

**THE KING'S BENCH  
WINNIPEG CENTRE**

IN THE MATTER OF:      THE APPOINTMENT OF A RECEIVER PURSUANT TO  
SECTION 243 OF THE *BANKRUPTCY AND INSOLVENCY*  
*ACT*, R.S.C. 1985, c. B-3 AS AMENDED, AND SECTION 55  
OF *THE COURT OF KING'S BENCH ACT*, C.C.S.M. c. C280

BETWEEN:

**PEOPLES TRUST COMPANY,**

Applicant,

-and-

**BOKHARI DEVELOPMENT INC.,**

Respondent.

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**ORDER**

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File No. 0088420.00003

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WINNIPEG CENTRE**

IN THE MATTER OF: THE APPOINTMENT OF A RECEIVER PURSUANT TO SECTION 243 OF THE *BANKRUPTCY AND INSOLVENCY ACT*, R.S.C. 1985, c. B-3 AS AMENDED, AND SECTION 55 OF *THE COURT OF KING'S BENCH ACT*, C.C.S.M. c. C280

THE HONOURABLE MR.

)

MONDAY, THE 20<sup>th</sup>

JUSTICE CHARTIER

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)

DAY OF NOVEMBER, 2023

BETWEEN:

**PEOPLES TRUST COMPANY,**

Applicant,

-and-

**BOKHARI DEVELOPMENT INC.,**

Respondent.

**ORDER**

THIS MOTION, made by KPMG Inc. the court-appointed receiver and manager (the "**Receiver**") of the assets, undertakings and property of Bokhari Development Inc. (the "**Debtor**") comprising, located at, arising from, or in any way relating to the property commonly known as 1801 – 1825 Park Drive in Portage la Prairie, Manitoba, including the development of the project (the "**Project**") located thereon and all proceeds thereof (collectively, the "**Property**") was heard this day at the Law Courts Building at 408 York

Avenue, in the City of Winnipeg, in the Province of Manitoba.

ON READING the First Report of the Receiver dated November 16, 2023 (the “**First Report**”), and on hearing the submissions of counsel for the Receiver, counsel for the Applicant, and appearing on a watching brief, counsel for Darcy Shaver, no one else appearing although duly served as appears from the Affidavit of Service of Maryna Kozik sworn November 17, 2023.

1. THIS COURT ORDERS that the time for service of the Notice of Motion and the supporting materials is hereby abridged and validated so that this Motion is properly returnable today, and hereby dispenses with further service thereof.
2. THIS COURT AUTHORIZES AND APPROVES the engagement of NDC Construction Ltd. by the Receiver as contractor of the Project pursuant to an agreement substantially in the form of *Contract – CCDC 3 - 2016 Edition and Supplementary Conditions thereto* (together, the “**Contract**”) attached as **Appendix “A”** to the First Report.
3. THIS COURT APPROVES, AUTHORIZES and DIRECTS the execution of the Contract by the Receiver.
4. THIS COURT ORDERS that the Order (Appointing Receiver) pronounced by the Honourable Mr. Justice Chartier on August 29, 2023 is hereby amended to add:  
  
*“and legally described as LOTS 1 AND 2 BLOCK 1 PLAN 1810 PLTO EXC  
ALL MINES AND MINERALS VESTED IN THE CROWN (MANITOBA) BY*

*THE REAL PROPERTY ACT IN RL 56 and 57 PARISH OF PORTAGE LA PRAIRIE (Manitoba Land Titles Registry Status of Title No. 3015541/3)*

immediately following the words "*commonly known as 1801-1825 Park Drive in Portage la Prairie, Manitoba*".

5. THIS COURT ORDERS that the actions of the Receiver to date in respect of its administration of these receivership proceedings and the First Report, including the statement of receipts and disbursements contained in the First Report and the activities of the Receiver described therein are hereby approved.

6. THIS COURT ORDERS that the fees and disbursements of the Receiver from August 22, 2023 to October 29, 2023, and the fees and disbursements of its legal counsel from August 22, 2023 to October 31, 2023, are hereby approved.

7. THIS COURT ORDERS that **Confidential Appendix "1"** of the First Report is hereby sealed until the Receiver is discharged, or until further order of this Honourable Court.

November 27, 2023

"G.L. CHARTIER"  
CHARTIER, J.

I, ANJALI SANDHU, OF THE FIRM OF MLT AIKINS LLP HEREBY CERTIFY THAT I HAVE RECEIVED THE CONSENTS AS TO FORM OF THE FOLLOWING PARTIES:

Melanie LaBossiere, Thompson Dorfman Sweatman LLP, counsel for the Applicant

AS DIRECTED BY THE HONOURABLE MR. JUSTICE CHARTIER

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