



No. S-261350  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN

NATIONAL BANK OF CANADA

PETITIONER

AND

1030931 B.C. LTD., MANNEY TRANSPORT LTD., NCG NATIONAL  
CONTAINER GROUP INC., 1312230 B.C. LTD. dba LIQUOR 56, 1385161 B.C.  
LTD. AND 1149075 B.C. LTD. dba BURNABY LIQUOR MART

RESPONDENTS

**NOTICE OF APPLICATION**

**Name of applicant:** Alvarez & Marsal Canada Inc. (“**A&M**”), in its capacity as Court-appointed receiver and manager of 1312230 B.C. Ltd. doing business as Liquor 56 (“**131**”), 1385161 B.C. Ltd. (“**138**”) and 1149075 B.C. Ltd. doing business as Burnaby Liquor Mart (“**114**”) (collectively, the “**Liquor Store Entities**”) (in such capacity, the “**Receiver**”).

To: The Service list

TAKE NOTICE that an application will be made by the Receiver to the presiding judge at the courthouse at 800 Smithe Street, Vancouver, British Columbia on June 4, 2026 at 10:00am for the orders set out in Part 1 below.

The Receiver estimates that the application will take 15 minutes.

This matter is not within the jurisdiction of an associate judge. Justice Fitzpatrick is seized of these proceedings.

**Part 1: ORDER SOUGHT**

1. The Receiver seeks a “**Fee Approval and Discharge Order**”, substantially in form attached as **Schedule “A”**, which shall, among other things:

- (a) approve the activities of the Receiver as set out in the Final Report and Statement of Accounts of the Receiver dated May 27, 2026 (the “**Final Report**”);

- (b) approve the Receiver's and its legal counsel's fees and disbursements attributable to the Liquor Store Entities; and
- (c) discharge the Receiver as Receiver of the Liquor Store Entities.

2. The Receiver may also seek such further and other orders, declarations, and directions as counsel may request and this Honourable Court allows.

## **Part 2: FACTUAL BASIS**

### ***Background***

1. On March 10, 2026, pursuant to section 243(1) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, as amended, and section 39 of the *Law and Equity Act*, R.S.B.C. 1996, c. 253, as amended, this Court granted an order (the "**Receivership Order**") appointing Alvarez & Marsal Canada Inc. as receiver and manager (the "**Receiver**"), without security, of all of the assets, undertakings and properties of 1030931 B.C. Ltd., Manney Transport Ltd., NCG National Container Group Inc. and the Liquor Store Entities (collectively, the "**Debtors**").

2. The Liquor Store Entities are companies duly incorporated in British Columbia operating liquor stores in Vancouver and Burnaby, British Columbia, doing business as Liquor 56 and Burnaby Liquor Mart. At the time the Receivership Order was granted, the Liquor Store Entities owed approximately \$2.5 million to the National Bank of Canada ("**NBC**"), as senior secured creditor.

3. Pursuant to the Receivership Order, the Receiver's powers in respect of the Liquor Store Entities were deferred to May 10, 2026. The Receivership Order provided that, as of May 10, 2026, the Receiver was empowered and authorized, but not obligated, to act in respect of the property of the Liquor Store Entities.

4. In advance of May 10, 2026, and in consultation with the Receiver's legal counsel, NBC, and NBC's legal counsel, the Receiver concluded that, provided the refinancing transaction completed and NBC was repaid in full before May 25, 2026, the Receiver would not exercise its discretionary powers or take possession of the property of the Liquor Store Entities pursuant to the Receivership Order.

5. On May 14, 2026, NBC's legal counsel confirmed that the refinancing transaction had completed and that NBC had received and accepted repayment of its loan in full. As a result, the Receiver did not take possession of, administer, or otherwise act in respect of the assets or operations of the Liquor Store Entities.

6. The Receiver is not aware of any outstanding matters relating to the Liquor Store Entities. Accordingly, the Receiver seeks approval of its fees and those of its counsel attributable to the Liquor Store Entities, and a discharge of its appointment as Receiver of the Liquor Store Entities.

### ***Activities of the Receiver***

7. As set out in the Final Report, the Receiver's activities in relation to the Liquor Store Entities included monitoring the refinancing process undertaken by the Liquor Store Entities,

corresponding with the Debtors, NBC, and their respective legal counsel, and preparing the Final Report and seeking discharge.

8. In connection with these activities, the Receiver has incurred professional fees and disbursements attributable to the Liquor Store Entities for the period May 6, 2026 to discharge, in the amount of \$9,807.00 (including GST of \$467.00), the details of which are set out in the supporting materials filed in connection with this application.

9. In advising the Receiver in connection with these activities, Blake, Cassels & Graydon LLP ("**Blakes**") has incurred professional fees attributable to the Liquor Store Entities up to May 24, 2026 in the amount of \$28,669.20, including taxes, the details of which are set out in the supporting materials filed in connection with this application.

