

COURT FILE NUMBER 1801-04745

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE CALGARY

PLAINTIFF HILLSBORO VENTURES INC.

DEFENDANT CEANA DEVELOPMENT SUNRIDGE INC.

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Transcript of Oral Questioning of

MASSOUD RAHNEMA

(On affidavit sworn/affirmed December 21, 2020)

Held via videoconferencing

January 6, 2021

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1 ALL PARTIES APPEARING VIA VIDEOCONFERENCING

2  
3 For the Plaintiff

4 Derek Pontin

5 Dentons Canada LLP

6 1500, 850 - 2nd St SW

7 Calgary, AB T2P 0R8

8 (403) 268-6301

9  
10 For the Defendant 1989207 Alberta Inc.

11 Tchupa N. R. Chibambo

12 Chibambo Law Firm

13 345, 703 - 6th Ave SW

14 Calgary, AB T2P 0T9

15 (403) 264-3088

16  
17 Official Court Reporter

18 Deanna DiPaolo, CSR(A)

19 Amicus Reporting Group, a Veritext Company

20 (403) 266-1744

21 \_\_\_\_\_

1 (Proceedings commenced at 2:00 p.m.)

2 MASSOUD RAHNEMA, affirmed, questioned by Mr. Pontin:

3 Q. Mr. Rahnema, is that correct?

4 A. That's right. That's my last name.

5 Q. Thank you. And do you mind stating and spelling your  
6 name for the record, please?

7 A. My first name is Massoud, M-A-S-S-O-U-D, and last name  
8 is Rahnema, R-A-H-N-E-M-A.

9 Q. Thank you. And do you recall that you made an  
10 affidavit in proceedings involving Ceana Development  
11 Sunridge Inc.?

12 A. Yes.

13 Q. Just for reference, that's Court File  
14 Number 1801-04745. And that affidavit was sworn or  
15 affirmed on December 21, 2020?

16 A. Yes.

17 Q. Thank you. And can I confirm you have a copy of that  
18 in front of you?

19 A. Yes, I have.

20 Q. And does that copy have the red lettered numbers on the  
21 corners of each page on the right side? I'm looking at  
22 the electronic copy that was provided, and the first  
23 page, for example, has "H138" in the top corner. If  
24 those aren't on the paper copy you have, I'll use paper  
25 references; I was just going to use those for

1 reference.

2 **A.** Papers, mine doesn't have those.

3 **Q.** That's no problem. If I could turn you to the third  
4 page of your affidavit, it should say "page 3 of 3"?

5 **A.** Yeah.

6 **Q.** And if I could confirm that is your signature?

7 **A.** That's right. It's my signature.

8 **Q.** And when you made that affidavit, did you prepare the  
9 affidavit, did you draft it?

10 **A.** Yeah, I asked my lawyer to help me with that.

11 **Q.** But you read it fully before you signed it?

12 **A.** Yes.

13 **Q.** And when you swore that affidavit or when you signed  
14 it, did you believe that everything was true?

15 **A.** Yes.

16 **Q.** Thank you. And is there anything at this point that  
17 you would change or add to your affidavit?

18 **A.** Nothing that I can think of right now.

19 **Q.** Thank you. It looks like you were or are a director of  
20 this company 198 -- bear with me, 1989207 Alberta Inc.;  
21 is that correct?

22 **A.** That's right.

23 **Q.** And you're still a director of that company?

24 **A.** That's right.

25 **Q.** And you were authorized by that company I assume to

1 make this affidavit on the company's behalf?

2 **A.** That's right.

3 **Q.** Thank you. You've indicated in your affidavit that  
4 198 -- sorry, could I confirm that I refer to that  
5 company just as "198," you know who I'm referring to?

6 **A.** My company number, yeah.

7 **Q.** Yeah, if I call it just "198," is that okay?

8 **A.** Yeah.

9 **Q.** Thank you, just for simplicity. You indicate that 198  
10 entered into discussions with Ceana Sunridge for the  
11 purchase of two condo units?

12 **A.** That's right.

13 **Q.** And if I refer to Ceana Development Sunridge Inc. just  
14 as "Ceana" or "Ceana Sunridge," is that okay?

