



This is the first affidavit  
of Todd Martin in this case  
and was made on 8/NOV//2022

NO. S-217202  
VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

THE BANK OF NOVA SCOTIA

PETITIONER

AND:

COMMUNITY MARINE CONCEPTS LTD., VICTORIA INTERNATIONAL  
MARINA LTD., ETERNALAND YUHENG INVESTMENT HOLDING LTD. AND  
0736657 B.C. LTD.

RESPONDENTS

**AFFIDAVIT**

I, Todd Martin, Chartered Professional Accountant, of Unit 902 – 925 W. Georgia Street, Vancouver, British Columbia, SWEAR THAT:

1. I am a Senior Vice President at Alvarez & Marsal Canada Inc. ("**A&M**"), the court-appointed receiver (in such capacity, the "**Receiver**") of all the assets, undertakings, and properties of Community Marine Concepts Ltd., Victoria International Marina Ltd., Eternaland Yuheng Investment Holding Ltd. And 0736657 B.C. Ltd. (collectively, "**CMC**"). As such, I have personal knowledge of the facts herein after deposed to except where stated to be on information and belief, in which case I verily believe them to be true.
2. The Receiver was appointed pursuant to a consent order (the "**Receivership Order**") of this Supreme Court of British Columbia dated November 1, 2021 (the "**Date of Receivership**"). A&M was discharged as Receiver on May 16, 2022, but continues in such capacity to finalize the Receivership and to hold certain funds (the "**Holdback Funds**") in accordance with orders of this Court. The Receiver held the Holdback Funds to address any claims as against the Petitioners, including those of the Canada Revenue Agency ("**CRA**"), and to pay its fees and its counsel's fees as approved by this Court. Currently, the Receiver holds \$662,298.00 in Holdback Funds.
3. The Receiver has paid CRA \$211,420.00 on behalf of the Respondents (the "**CRA Payment**") in relation to outstanding source deductions and GST claims. The Receiver

believes that this CRA payment will be sufficient to address the Respondents obligations to CRA, but notes that the Receiver understand that CRA has not completed its final audit.

4. However, the Receiver was ordered by this Court to return the Holdback Funds 6 months following its discharge (November 16, 2022). As such, the Receiver is now seeking to have its fees and its counsel's fees approved so these fees can be paid and the Receiver can remit the Holdback Funds.
5. This affidavit is sworn in support of the Receiver's application seeking, among other things, approval of the fees and disbursements of the Receiver for the period from the April 1, 2022 to November 7, 2022 (the "**Period**").

**A. Receiver's Fees**

6. On April 22, 2022, this Court granted the order (the "**First Approval Order**") sought by the Receiver to, among other things, approve the Receiver's fees and activities from the period of the Appointment Date to March 31, 2022 (the "**First Period**"), plus a projected \$50,000 in estimated fees to complete the receivership ( "**Receiver's Fee Estimate**").
7. The Receiver's Fee Estimate was fully utilized as of April 30, 2022, prior to the Receiver's discharge on May 16, 2022. The Receiver has previously advised the Court that, to the extent the fees incurred by the Receiver and its counsel are greater than the amounts estimated, further approvals from this Court would have to be sought.
8. During the Period, the Receiver incurred fees in the amount of \$30,652.50 and disbursements in the amount of \$799.62, plus taxes in the amount of \$1,572.61 for a total of \$33,024.73 (collectively, the "**Fees**").
9. For the Period, the Receiver's personnel have expended 67.7 hours. The average hourly rate of all Receiver's personnel billed in connection with the services performed during the Period is approximately \$452.77.
10. The Receiver has issued the following invoice in respect of the work performed in connection with this matter during the Period (collectively, the "**Invoice**"):

Invoice Date	Invoice Amount
October 28, 2022	\$33,024.73

A copy of the Invoice is attached as **Exhibit "A"** hereto.

