) pursuant to paragraph (b) of the Document Request Process may include any or all of the following amounts:
 - (i) Costs associated with retrieving the records from storage and arranging for their review;
 - (ii) Costs of retrieving the records, as well as photocopying charges of \$0.25 per page;
 - (iii) The standard hourly rate of a staff member (whether a clerical, administrative, or professional employee of either the Receiver or its counsel who may be reasonably available in all of the circumstances) to supervise the review of such books and records;

- (iv) Any and all time and charges related to time spent or estimated to be spent by the Receiver and its counsel, or either of their respective staff or professional staff delegates, and which is incurred or to be incurred and associated with making such books and records ready for inspection, or in providing electronic copies of such books and records to the Requestor (including time spent copying, uploading or otherwise dealing with such electronic data in preparation for providing same to the Requestor), or in corresponding, emailing, having discussions or telephone calls with, or responding to, or otherwise dealing with any requests made by the Requestor, including all time and charges which the Receiver reasonably estimates necessary for the Receiver and its counsel to respond to any application which may be brought by a Requestor (all of the foregoing being calculated on the basis of the respective standard hourly rates of the Receiver and its counsel and their respective personnel who may be involved in dealing with such matters); and
- (v) Any time and charges associated with transferring electronic books and records to a storage device to be delivered to the Requestor;
- (c) The Receiver shall be permitted to revise a Receiver's Estimate from time to time as a result of additional information which may become available to the Receiver or its counsel or as a result of steps which may be taken by a Requestor;
- (d) In addition to providing payment by certified cheque or bank draft as set out in paragraph 12(c) of the Document Request Process, payment of the Receiver's Estimate may be made by bank wire transfer to either the Receiver or Receiver's counsel within 7 days of the Receiver's Estimate being provided to the Requestor;
- (e) In addition to the process set out in paragraph 12(d) of the Document Request Process, the review of books and records in hard copy may, at the Receiver's option, be held at the offices of the Receiver's counsel and may be supervised by a staff member of Receiver's counsel, or in any other location as may be mutually agreed between the Requestor and the Receiver (or its counsel) in writing;
- (f) The Requestor shall be responsible for paying the actual time and charges incurred by the Receiver or its counsel in respect of those matters which the Receiver is permitted to include in the Receiver's Estimate. In addition, to the extent that the Requestor has requested any books and records held by the Receiver in electronic format, the Requestor shall be responsible for paying for all time and charges incurred by the Receiver or its counsel in providing access to such electronic books

and records, and such electronic books records shall be transferred to a storage device to be couriered to the Requestor, all at the sole cost of the Requestor;

- (g) to the extent that the actual costs of those matters permitted to be set out in the Receiver's Estimate exceed the initial amount of the Receiver's Estimate paid by the Requestor, the balance of such charges shall be paid in the same manner as specified in sub-paragraph 12(c) of the Document Request Process. To the extent that the total costs incurred are less than the initial amount of the Receiver's Estimate, the Receiver shall refund the balance of funds to the Requestor;
- (h) in the event of a dispute with respect to the contents of a Receiver's Estimate which cannot be resolved, any interested party has leave to apply on notice to Madam Justice B. E. C. Romaine to have such dispute resolved, and any costs associated with such an application is in the discretion of the Court.

RIGHT TO ASSESSMENT

- 4. Nothing in this Order shall interfere with or abridge the right of any person to have the reasonableness of fees reviewed in accordance with Subdivision 4 of Division 1 of Part 10 of the Alberta Rules of Court.


ASSESSMENT OF RECEIVER'S MAY 2022 INVOICE

- 5. It is hereby declared that the amount of the invoice issued by the Receiver to Mike Terrigno on May 11, 2022, namely, \$750.75, is fair and reasonable in all of the circumstances.

MISCELLANEOUS

- 6. The Receiver has leave to reapply to this Honourable Court for such further advice and directions as may be necessary.
- 7. This Order must be served only upon those interested parties attending or represented at the within application and service may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following the transmission or delivery of such documents.

8. Service of this Order on any party not attending this application is hereby dispensed with.

A handwritten signature in black ink, appearing to be 'J.C.Q.B.A.', written above a horizontal line.

J.C.Q.B.A.