15 **A.** Yeah, Ceana.

16 **Q.** Ceana, sure. And when you were discussing these  
17 matters with Ceana, were you discussing them with  
18 Bob Gaidhar?

19 **A.** That's right.

20 **Q.** And you say there was a discussion of purchasing two  
21 units, and then 198 signed one purchase agreement; is  
22 that correct?

23 **A.** Yeah, we talk about purchasing two units and -- and one  
24 unit -- two unit beside each other. And it's -- and at  
25 first, he said there is another company from Ontario

1           who's -- who was interested in these two unit also.

2           And -- "but if you give me the deposit, the priority  
3           will be yours." So we talk about two units.

4   **Q.**   But only one was signed, is that correct, for the  
5           purchase and sale of the unit?

6   **A.**   When we -- when we talk about two units, he said I need  
7           to give him 400,000; 200,000 for each unit. And then  
8           later on, he said if I want, he can -- because the  
9           company from Ontario, he approach him again, and he  
10          wants the other unit.

11                 And he -- and Ceana told me that if I will be  
12           willing to let that one unit go, he will flip it for  
13           me, and I can make some money.

14                 So then I said, "Okay, no problem. If you can  
15           make me mezzanine on the other unit, is it possible to  
16           make mezzanine on that unit?" He talk to his builder  
17           or architect or whoever, and they said yes, it's  
18           possible because the height is somehow that he can put  
19           one mezzanine there.

20                 And I agreed for him to flip the other unit for  
21           me -- I mean flip it and sell it to that company in  
22           Ontario.

23   **Q.**   So the idea was --

24   **A.**   [Crosstalk] [indecipherable] --

25   THE COURT REPORTER:           Sorry, the answer? Did you say

1 one unit?

2 **A.** I said I originally got -- we talk about two units.  
3 Then he said that I have to give 200,000 for each unit  
4 so in total of 400,000.

5 And then later on, he said, "Massoud, the other  
6 company from Ontario are interested again to buy one  
7 unit. I can flip this unit for you, and you can make  
8 money." And I said, "Okay, sure. But can you make me  
9 a mezzanine on the other unit?" And he talked to the  
10 architect, and he said yes, he can.

11 So then I agreed. So I said, "Okay, sure, sell  
12 the other one, and I will stay with the other units,  
13 one unit."

14 **Q.** MR. PONTIN: Got it. So that follows, then,  
15 that you've signed one purchase and sale agreement on  
16 behalf of 198, and that purchase and sale agreement is  
17 attached to the affidavit?

18 **A.** Yes.

19 **Q.** And that's one of the exhibits. And then at the same  
20 time, there were two joint venture agreements that were  
21 signed by 198, and those were essentially signed on the  
22 same date. The first joint venture agreement was  
23 August 23, 2016; that's the same date as the unit  
24 purchase agreement. The joint venture agreement was  
25 September 1st, so a week later, 2016. Does that meet

1 your recollection?

2 **A.** When we start dealing with Bob, it was all in the terms  
3 of trust, and like, you know, when the trust in things.

4 So I don't deny that I signed, but honestly, I  
5 don't know even whether those -- I didn't even read  
6 them. He put the papers in front of me. He said,  
7 "Massoud, sign here for your 400,000 deposit."

8 So I signed. And I -- and then when I -- and then  
9 he said, "Can you forward me the copies?" So he did --  
10 it takes time, and I didn't -- I didn't get it until  
11 later on when the only time I realized that it's what  
12 we call it joint venture and these things, it was when  
13 I received a letter from -- from what's the -- from the  
14 lawyer Duncan or what's the name?

15 **Q.** The firm name is KH/Dunkley.

16 **A.** Yeah, KH/Dunkley, then when I see that, I see I have  
17 only 90,000 deposit there. I tried to reach Bob, but  
18 he didn't answer me; he didn't return my call. He  
19 didn't --

20 So that's the only time I start realizing what is  
21 this joint venture things. So in my mind, as far as I  
22 know, the \$400,000 deposit we gave was for two unit  
23 deposit, which later on when he said he will flip the  
24 other one, so in my mind, all the monies deposit for  
25 the other unit. The only time I realized that it's



1 90,000, that's where I -- when I received the letter  
2 from that lawyer, the KH, whatever the name is. That's  
3 the whole story.

