



COURT FILE NUMBER: 2503 11512

COURT: COURT OF KING'S BENCH OF ALBERTA

JUDICIAL CENTRE: EDMONTON

PLAINTIFF: BUSINESS DEVELOPMENT BANK OF CANADA

DEFENDANTS: 2358573 ALBERTA LTD., 2004736 ALBERTA LTD., 2004736 ALBERTA LTD. operating as CATCH OF THE WEEK, THOMAS YOK CHEUNG CHIU also known as THOMAS CHIU, ALLAN YOK LEN CHIU also known as ALLAN CHIU, MICHELLE HONG XIA TIAN also known as MICHELLE TIAN, and LUC GUY NOEL also known as LUC NOEL

DOCUMENT: **APPLICATION (Order for Final Distribution, Approval of Receiver's Fees and Disbursements, Approval of Receiver's Activities and Discharge of Receiver)**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT: **Witten LLP**
Barristers & Solicitors
Suite 2500, Canadian Western Bank Place
10303 Jasper Avenue
Edmonton, AB T5J 3N6
Solicitors for D. Manning & Associates Inc. in its capacity as Receiver of 2358573 Alberta Ltd.

ATTN: Bren R. Cargill
FILE: 135976.2/BRC
PHONE: (780) 428-0501
FAX: (780) 429-2559

NOTICE TO THE ATTACHED SERVICE LIST AT SCHEDULE "A"

This application is made against you. You are the Respondents.

You have the right to state your side of this matter before the presiding Justice.

To do so, you must be in Court when the application is heard as shown below:

Date March 17, 2026

Time 10:00 a.m.

Where Edmonton Law Courts Building, 1A Sir Winston Churchill Square,
Before The Honourable Justice J.J. Gill in Commercial Chambers via Webex

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. An Order substantially in the form attached hereto as **Schedule “B”**, granting the following relief, among other things:
 - (a) Abridging and validating the time and method of service of the Notice of Application, so that this motion is properly returnable on the date of the application, and that further service is dispensed with;
 - (b) Approving the previously undertaken actions and proposed go-forward actions and conduct of D. Manning & Associates Inc. (“**D. Manning**”) in its capacity as the Court-appointed receiver and manager (the “**Receiver**”) of the assets, undertakings and properties of 2358573 Alberta Ltd. (the “**Debtor**”) and those of its legal counsel to date, as set out in the Second Report of the Receiver (the “**Second Report**”) filed herewith;
 - (c) The review and approval of the professional fees of the Receiver, and those of the Receiver’s legal counsel, along with their respective forecast fees and costs, and the final receipts and disbursements, all as set out in the Second Report;
 - (d) Approving the distributions proposed by the Receiver in the Second Report;
 - (e) Authorizing the Receiver to release or destroy any books and records (the “**Records**”) of the Debtor that the Receiver may have in their possession;
 - (f) Discharging D. Manning as Receiver of the Debtor’s Property, upon the conclusion of the remaining specified and administrative duties as described in the Third Report; and
 - (g) Granting leave to the Receiver to apply or reapply to this or any court or administrative body in any province of Canada for advice, assistance and directions as may be necessary to carry out the terms of the Order sought.
2. Such further and other relief, advice and directions as counsel may advise and this Honourable Court may deem just and appropriate.

Grounds for making this application:

3. On August 25, 2025, D. Manning was appointed as Receiver of the Debtor by way of the Receivership Order granted by the Honourable Justice M.E. Burns (the “**Receivership Order**”).
4. The Receiver has now completed, or is about to complete, all aspects concerning the administration of the within receivership proceedings.
5. The Receiver presently holds the proceeds from the sale of the assets of the Debtor and proposes to distribute those proceeds as recommended in the Second Report.
6. All of the actions and conduct in respect of the fees and disbursements incurred by the Receiver and its legal counsel during the course of the administration of the within proceedings are reasonable, have been validly and duly incurred in connection with the conduct of the Receiver’s obligations herein, and have now been or are about to be completed.