11. The Receiver does not anticipate incurring any additional fees going forward.

12. To the best of my knowledge, information, and believe, the information contained in the Invoices as to:
- (a) the amount of hours worked;
  - (b) the nature of work performed;
  - (c) the identity of the individuals who performed the work; and
  - (d) the rates charged for the work performed,
- is true and correct in all respects.
13. The incurred Fees set out in the Invoice was charged at A&M's standard billing rates in effect from time to time. Disbursements were charged at cost.
14. I have reviewed the information contained in the Invoice and I verily believe that:
- (a) the Receiver's professional fees and disbursements were properly incurred;
  - (b) the work completed by the Receiver was delegated to the appropriate professionals with the appropriate seniority and appropriate hourly rates;
  - (c) the Receiver's Fees in this matter are consistent with fees charged by other insolvency firms of a similar size for work of a similar nature and complexity; and
  - (d) the services were performed by the Receiver in a prudent and economical manner.
15. I verily believe that the time expended and the Fees charged by A&M are reasonable in light of the services provided and prevailing market rates for services of this nature, specifically given the complexities of this file and the work done to facilitate a positive outcome for all stakeholders.
16. In light of the foregoing, I believe it is appropriate for the Court to approve the Receiver's Fees at this time.

**B. Dentons' Fees**

17. I have reviewed First Affidavit of Jordan Schultz affirmed November 8, 2022 (the "**Dentons Affidavit**"), including the invoices of Dentons Canada LLP ("**Dentons**") attached thereto.
18. The services performed by Dentons, as summarized in the Dentons Affidavit, were at the request of the Receiver.
19. I verily believe that the time expended and the fees charged by Dentons are reasonable in light of the services provided and prevailing market rates for services of this nature.

AFFIRMED BEFORE ME at Vancouver,  
British Columbia, on 8/NOV/2022.



A Commissioner for taking Affidavits within  
British Columbia



TODD MARTIN

Vicki Chan  
A Commissioner for Taking  
Affidavits for British Columbia  
Expiry Date: July 31, 2023

This is **Exhibit "A"** referred to in the affidavit of Todd Martin sworn before me at Vancouver, BC this 8 day of November, 2022



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A Commissioner for taking Affidavits  
For British Columbia

Vicki Chan  
A Commissioner for Taking  
Affidavits for British Columbia  
Expiry Date: July 31, 2023



**Alvarez & Marsal Canada Inc.**  
Licensed Insolvency Trustees  
Cathedral Place Building  
925 West Georgia Street, Suite 902  
Vancouver, BC V6C 3L2  
Phone: +1 604 638 7440  
Fax: +1 604 638 7441

October 28, 2022

Community Marine Concepts Ltd. et al. – In Receivership  
c/o Alvarez & Marsal Canada Inc.  
902-925 West Georgia Street  
Cathedral Place  
Vancouver, BC V6C 3L2

Attention: Mr. Todd M. Martin, Senior Vice President

**Re: In the Matter of the receivership of Community Marine Concepts Ltd., Victoria International Marina Ltd., Eternaland Yuheng Investment Holdings Ltd., and 0736657 B.C. Ltd., (collectively, the “Companies”)**

For services rendered for the period up to October 15, 2022, in connection with the appointment of Alvarez & Marsal Canada Inc., as Receiver of the Companies, pursuant to the November 1, 2021 order of the Supreme Court of British Columbia.

<u>A&amp;M Personnel</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
T. Martin, Senior Vice President	3.4	\$850	\$2,890.00
P. Law, Vice President	10.1	625	6,312.50
T. Poirier, Senior Associate	41.3	425	17,552.50
N. Virmani, Associate	8.2	375	3,075.00
M. Cheung, Executive Assistant	4.7	175	822.50
	<u>67.7</u>		<u>30,652.50</u>
Add: out of pocket expenses			
Airfare			340.95
Courier			247.63
Website maintenance			200.00
Postage			11.04
			<u>799.62</u>
			31,452.12
Add: GST (5%)			<u>1,572.61</u>
<b>TOTAL INVOICE</b>			<u><b>\$33,024.73</b></u>

**Mail Instructions:**

Alvarez & Marsal Canada ULC  
Attn: Monica Cheung  
Cathedral Place  
925 West Georgia Street Suite 902  
Vancouver, B.C. V6C 3L2

**Wire Instructions:**

Bank: TD Canada Trust  
Account Name: Alvarez & Marsal Canada ULC  
Swiftcode: TDOMCATTOR  
Bank Address: 55 King Street West  
Toronto, ON M5K 1A2  
Bank Transit #: 10202  
Institution #: 0004  
Account #: 5519970  
Reference #: **830589A – Invoice #6**  
GST: 83486 3367 RT0001