4 **Q.** So I guess to -- we obviously we have agreements that  
5 were signed by 198 that don't line up with everything  
6 that you're telling me, so it becomes a little bit  
7 difficult. And then obviously our view is that the  
8 written agreements will rule the day.

9 But if I can bring you perhaps to paragraph 9 of  
10 your affidavit, and there you say: (as read)

11 "I am informed and verily believe that  
12 the sum of \$90,000 was deposited with  
13 KH/Dunkley Law Group on account of the  
14 depositor's purchase of the condominium  
15 unit in the project in accordance with  
16 the provisions of the Condominium  
17 Property Act."

18 So I have a few questions on that paragraph, if you can  
19 tell me once you've read that.

20 So where you say: (as read)

21 "I am informed and verily believe that  
22 the sum of \$90,000 was deposited with  
23 KH/Dunkley..."

24 can you tell me who has informed you of that?

25 **A.** That's what I just said. When I received the letter

1 from them, then that's the time I tried to call Bob,  
2 Bob Gaidhar, and I said, "Why is it only 90,000? What  
3 is this whole story about joint venture?"

4 Q. So that was in 2020?

5 A. Sorry?

6 Q. That was in 2020 that KH advised you?

7 A. That's right.

8 Q. Okay. And you then wouldn't have previously instructed  
9 Ceana or KH/Dunkley to hold your \$90,000 in trust; is  
10 that correct?

11 A. I'm sorry, again can you repeat? You were chopping  
12 off.

13 Q. Sorry, I just want to make sure that there's no  
14 correspondence or direction that you ever gave to Ceana  
15 to put \$90,000 in trust at KH/Dunkley?

16 A. No, I didn't.

17 Q. And then you never -- also you didn't pay any monies to  
18 KH/Dunkley directly, did you?

19 A. No.

20 Q. Okay.

21 A. What happens was there was time that Bob Gaidhar would  
22 bring the -- some form; as I said, it was based on  
23 trust and things. So he would sometimes bring the  
24 papers to my restaurant, and I will just sign it there.  
25 It happens -- I don't exactly recall, but maybe two

1 times or three times, he brought me -- he brought some  
2 papers to the restaurant and sign, and I signed. And  
3 he said he will forward me the copy.

4 **Q.** And for three years, you didn't receive anything, and  
5 you didn't ask for copies of the agreements or anything  
6 until 2020; is that correct?

7 **A.** Yeah, when I ask him, he said, "Oh, the copy's ready,  
8 any time I can give it to you." And I said, "Okay."  
9 I -- I didn't get copy until I ask him. I -- when I  
10 talked to my -- when I talk to the -- my lawyer about  
11 this, he said, "You have to get your copy."

12 So I keep calling Bob Gaidhar for my copy, and  
13 then that's the time that he -- he provide me with the  
14 copies.

15 **Q.** Right. And prior to this, though, you were just  
16 assuming that you would receive profits from the flip  
17 of these units --

18 **A.** Yes.

19 **Q.** -- at some point?

20 **A.** Yes. I was -- I was taking and believing that he's --  
21 he flipped the unit, and I will receive some profits  
22 for that. And all my deposit, I will be able to get  
23 more with the one unit for me with the mezzanine  
24 because originally, I was going to make one restaurant  
25 and one grocery. When he said he can flip the other

1           one for me, I said, "Okay, put me mezzanine, and I will  
2           make the restaurant and the -- the grocery somewhere  
3           else in the -- on there. So I will combine it."

4   **Q.**    If I could turn you to paragraph 8 of your affidavit,  
5           please. If you can let me know once you've read that.

6   **A.**    (Witness mumbling).

7   THE COURT REPORTER:        Sorry, just read to yourself,  
8           please.

9   **A.**    Yeah.