7. The Receiver is not aware of any reason that it should be required for any further purposes herein, and should be discharged as Receiver of the property of the Debtor upon the conclusions of the remaining specified and other administrative duties as described in the Second Report.
8. The discharge of the Receiver as proposed is just, appropriate and in the best interest of the administration of the receivership estate and the stakeholders affected thereby.
9. Certain of the Records contain confidential information and should the discharge of the Receiver be approved, it would be unfair and unreasonable to require the Receiver to maintain the Records indefinitely, at its cost and expense, as the Records are of no use to the Receiver. The Debtor's former director and officer will be provided 30 days notice of the Receiver's intention to destroy the Records. At such time, the former director and officer shall then have 30 days to make appropriate arrangements with the Receiver to physically take possession of the Records, at his sole cost and expense. The Receiver is not aware of any other Records that may be required by other stakeholders and, therefore, the proposed steps to destroy the Records is fair and reasonable under the circumstances.
10. The terms as set out in the proposed form of Order attached hereto as **Schedule "B"** are necessary to effect the discharge of the Receiver as contemplated herein.
11. Such further and other grounds as counsel may advise and this Honourable Court may permit.

Material or evidence to be relied on:

12. All pleadings and proceedings filed in the within action, including the Receivership Order and the Approval and Vesting Order.
13. The Third Report of the Receiver, filed herewith;
14. The inherent jurisdiction of this Honourable Court to control its own process.
15. Such further and other material and evidence as counsel may advise and this Honourable Court may permit.

Applicable rules:

16. *Alberta Rules of Court*, AR 124/2010 including Rules 1.3, 6.3(1), 6.47(e) and (f), 6.9(1)(b), 6.10, 11.27, 11.29, and 13.5.

Applicable Acts and regulations:

17. *Bankruptcy and Insolvency Act*, RSC 1985, c. B-3, as amended.
18. *Judicature Act*, RSA 2000, c. J-2, as amended.

Any irregularity complained of or objection relied on:

19. N/A

How the application is proposed to be heard or considered:

The proceedings will take place at the Courthouse as set out on the first page of this Notice of Application. The solicitors for the Applicant will attend electronically pursuant to Rules 6.9(2) and 6.10 of the *Alberta Rules of Court*.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

SCHEDULE "A"

Business Development Bank of Canada v 2358573 Alberta Ltd. et al

Service List for Court of King's Bench Action No. 2503 11512

Service List

Party	Counsel	Address	Email/Fax/Phone
D. Manning & Associates Inc.	Bren R. Cargill	D. Manning & Associates Inc. c/o Witten LLP 2500, 10303 Jasper Avenue NW Edmonton, AB T5J 3N6 <u>Attn: Bren R. Cargill</u>	bcargill@wittenlaw.com <i>Via Email</i>
D. Manning & Associates Inc. (The Receiver)		D. Manning & Associates Inc. 520 – 625 Howe Street, Vancouver, British Columbia V6C 2T6 <u>Attn: William Choo & Alex Ng.</u>	alex.ng@manning-trustee.com wc@manning-trustee.com <i>Via Email</i>
Business Development Bank of Canada	Ryan Trainer	Business Development Bank of Canada c/o McLennan Ross LLP 600 McLennan Ross Building 12220 Stony Plain Road Edmonton, AB T5N 3Y4 <u>Attn: Ryan Trainer</u>	ryan.trainer@mross.com <i>Via Email</i>
2358573 Alberta Ltd.	Avnish Nanda	2358573 Alberta Ltd. c/o Nanda & Company 10007 – 80 Avenue NW Edmonton, AB T6E 1T4 <u>Attn: Avnish Nanda</u>	avnish@andalaw.ca <i>Via Email</i>
Thomas Chiu, Allan Chiu and Michelle Tian	Avnish Nanda	Thomas Chiu, Allan Chiu and Michelle Tian c/o Nanda & Company 10007 – 80 Avenue NW Edmonton, AB T6E 1T4 <u>Attn: Avnish Nanda</u>	avnish@andalaw.ca <i>Via Email</i>