<u><i>Todd Martin</i></u>	<u><i>Description</i></u>	<u><i>Hrs.</i></u>
May 2	Review and approve various vendor payments; internal discussion regarding status of receivership;	0.5
May 4	Internal discussion regarding position of secured lender and outstanding matters;	0.2
May 12	Attend to discharge matters and internal discussion regarding same;	1.0
May 13	Attend to email with Bank of Nova Scotia representative; attend to cash and banking matters;	0.5
May 16	Attend teleconference with Bank of Nova Scotia; execute discharge certificate; internal discussion regarding next steps and outstanding matters;	0.5
Jun 15	Review and approve vendor payments; and	0.5
Jun 17	Review and approve vendor payments.	0.2
<b>TOTAL – T. Martin</b>		<b>3.4 hrs.</b>





<u><i>Pinky Law</i></u>	<u><i>Description</i></u>	<u><i>Hrs.</i></u>
May 2	Attend to information request from E. Li, review compiled package and send to E. Li, internal discussion; email and call with J. Mitges re: BNS accounts after Receiver's discharge; attend to emails from T. Egan; attend to employment matters.	2.1
May 4	Attend to marina matters.	0.3
May 5	Follow-up on shareholder's refinancing efforts; attend to email from E. Li.	0.4
May 6	Follow-up on shareholder's refinancing efforts; call with T. Jeffries re: same; call with C. Norris re: updates.	1.0
May 9	Attend to refinancing; call with T. Jeffries re: same; call from E. Li re: potential discharge; attend to email from P. Bychawski.	0.5
May 11	Review draft letters to customers, insurance, vendors, lessors and lessees upon discharge; email E. Li re: discharge matters.	1.0
May 13	Attend to correspondence from BNS and Shareholders; call with T. Jeffries to discuss same; attend to email from C. Norris; internal discussions.	0.6
May 16	Attend to various correspondence from Blakes and shareholders; attend to execution of the Receiver's Certificate; call with BNS re: discharge matters; terminate contractors.	1.0
May 17	Attend to post-discharge matters.	0.4
May 19	Review R&D; internal discussions.	0.3
May 20	Review letters to insurance, lessor, lessees, customers, etc. re: notice of discharge; review and update R&D and general ledger, email E. Li re: same.	2.1
May 25	Attend to email from E. Li, respond accordingly:	0.2
Jul 26	Attend to BMO request re: bank account matters.	0.2
<b>TOTAL – P. Law</b>		<b>10.1 hrs.</b>



<u><i>Taylor Poirier</i></u>	<u><i>Description</i></u>	<u><i>Hrs.</i></u>
May 2	Attend to AP review and internal discussions; Attend to top up payment re: C. Norris expenses; Attend to questions from internal accountant re: priority payments;	2.7
May 3	Review customer list provided by C. Norris and provide comments;	0.4
May 4	Attend to record of employment question from C. Norris; Attend to review of invoices received in respect of the Foreshore Lease; Draft new contractor task and term;	0.8
May 5	Call with C. Norris re: severance amounts; Email to C. Norris re: contractor agreement;	0.4
May 9	Attend to Foreshore Lease review; Attend to bi-weekly payables; Review and file new contractor agreement and banking information; Attend to R&D and variance analysis update;	3.2
May 10	Draft and review additional letters re: discharge notice; Review customer list provided by C. Norris; Attend to trust audit follow up;	1.7
May 11	Attend to draft letters re: discharge notice; Attend to variance analysis; Attend to payables review; Various emails with C. Norris and S. Sinclair re: expenses and cash flow variance analysis; Update R&D; Internal discussions;	3.4
May 12	Attend to supplier communication; Attend to payables; Attend to contractor payment; Update variance analysis and R&D; Emails with C. Norris and S. Sinclair re: same; Review uniform purchase and internal discussions re: same; Attend to Trust exam information collection; Emails with C. Norris re: same;	3.2
May 18	Attend to interim R&D update; Attend to actual cash flow update; Call with C. Norris re: same; Draft customer letters; Begin sending letters per the workplan;	4.3
May 19	Continue to draft letters for customers; Update R&D and actual cash receipts per information provided by C. Norris; Attend to reconciliation of R&D to RBC bank, BNS bank and Ascend; Update R&D and cash flow tables per P. Law review; Attend to revised T4; Internal discussions;	5.4
May 24	Attend to Employer Health return filings; Attend to payables review;	1.0
May 25	Send remaining letters based on updated emails; Internal discussion re: mailed letters; Attend to contractor pay; Attend to follow up communication with customer re: discharge notification; Attend to email from S. Sinclair re: prefilling claims;	2.8