### **Part 3: LEGAL BASIS**

#### ***Approval of Fees and Activities***

10. The Receivership Order authorizes the Receiver and its counsel to pass their accounts from time to time and, for this purpose, refers such accounts to this Court to be heard on a summary basis (Receivership Order at para 24).

11. This Court has referenced with approval the following relevant factors when considering whether the fees of a court-appointed officer in an insolvency proceeding are fair and reasonable in the circumstances:

- (a) the nature, extent, and value of the assets;
- (b) complications and difficulties encountered by the court officer;
- (c) degree of assistance provided by the petitioner;
- (d) time spent by the court officer;
- (e) the court officer's knowledge, experience, and skill;
- (f) the court officer's diligence and thoroughness;
- (g) responsibilities assumed;
- (h) results of the court officer's efforts; and
- (i) cost of comparable services when performed in a prudent and economical manner.

*Redcorp Ventures Ltd. (Re)*, 2016 BCSC 188 at para 23 [*Redcorp*], citing *Bank of Montreal v. Nican Trading Co.* (1990), 1990 CanLII 454 (BC CA). *Re Nortel Networks Corporation et al*, 2017 ONSC 673 at para. 14 [*Nortel*].

12. Similar factors are considered in the assessment of the legal accounts of counsel to the court officer, including:

- (a) the time expended;
- (b) the complexity of the proceeding;
- (c) the degree of responsibility assumed by the lawyers;
- (d) the amount of money involved, including the amount of proceeds after payments to the creditors;
- (e) the degree and skill of the lawyers involved;
- (f) the results achieved; and
- (g) the client's expectations as to the fee.

*Redcorp* at para 33.

13. In applying the above factors, it is not necessary for the Court to go through the supporting documentation for the fees "line by line" to determine what the appropriate fees are. The value provided should pre-dominate the consideration of what a fair and reasonable amount is appropriate.

*Nortel* at para. 21

14. To provide the court with a proper evidentiary basis for assessing the fees subject to the approval application, the accounts subject to the approval application should:

- (a) be verified by affidavit;
- (b) contain sufficient evidence to permit the court to conclude that the fees incurred for services rendered were at the standard rate of charges of the receiver and of the receiver's counsel; and
- (c) provide a sufficient description of the services rendered to permit the court to determine whether the liability for fees was "properly incurred".

*Redcorp* at paras 26 and 32

15. In the circumstances, the Receiver submits:

- (a) that its professional fees and disbursements were properly incurred;
- (b) the services were performed by the Receiver in a prudent and economical manner and that the resulting fees charged by the Receiver are fair and reasonable in all of the circumstances;

- (c) the work completed by the Receiver was delegated to the appropriate professionals within A&M with the appropriate seniority and appropriate hourly rates; and
  - (d) the Receiver's fees in this matter are consistent with fees charged by other similar firms of a similar nature and complexity in Canadian insolvency proceedings.
16. Similarly, the Receiver submits:
- (a) Blakes' professional fees and disbursements were properly incurred at Blakes' standard rates;
  - (b) the services were performed by Blakes in a prudent and economical manner and the resulting fees charged by Blakes are fair and reasonable in all of the circumstances;
  - (c) the work completed by Blakes was delegated to the appropriate professionals within Blakes with the appropriate seniority and hourly rates;
  - (d) Blakes' fees in this matter are consistent with the market for similar firms with the capacity to handle a file of comparable size and complexity; and
  - (e) Blakes' fees have been approved by the Receiver.

***The Discharge Order Should be Granted***

17. This Court has the jurisdiction to discharge the Receiver and include a provision in the order effecting that discharge that protects court-appointed receivers, who are officers and instruments of the Court, from claims arising from the discharge of their duties in that role.

*Ogopogo Beach Resort Ltd. v. Happy Valley Resort Ltd.*, 2010 BCSC 996 at para. 37

18. The Receiver is seeking a discharge of its mandate as it pertains to the Liquor Store Entities. With NBC having been paid in full and the Receiver's mandate with respect to the Liquor Store Entities having been completed, the Receiver's continued appointment over the Liquor Store Entities is no longer necessary. The Receiver accordingly seeks its discharge over the Liquor Store Entities.

19. The Receiver submits that the discharge and release sought in the proposed Fee Approval and Discharge Order (which has been limited to exclude wilful misconduct or gross negligence) is appropriate and reasonable in the circumstances.

20. The Receiver further relies on the *Bankruptcy and Insolvency Act*, the *Supreme Court Civil Rules*, and the inherent jurisdiction of this Honourable Court.