<p>2004736 Alberta Ltd. operating as Catch of the Week</p>	<p>Ronald Halabi and Steven L. Cooper, K.C.</p>	<p>2004736 Alberta Ltd. o/a Catch of the Week c/o Cooper Regal LLP 77 Chippewa Road Sherwood Park, AB T8A 6J7</p> <p><u>Attn: Ronald Halabi and Steven L. Cooper, K.C.</u></p>	<p>ronald@cooperregel.ca steve@cooperregel.ca <i>Via Email</i></p>
<p>Luc Noel</p>	<p>Ronald Halabi and Steven L. Cooper, K.C.</p>	<p>2004736 Alberta Ltd. o/a Catch of the Week c/o Cooper Regal LLP 77 Chippewa Road Sherwood Park, AB T8A 6J7</p> <p><u>Attn: Ronald Halabi and Steven L. Cooper, K.C.</u></p>	<p>ronald@cooperregel.ca steve@cooperregel.ca <i>Via Email</i></p>
<p>Summer Refrigeration Inc. (Civil Claimant as against 2358573 Alberta Ltd.)</p>	<p>Erika A. Carrasco</p>	<p>Summer Refrigeration Inc. c/o MLT Aikins LLP 2100 Livingston Place 222 3rd Avenue SW Calgary, AB T2P 0B4</p> <p><u>Attn: Erika A. Carrasco</u></p>	<p>ecarrasco@mltaikins.com <i>Via Email</i></p>
<p>Canada Revenue Agency Surrey National Verification Centre</p>		<p>Canada Revenue Agency Surrey National Verification and Collections Centre 9755 King George Blvd Surrey, BC V3T 5E1</p>	<p><i>Via Courier</i></p>
<p>Canada Revenue Agency</p>		<p>His Majesty the King in Right of Canada Edmonton Tax Services 9700 Jasper Avenue Edmonton, AB T5J 4C8</p>	<p><i>Via Courier</i></p>
<p>Department of Justice Canada Prairie Regional Office (Courtesy Copy)</p>		<p>300 EPCOR Tower, 10423 – 101st Street Edmonton, AB T5H 0E7</p>	<p>George.Body@justice.gc.ca <i>Via Email</i></p>
<p>City of Edmonton</p>		<p>City of Edmonton (Property Taxes) PO Box 1982 Edmonton, AB T5J 3X5</p>	<p><i>Via Registered Mail</i></p>

SCHEDULE "B"

COURT FILE NUMBER 2503 11512
COURT COURT OF KING'S BENCH OF ALBERTA
EDMONTON
BUSINESS DEVELOPMENT BANK OF CANADA
JUDICIAL CENTRE 2358573 ALBERTA LTD., 2004736 ALBERTA LTD., 2004736 ALBERTA LTD. operating as CATCH OF THE WEEK, THOMAS YOK CHEUNG CHIU also known as THOMAS CHIU, ALLAN YOK LEN CHIU also known as ALLAN CHIU, MICHELLE HONG XIA TIAN also known as MICHELLE TIAN, and LUC GUY NOEL also known as LUC NOEL

Clerk's Stamp

DOCUMENT **ORDER FOR FINAL DISTRIBUTION, APPROVAL OF RECEIVER'S FEES AND DISBURSEMENTS, APPROVAL OF RECEIVER'S ACTIVITIES AND DISCHARGE OF RECEIVER**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT
Witten LLP
Barristers & Solicitors
Suite 2500, Canadian Western Bank Place
10303 Jasper Avenue
Edmonton, AB T5J 3N6
Solicitors for D. Manning & Associates Inc. in its capacity as Receiver of 2358573 Alberta Ltd.
ATTN: Bren R. Cargill
FILE: 135976.2/BRC
PHONE: (780) 428-0501
FAX: (780) 429-2559

DATE ON WHICH ORDER WAS PRONOUNCED: March 17, 2026

LOCATION WHERE ORDER WAS PRONOUNCED: Edmonton Law Courts, Edmonton, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER: Honourable Justice J.J. Gill

UPON THE APPLICATION by **D. Manning & Associates Inc.** in its capacity as the Court-appointed **receiver and manager** (the “Receiver”) of the undertakings, property and assets of **2358573 Alberta Ltd.** (the “Debtor”) for an order for the final distribution of proceeds, approval of Receiver’s fees and disbursements, approval of the Receiver’s activities, and discharge of the Receiver;

AND UPON HAVING READ the Receivership Order dated **August 25, 2025** (the “Receivership Order”), the First Report of the Receiver dated November 24, 2025, the Supplemental First Report of the Receiver dated December 8, 2025, and the Second Report dated March 2, 2026 (the “**Second Receiver’s Report**”), and the Affidavit of Service; **AND UPON HEARING** the submissions of counsel for the Receiver and counsel for Business Development Bank of Canada, the Debtor and other interested persons and no one appearing for any other person on the service list, although properly served as appears from the Affidavit of Service, filed;

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, 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.