May 26	Attend to contractor payables review;	0.3
May 30	Attend to email from S. Sinclair re: contractor pay;	0.3
Jun 1	Attend to customer communication;	0.2
Jun 3	Email to Cathy Hu re: trust audit update; Email to CMC team re: payables list;	0.3
Jun 6	Call CRA re: Trust account examination document request changes; Attend to payables;	0.4
Jun 7	Attend to call from P. Simpson (lessee) re: discharge and Receiver's reports; Call with BC Hydro re: receivership discharge; Email to BC Hydro re: same;	0.7
Jun 8	Emails with BC Hydro re: final receivership invoice and pre-filing amounts owing; email to CMC management re: forwarding pre-filing invoice and BC Hydro contact information;	0.4
Jun 10	Follow up re; trust exam;	0.3
Jun 13	Review payables list re: invoices prior to discharge; various follow ups with CMC team re: same; Attend to inquiry from C. Norris re: contractor pay reconciliation;	1.1
Jun 14	Attend to mail received as required; Attend to various emails with C. Norris and C. Hu re: pre-filing and receivership pay and tax returns;	0.9
Jun 15	Attend to payables review; Emails to CMC management re: same;	1.3
Jun 20	Attend to payables inquiry; Attend to mail review and forward to CMC; Attend to request from Cathy Hu re: bank statements; Attend to emails from C. Norris re: boat rental;	0.8
Jun 21	Review bank statements re: C. Hu request; Internal discussion re; stub period statements;	0.3
Jun 23	Review, compile and send bank statements to C. Hu; Review mail received and send to CMC;	0.7
Jun 28	Emails to internal accountant re: final AP and other outstanding matters;	0.4
Jul 8	Return call to BMO re: receivership; Call with creditor re: status of payments; Attend to CMC mail;	0.3
Aug 10	Attend to creditor inquiry; Attend to request from internal accountant re: payments made by receiver and other outstanding amounts owing;	0.5

Aug 11	Emails and call with internal accountant re: payments made by receiver; Attend call with C. Hu re: CRA trust audit;	0.7
Aug 12	Call to CRA re: trust audit; email to C. Hu re: same; Review final payables outstanding; Attend to BC Hydro pre-filing request; Emails to Management re: any other outstanding payables and reminder of BC Hydro amount outstanding;	0.4
Aug 23	Attend to CRA fax re: Notice of Discharge;	0.3
Sep 16	Scan and send mail received to internal accountant;	0.3
Sep 26	Call with CRA re: status of trust review; Email to C. Hu and E. Li re: update on the review;	0.5
Oct 7	Follow up CRA re: trust audit;	0.3
Oct 13	Call with CRA re: trust audit and provide tracking number re: documents sent by C. Hu.	0.3
<b>TOTAL – T. Poirier</b>		<b>41.3 hrs.</b>



<u><i>Nishant Virmani</i></u>	<u><i>Description</i></u>	<u><i>Hrs.</i></u>
May 2	Review documentation prepared by Company in response to CRA trust account examination;	1.4
May 4	Review invoice and internal emails regarding invoices;	0.2
May 5	Review and file NOA for CMC payroll account; Internal discussion regarding CMC NOA;	0.3
May 9	Internal discussion regarding CRA and payroll trust exam;	0.4
May 10	Review correspondence from the CRA and internal discussions regarding the same;	0.2
May 19	Update vendor listing with contact details; Prepare letters to inform vendors of discharge from receivership;	2.6
May 24	Prepare and send letters to inform vendors of discharge from receivership;	2.0
May 25	Internal discussion regarding vendor letters to be mailed; Attend to calls and emails from vendors;	0.4
May 26	Attend to emails from vendors regarding discharge;	0.2
Jun 13	Internal discussion regarding discharge; Emails with vendor regarding discharge;	0.2
Aug 15	Internal discussion and research regarding discharge notices sent to CRA.	0.3
<b>TOTAL – N. Virmani</b>		<b>8.2 hrs.</b>



<u><b>Monica Cheung</b></u>	<u><b>Description</b></u>	<u><b>Hrs.</b></u>
May 2	Prepare missing payment to C. Norris;	0.4
May 5	Prepare and mail replacement cheque;	0.2
May 10	Prepare payment for insurance;	0.3
May 12	Review and prepare payments to vendors; Set up wire to contractors;	2.3
May 13	Attend to administrative matters related to payments;	0.2
Jun 14	Prepare payment for vendors;	0.8
Jun 15	Prepare and mail out cheques.	0.5
<b>TOTAL – M. Cheung</b>		<b>4.7 hrs.</b>

