



FORM 32 (RULE 8-1(4))

No. KEL-S-S-127397  
Kelowna Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN:**

**ALBERT WEISSTOCK**

**PETITIONER**

**AND:**

**WALTER WEISSTOCK, ANTONY WEISSTOCK, SILVIA RITA  
GERARD, WITMAR HOLDINGS LTD., DONALD JAMES  
RAMSAY (ADMINISTRATOR OF THE ESTATE OF MARIA  
CONCETTA WEISSTOCK), 1100748 B.C. LTD., ANTONY  
WEISSTOCK (TRUSTEE OF THE WILLY AND MARIA  
CONCETTA WEISSTOCK TRUST), and ISLANDVIEW  
COUNTRY ESTATES LTD.**

**RESPONDENTS**

**NOTICE OF APPLICATION**

**Name of applicant: C. Cheveldave & Associates Ltd., Liquidator**

To: The Respondents

TAKE NOTICE that an application will be made by the applicant to the presiding judge or associate judge at the courthouse at 1355 Water Street, Kelowna, British Columbia on February 12, 2025 at 9:45 a.m. for the orders set out in Part 1 below.

The applicant estimates that the application will take 15 minutes.

☒ This matter is within the jurisdiction of an associate judge.

☐ This matter is not within the jurisdiction of an associate judge.

**Part 1: ORDERS SOUGHT**

1. An order to approve the activities and pass the accounts of the Liquidator in the terms of the attached form of order.

## **Part 2: FACTUAL BASIS**

1. Pursuant to an Order pronounced by The Honourable Mr. Justice Betton on the 26<sup>th</sup> day of January, 2024 (the “**Order**”), C. Cheveldave & Associates Ltd. was appointed Liquidator, without security, of Witmar Holdings Ltd. (“Witmar”).
2. Since receipt of the entered Order on March 6, 2024, the Liquidator has operated the assets of Witmar, which include 176 apartment units, 10 residential homes and 2 hotels with a combined 99 units (the “Property”).
3. While the Order authorized the Liquidator to sell the Property, at the request and agreement of Witmar’s shareholders (the “Shareholders”), the Liquidator refrained from actively marketing the Property as the Shareholders considered and discussed the division of the Property and the resolution of outstanding issues between the Shareholders.
4. It appears that the Shareholders may still be discussing a division of the Property and the resolution of any outstanding issues. In the interim, the Liquidator is seeking approval of its activities and fees to date and approval of the Liquidator’s recommended sale process.

### Initial and Ongoing Activities

5. The Liquidator’s initial activities included the following tasks:
  - (a) Confirming the status of internal financial reporting and reviewing internal financial reporting formats.
  - (b) Discussion of the accounting, payroll, and related software platforms that are in use.
  - (c) Discussion and review of on-line banking platform in use and banking arrangements.
  - (d) Obtaining and reviewing employee lists, organizational chart information and staff roles.
  - (e) Reviewing information provided by the Shareholders.
  - (f) Meetings with Witmar’s staff to advise them of the Liquidator’s appointment and go over questions and concerns raised with respect to ongoing operations.
  - (g) Obtaining and reviewing insurance information.
  - (h) Obtaining and reviewing rent roll information.

- (i) Obtaining and reviewing the joint venture agreement for one of the hotels run by Witmar.
  - (j) Review of appraisal information.
  - (k) Review of Witmar's mortgage information.
  - (l) Discussions with Witmar's accountants concerning the status of year end financial statements.
  - (m) Discussions with the controller regarding various accounting cycle processes.
  - (n) Review of various operations reports for the two hotels.
  - (o) Reviewing cash / liquidity positions.
  - (p) Developing preliminary cash flow models.
  - (q) Having discussions with the Shareholders.
6. The Liquidator's role in day-to-day operations is supervisory and oversight in nature. Some of the specific tasks carried out by the Liquidator concerning day-to-day operations included:
- (a) Monitoring cash and liquidity positions.
  - (b) Receiving and reviewing daily operational reports.
  - (c) Working with Witmar's human resources manager to resolve staff concerns related to job security considering the Liquidation proceedings.
  - (d) Approving tenancy agreements for new tenancies.
  - (e) Approving staff compensation rate adjustments.
  - (f) Communicating any significant development to the staff concerning the liquidation proceeding.
  - (g) Negotiating terms with vendors for the continued supply of goods and services arising from the Order.
  - (h) Addressing vendor concerns regarding payment for services rendered.
  - (i) Reviewing and approving accounts payable and related disbursements.
  - (j) Preparation assistance of and reviewing of monthly financial reports.