**Part 4: MATERIAL TO BE RELIED ON**

21. The Receiver intends to rely upon:

- (a) Affidavit #1 of Peter Rubin made May 26, 2026;

- (b) Affidavit #1 of Anthony Tillman made May 27, 2026;
- (c) First Report of the Receiver dated April 8, 2026;
- (d) Final Report and Statement of Accounts of the Receiver dated May 27, 2026;
- (e) the pleadings and other documents filed in this proceeding; and
- (f) such further materials as counsel may advise and this Court may permit.

Date: May 27, 2026



Signature of Peter Rubin / Myim Bakan Kline  
Lawyers for Alvarez & Marsal Canada Inc.

To be completed by the court only:

Order made  
 in the terms requested in paragraphs ..... of Part 1 of this notice of application

with the following variations and additional terms:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Signature of  Judge  Associate Judge

**TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION:** If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if this application is brought under Rule 9-7, within 8 business days after service of this notice of application,

- (a) file an application response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
  - (i) you intend to refer to at the hearing of this application, and
  - (ii) has not already been filed in the proceeding, and
- (c) serve on the Applicant 2 copies of the following, and on every other party of record one copy of the following:

- (i) a copy of the filed application response;
- (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
- (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

## APPENDIX

### THIS APPLICATION INVOLVES THE FOLLOWING:

- discovery: comply with demand for documents
- discovery: production of additional documents
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts

**Schedule "A" to Notice of Application**

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN

NATIONAL BANK OF CANADA

PETITIONER

AND

1030931 B.C. LTD., MANNEY TRANSPORT LTD., NCG NATIONAL  
CONTAINER GROUP INC., 1312230 B.C. LTD. dba LIQUOR 56, 1385161 B.C.  
LTD. AND 1149075 B.C. LTD. dba BURNABY LIQUOR MART

RESPONDENTS

**ORDER MADE AFTER APPLICATION**

BEFORE ) THE HONOURABLE MADAM JUSTICE FITZPATRICK ) June 4, 2026  
          ) )  
          )

ON THE APPLICATION of Alvarez & Marsal Canada Inc., in its capacity as Court-appointed Receiver (the "**Receiver**") of 1312230 B.C. Ltd. doing business as Liquor 56, 1385161 B.C. Ltd. and 1149075 B.C. Ltd. doing business as Burnaby Liquor Mart (collectively, the "**Liquor Store Entities**") coming on for hearing at 800 Smithe Street, Vancouver, British Columbia on June 4, 2026, and on hearing Peter Rubin and Myim Bakan Kline, counsel for the Receiver, and those other counsel listed on **Schedule "A"** hereto; AND UPON READING the materials filed, including the First Report of the Receiver, dated April 8, 2026, the Final Report and Statement of Accounts of the Receiver dated May 27, 2026 (the "**Final Report**"), the Affidavit #1 of Peter Rubin made May 26, 2026 and the Affidavit #1 of Anthony Tillman made May 27, 2026 (collectively, the "**Fee Affidavits**") and the Receivership Order dated March 10, 2026 (the "**Receivership Order**"),

THIS COURT ORDERS that:

1. The activities of the Receiver, as set out in the Final Report, are hereby approved; provided, however, that only the Receiver, in its personal capacity and with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approval.
2. The fees and disbursements of the Receiver and its counsel, Blake, Cassels & Graydon LLP, as set out in the Fee Affidavits, are hereby approved.

3. The Receiver is hereby discharged as Receiver of, and all of the present and after-acquired personal property of, the Liquor Store Entities pursuant to the Receivership Order.

4. Notwithstanding paragraph 3 above, the Receiver shall remain Receiver over the Liquor Store Entities (to the extent appointed Receiver under the Receivership Order) for the performance of such incidental duties as may be required to complete the administration of the receivership herein. The Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of Alvarez & Marsal Canada Inc. in its capacity as Receiver.

5. Alvarez & Marsal Canada Inc. is hereby released and discharged from any and all liability that Alvarez & Marsal Canada Inc. now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of Alvarez & Marsal Canada Inc. while acting in its capacity as Receiver of the Liquor Store Entities herein. Without limiting the generality of the foregoing, the Receiver is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within proceedings with respect to the Liquor Store Entities, save for and except in the event of any gross negligence or willful misconduct of Alvarez & Marsal Canada Inc. in its capacity as Receiver herein.

6. Notwithstanding any provision herein, this Order shall not affect any person to whom notice of these proceedings was not delivered as required by the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, and regulations thereto, any other applicable enactment or any other Order of this Court.

7. Endorsement of this Order by counsel appearing on this application other than counsel for the Receiver is hereby dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

---

Signature of Myim Bakan Kline  
Counsel for the Receiver

BY THE COURT.

---

Registrar

**SCHEDULE "A"**

**Counsel List**

<b>Counsel Name</b>	<b>Party Represented</b>