10   **Q.**   MR. PONTIN:         There you are saying that it was  
11           your understanding that the deposit of 90,000 would be  
12           paid from the 400,000 that was paid to Ceana. And what  
13           you've told me so far is that in fact, you were paying  
14           \$200,000 per unit that you were going to participate in  
15           the profits from a flip of these units and that it  
16           wasn't until 2020 that you determined that it was  
17           actually the \$90,000 amount and then tried to find out  
18           what had happened?

19   **A.**    Yeah, only one -- -- one unit, not both, one unit.

20   **Q.**    Okay, but it wasn't until 2020 that the 90,000 first  
21           came to light and that you determined that you needed  
22           to sort out what was going on with that?

23   **A.**    Yeah.

24   **Q.**    Is that right?

25   **A.**    That's right.

1 Q. Okay, I just -- and aside from the letter from  
2 KH/Dunkley indicating that it was holding \$90,000 in  
3 trust and the letter from Torys that you've attached,  
4 as well, that says they were holding now the 90,000 but  
5 that Hillsboro Ventures Inc. was making a claim to  
6 those monies, did you ever receive any other  
7 documentation from Ceana or from KH/Dunkley prior to  
8 2020 concerning the project monies?

9 A. I got one -- prior to what date, sorry?

10 Q. Prior to the letters in 2020 that you've attached, I  
11 was just wondering generally what sort of documentation  
12 you would have received from Ceana or from KH/Dunkley?

13 A. Yeah, this is the one on Dunkley, which I got from  
14 the --

15 THE COURT REPORTER: Sorry, can you please keep your  
16 face towards the screen? Thanks.

17 THE WITNESS: Yeah, but I have to be able to  
18 read this [indecipherable] --

19 THE COURT REPORTER: I'm sorry, I can't hear you.

20 THE WITNESS: I have to be able to --

21 MR. CHIBAMBO: He should be able to read.

22 THE WITNESS: -- to read.

23 MR. CHIBAMBO: That's why he's not looking at the  
24 screen.

25 MR. PONTIN: Perhaps we'll go off the record

1 while you guys determine that information, and then we  
2 can go back on the record once you've got it.

3 (DISCUSSION OFF THE RECORD)

4 **Q.** MR. PONTIN: And so if I recall just before we  
5 adjourned there briefly, I was asking if you'd received  
6 any correspondence or anything in writing from  
7 KH/Dunkley or from Ceana prior to 2020, and you were  
8 just reviewing your records?

9 **A.** I receive from Torys on June 16th, 2020.

10 **Q.** Yes, okay.

11 **A.** If it's not in the -- in the exhibits yet.

12 **Q.** Okay. And what was that that you received from Torys?

13 **A.** I have this one here, yeah, about they are going to the  
14 court.

15 **Q.** I see, okay. Did you -- do you recall, did you ever  
16 speak with KH/Dunkley and the lawyer at KH/Dunkley at  
17 any time when you were setting up the agreements or  
18 making your investments with Ceana?

19 **A.** No.

20 **Q.** And I guess my last question -- and I think I've read  
21 this previously -- does 198 still want to complete its  
22 purchase transaction, assuming the construction is  
23 completed and the units are available for sale?

24 **A.** At this situation, no, because we are talking about a  
25 couple of years ago, and things changed. And I

1 cannot -- at this situation, no, we cannot purchase it.

2 **Q.** And that's just on financial metrics at the moment?

3 **A.** That's right.

4 MR. PONTIN: Okay. I believe I don't have any  
5 undertaking requests, so that concludes my examination.  
6 Thank you, sir, for your attendance. Thank you,  
7 Mr. Chibambo, for facilitating. Thank you,  
8 Madam Reporter.

9  
10 (Proceedings ended at 2:25 p.m.)  
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Certificate of Transcript

I, the undersigned, hereby certify that the foregoing pages 1 to 16 are a complete and accurate transcript of the proceedings taken down by me in shorthand and transcribed from my shorthand notes to the best of my skill and ability.

I further certify that this questioning was conducted in accordance with the Alberta Protocol for Remote Questioning, Revised 05/05/2020.

Dated at the City of Calgary, Province of Alberta, this 7th day of January 2020.

A handwritten signature in dark ink, appearing to read 'Deanna DiPaolo', with a large, stylized loop at the end.

Deanna DiPaolo, CSR(A)

Official Court Reporter



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