ACTIVITIES, FEES AND DISBURSEMENTS OF THE RECEIVER

2. The Receiver’s actual and estimated accounts for fees and disbursements, as set out in the Second Receiver’s Report, are hereby approved without the necessity of a formal passing of its accounts.
3. The actual and estimated accounts of the Receiver’s legal counsel, Witten LLP, for its fees and disbursements, as set out in the Second Receiver’s Report, are hereby approved without the necessity of a formal assessment of its accounts.
4. The Receiver’s previously undertaken activities as set out in the Second Receiver’s Report and in all of its other reports filed herein, are hereby ratified and approved.

DISTRIBUTION OF FUNDS

5. Subject to confirmation of the actual costs, fees, expenses and disbursements incurred, the Receiver is authorized and directed to make the distributions set forth in the Second Receiver’s Report. For certainty, should the “actual” costs, fees, expenses and disbursements noted in the Third Receiver’s

Report differ from those noted therein, then the distribution of such amounts are hereby approved and ratified.

LIABILITY AND RELEASE

6. On the evidence before the Court, the Receiver has satisfied its obligations under and pursuant to the terms of the Orders granted in the within proceedings up to and including the date hereof, and the Receiver shall not be liable for any act or omission on its part including, without limitation, any act or omission pertaining to the discharge of its duties in the within proceedings, save and except for any liability arising out of any fraud, gross negligence or wilful misconduct on the part of the Receiver, or with leave of the Court. Subject to the foregoing any claims against the Receiver in connection with the performance of its duties are hereby stayed, extinguished and forever barred.
7. No action or other proceedings shall be commenced against the Receiver in any way arising from or related to its capacity or conduct as Receiver, except with prior leave of this Court on Notice to the Receiver, and upon such terms as this Court may direct.
8. The Receiver is hereby fully and irrevocably forever released and discharged from any and all liability that the Receiver now has or may hereafter have, by reason of, or in any way arising out of, the acts or omissions of the Receiver while acting in its capacity as Receiver herein, save and except for any fraud, gross negligence or willful misconduct on the part of the Receiver.

DISCHARGE OF THE RECEIVER

9. Upon the Receiver filing with the Clerk of the Court a sworn Affidavit of a licensed insolvency Trustee, substantially in the form attached hereto as Schedule "A", employed by the Receiver confirming that:
 - (a) all matters set out in paragraph 5 of this Order have been completed; and
 - (b) all matters set out in the Second Report have been completed,

then the Receiver shall be discharged as Receiver of the Debtor, provided however, that notwithstanding its discharge herein: (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein, and (b) 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 the Receiver in its capacity as Receiver.

MISCELLANEOUS MATTERS

10. Prior to the Receiver's destruction of any of the Debtor's remaining books and records (the Records) due to the Receiver not specifically requiring same for its purposes, the Receiver shall give 30 days to the former directors and officers of its intention to destroy the Records. The Debtor's former directors and officers shall then have 30 days to make appropriate arrangements with the Receiver to physically take possession of the Records, at their sole cost and expense. In the event that the Debtor's former directors and officers do not exercise their option to obtain the Records, the Receiver is hereby authorized to have all of the Records destroyed 60 days after giving notice as set out and described above.
11. This Order shall have full force and effect in all Provinces and Territories in Canada, outside Canada and against all Persons against whom it may be enforceable.
12. This Honourable Court hereby requests the aid and recognition of any court, tribunal, regulatory or administrative body having jurisdiction in Canada or in any of its provinces or territories or in any foreign jurisdiction, to act in aid of and to be complimentary to this Court in carrying out the terms of this Order, to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such order and to provide such assistance to the Receiver, as an officer of the Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.
13. Notwithstanding the discharge of the Receiver, the Receiver is hereby granted leave to apply to this Court for such further advice, direction or assistance as may be necessary to give effect to the terms of this Order.
14. Service of this Order shall be deemed good and sufficient by:
 - (a) Serving the same on:
 - (i) the persons listed on the service list created in these proceedings;
 - (ii) any other person served with notice of the application for this Order;