- (k) Working with management to resolve maintenance and repair issues as they arise.
7. The various routine administration matters that the Liquidator has dealt with and continues to deal with in administering the liquidation include:
- (a) Preparing monthly statements of Receipts and Disbursements.
  - (b) Liaising with service providers for various tasks to be undertaken (repairs and maintenance matters).
  - (c) Attending to the payment of disbursements from Witmar and one of the hotels operating accounts and the Liquidator's trust account.
  - (d) Liaising with appraisers with respect to details of the 2023 appraisal reports.
  - (e) Discussions with prospective real estate brokerages concerning the sales process and maintaining a list of interested brokerages wanting to provide listing proposals.
  - (f) Responding to questions from vendors and creditors.
  - (g) Assisting with obtaining financial supporting documentation from vendors.
  - (h) Updating and reviewing cash flow and liquidity positions and forecasts.
  - (i) Reviewing daily operational reports.
  - (j) Liaising with Witmar management on staffing and HR matters.
  - (k) Attending to accounting and financial reporting matters for the business units.
  - (l) Attending to discussions with the Shareholders and related correspondence with the Shareholders.
  - (m) Attending to the regular distribution of information to the Shareholders.
  - (n) Managing a large volume of correspondence and requisite digital files.
  - (o) Preparation of affidavit materials and reports in support of the Liquidator's court application.
  - (p) Maintaining the service list and the posting of documents to the Liquidator's website.

**Part 3:LEGAL BASIS**

1. Rules 8-1, 10-2 and 13-5 of the *Rules of Court*; and
2. The inherent jurisdiction of this Honourable Court.

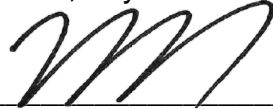
**Part 4: MATERIAL TO BE RELIED ON**

1. Order Made After Application granted January 26, 2024;
2. Affidavit #1 of Cecil Cheveldave;
3. Affidavit #1 of Hal Hicks; and
4. Report of the Liquidator dated January 14, 2025.

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 this 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).

Date: January 30, 2025



Signature of Hal Hicks

☐ applicant ☒ lawyer for applicant

***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

**APPENDIX**

**THIS APPLICATION INVOLVES THE FOLLOWING:**

- ☐ discovery: comply with demand for documents
- ☐ discovery: production of additional documents
- ☐ other matters concerning document discovery
- ☐ 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
- ☒ none of the above.

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Kelowna Registry

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**BETWEEN:**

**ALBERT WEISSTOCK**

**PETITIONER**

**AND:**

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GERARD, WITMAR HOLDINGS LTD., DONALD JAMES  
RAMSAY (ADMINISTRATOR OF THE ESTATE OF MARIA  
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**RESPONDENTS**

**ORDER MADE AFTER APPLICATION**

BEFORE



ASSOCIATE JUDGE

\_\_\_\_\_



WEDNESDAY, THE 12<sup>th</sup>  
DAY OF FEBRUARY, 2025

ON THE APPLICATION of C. Cheveldave & Associates Ltd., (the “**Liquidator**”) as Liquidator of Witmar Holdings Ltd. (“**Witmar**”) coming on for hearing at Kelowna, BC on February 12, 2025 and on hearing Hal Hicks on behalf of the Liquidator and upon reading the material provided in Affidavit #1 of Cecil Cheveldave (the “**Liquidator’s Report**”); and on hearing Steven Dvorak, counsel for the Respondent, Albert Weisstock; and on hearing Yarden D. Gershony, counsel for the Respondent, Silvia Rita Gerard; and no one else appearing;

THIS COURT ORDERS and DECLARES that:

1. The activities, fees, and disbursements of the Liquidator, as set out in the Liquidator's Report are hereby approved.

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.

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Signature of Hal Hicks

☐ party ☒ lawyer for the Liquidator, C.  
Cheveldave & Associates Ltd.

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Signature of Steven Dvorak

☐ party ☒ lawyer for the Respondent,  
Albert Weisstock

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Signature of Yarden D. Gershony

☐ party ☒ lawyer for the Respondent,  
Silvia Rita Gerard

By the Court

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Registrar



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**RESPONDENTS**

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**ORDER MADE AFTER APPLICATION**

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FILE NO. 077284-0002

HRH/dns

**FULTON & COMPANY LLP**  
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300 – 350 Lansdowne Street  
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**Between:**

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**PETITIONER**

**and:**

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