- (iii) any other parties attending or represented at the application for this Order; and
- (b) Posting a copy of this Order on the Receiver's website at: <https://manning-trustee.com/2358573-alberta-ltd>

and service on any other person is hereby dispensed with.

15. Service of this Order may be effected by facsimile, electronic mail, personal delivery or courier. Service is deemed to be effected the next business day following transmission or delivery of this Order.

JUSTICE OF THE COURT OF KING'S BENCH OF
ALBERTA

Schedule "A"

AFFIDAVIT

(Confirming Discharge of Receiver)

COURT FILE NUMBER 2503 11512
 COURT COURT OF KING'S BENCH OF ALBERTA
 EDMONTON
 BUSINESS DEVELOPMENT BANK OF
 CANADA
 JUDICIAL CENTRE 2358573 ALBERTA LTD., 2004736
 ALBERTA LTD., 2004736 ALBERTA LTD.
 operating as CATCH OF THE WEEK,
 THOMAS YOK CHEUNG CHIU also known
 as THOMAS CHIU, ALLAN YOK LEN CHIU
 also known as ALLAN CHIU, MICHELLE
 HONG XIA TIAN also known as MICHELLE
 TIAN, and LUC GUY NOEL also known as
 LUC NOEL

Clerk's Stamp

DOCUMENT **AFFIDAVIT**
(Confirming Discharge of Receiver)

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Witten LLP
 Barristers & Solicitors
 Suite 2500, Canadian Western Bank Place
 10303 Jasper Avenue
 Edmonton, AB T5J 3N6
 Solicitors for D. Manning & Associates Inc. in its
 capacity as Receiver of 2358573 Alberta Ltd.

ATTN: Bren R. Cargill
 FILE: 135976.2/BRC
 PHONE: (780) 428-0501
 FAX: (780) 429-2559

AFFIDAVIT OF

SWORN on _____, 2026.

I, _____, of _____, British Columbia, **SWEAR AND SAY THAT:**

- I am a Licensed Insolvency Trustee, and a Vice President with D. Manning & Associates Inc. which is the Court-appointed receiver and manager (the "Receiver") of the assets, undertakings and properties of 2358573 Alberta Ltd.. (the "Debtor")

2. Pursuant to the Order granted by the Honourable M.E. Burns of the Court of King’s Bench (the “**Court**”) dated August 25, 2025, D. Manning & Associates Inc. was appointed as the Receiver of the assets, undertakings and properties of the Debtor.
3. Pursuant to an order (Final Distribution, the Approval of the Receiver’s Activities, Fees and Disbursements, and the Receiver’s Discharge) granted by Honourable Justice J.J. Gill dated March 17, 2026, (the “**Discharge Order**”), the Court approved the discharge of the Receiver, subject to the filing of an Affidavit in the within form confirming that the Receiver had completed certain other administrative activities required to complete its administration of the Debtors’ receivership proceedings.
4. This Affidavit will confirm that the Receiver has completed all other activities required to complete its administration of the Debtors’ receivership proceedings, including, without limitation, all matters set out in paragraph 5 of the Discharge Order and the Second Receiver’s Report.
5. I make this Affidavit further to the requirements of the Discharge Order, and understand that upon filing of this Affidavit, D. Manning & Associates Inc. will be fully and finally discharged from its capacity as the Receiver of the Debtor.
6. I make this Affidavit for no other or improper purpose.

SWORN BEFORE ME at Vancouver, British Columbia, on _____, 2026.)
)
)
)
)
 _____)
 A Commissioner For Oaths in and for British Columbia)

Signature

PRINT NAME AND EXPIRY

PRINT NAME