

COURT FILE NO. **B201-996918**, B201-997457, B201-997541
COURT COURT OF KING'S BENCH OF ALBERTA
IN BANKRUPTCY AND INSOLVENCY
JUDICIAL CENTRE CALGARY
MATTER IN THE MATTER OF THE BANKRUPTCY OF
NOMODIC MODULAR STRUCTURES INC.,
AITHRA PROJECTS INC. AND NOMODIC
MODULAR STRUCTURES (ONTARIO) LTD.



C70543

APPLICANT NORTHERN VISION DEVELOPMENT LIMITED PARTNERSHIP
RESPONDENTS FTI CONSULTING CANADA INC., in its capacity as Trustee in Bankruptcy of
NOMODIC MODULAR STRUCTURES INC., AITHRA PROJECTS INC. and
NOMODIC MODULAR STRUCTURES (ONTARIO) LTD.

DOCUMENT **AFFIDAVIT OF SERVICE**

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	Ryan F.T. Quinlan & Gil Miciak Barrister & Solicitor Phone: (780) 441-4336 Fax: (780) 428-9683 Email: rquinlan@dcllp.com; gmiciak@dcllp.com	File 445-215880 DUNCAN CRAIG LLP LAWYERS MEDIATORS 2800 Rice Howard Place 10060 Jasper Avenue Edmonton, Alberta Canada T5J 3V9
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AFFIDAVIT OF LIN QU

Sworn on July 11th, 2024

I, **Lin Qu also known as Michelle Qu**, of the City of Edmonton, in the Province of Alberta, SWEAR AND SAY THAT:

1. I am a Legal Assistant employed by the law firm of Duncan Craig LLP, solicitors for the Applicant, Northern Vision Development Limited Partnership ("**NVD**"), and as such have personal knowledge of the matters hereinafter deposed to, except where stated to be based upon information and belief, and where so stated I do verily believe those matters to be true.
2. I did on Monday, June 17, 2024 serve copies of the following materials:
 - (1) Application by NVD, filed April 8, 2024;
 - (2) Affidavit of Ken Volk, filed April 8, 2024;

- (3) Affidavit of Michael Hale, filed April 8, 2024;
- (4) Supplemental Affidavit of Michael Hale, filed April 8, 2024;
- (5) Unfiled Brief of Law of NVD (the "**Brief**"); and
- (6) Unfiled Book of Authorities to the Brief (the "**Book of Authorities**").

(collectively, the "**June 27, 2024 Hearing Materials**")

by sending the same via email to the following parties:

Counsel for Trustee FTI Consulting Canada Inc.

MLT Aikins LLP
2100 Livingston Place
222 3rd Avenue S.W.
Calgary, AB T2P 0B4
Attention: Ryan Zahara and Kaitlin Ward
Emails: rzahara@mltaikins.com
kward@mltaikins.com

ryehia@blg.com

bpicken@marmoncranes.com

Counsel for ATB Financial

McCarthy Tétrault LLP
Suite 4000
421 - 7th Avenue SW
Calgary, AB T2P 4K9
Attention: Pantelis Kyriakakis and Nathan Stewart
Emails: pkkyriakakis@mccarthy.ca
nstewart@mccarthy.ca

adekens@bmlp.ca

3. Attached hereto and marked collectively as **Exhibit "A"** to this my Affidavit is a copy of the service letter and the email correspondence sheet for sending the June 27, 2024 Hearing Materials to the above noted parties.
4. I then on June 18, 2024 sent filed first pages of the following to the above noted parties by email:
 - (1) Filed first page of the Brief, filed June 18, 2024; and
 - (2) Filed first page of the Book of Authorities, filed June 18, 2024.
5. Attached hereto and marked as **Exhibit "B"** to this my Affidavit is a copy of the email correspondence sheet for sending the filed first pages of the Brief and Book of Authorities to the above noted parties.
6. I also on June 26, 2024 sent an unfiled copy of the Supplemental Book of Authorities to the Brief of NVD (the "**Supplemental Book of Authorities**") to the above noted parties by email.
7. Attached hereto and marked as **Exhibit "C"** to this my Affidavit is a copy of the email correspondence for sending the Supplemental Book of Authorities to the above noted parties.

- 8. I then on June 26, 2024 sent the filed first page of the Supplemental Book of Authorities, (filed June 26, 2024) to the above noted parties by email.
- 9. Attached hereto and marked as **Exhibit "D"** to this my Affidavit is a copy of the email correspondence for sending the filed first page of the Supplemental Book of Authorities.
- 10. I am advised by counsel for NVD, Mr. Ryan Quinlan at our office that he did on Wednesday, July 3, 2024 provided the June 27, 2024 Hearing Materials and the Supplemental Book of Authorities to counsel for Canada Revenue Regency via email at Tristen.Cones@justice.gc.ca. As he received an out of office reply from Mr. Tristen Cones' email, he provided the June 27, 2024 Hearing Materials and the Supplemental Book of Authorities to Mr. Tristen Cones' assistant Jasey Stevens via email at Jasey.Stevens@justice.gc.ca.
- 11. Attached hereto and marked collectively as **Exhibit "E"** to this my Affidavit is a copy of the email correspondence sent by Mr. Ryan Quinlan to Mr. Tristen Cones and his assistant.

SWORN BEFORE ME at Edmonton,)
 Alberta, this 14th day of July, 2024)

 A Commissioner for Oaths in and for the)
 Province of Alberta)

LIN QU

Lisa Hoang
 A Commissioner for Oaths
 in and for Alberta
 My Commission Expires Sept. 18, 2025

DUNCAN CRAIG LLP
LAWYERS MEDIATORS

Our File: 445-215880

Your File:

Lawyer: **Ryan Quinlan**
Telephone: 780.441.4336
Email: rquinlan@dcllp.com
Fax: 780.428.9683

June 17, 2024

SENT VIA EMAILS

Counsel for Trustee FTI Consulting Canada Inc.

MLT Aikins LLP
2100 Livingston Place
222 3rd Avenue S.W.
Calgary, AB T2P 0B4
Attention: Ryan Zahara and Kaitlin Ward
Emails: rzahara@mltaikins.com
kward@mltaikins.com

ryehia@blg.com

bpicken@marmoncranes.com

Counsel for ATB Financial

McCarthy Tétrault LLP
Suite 4000
421 - 7th Avenue SW
Calgary, AB T2P 4K9
Attention: Pantelis Kyriakakis and Nathan Stewart
Emails: pkyriakakis@mccarthy.ca
nstewart@mccarthy.ca

adekens@bmlp.ca

Dear Sir/Madam:

**Re: In the matter of the Bankruptcy of Nomodic Modular Structures Inc., Aithra Projects Inc. and Nomodic Modular Structures (Ontario) Ltd.
Court of King's Bench of Alberta Action Numbers: B201-996918, B201-997541 and B201-997457**

We are legal counsel for Northern Vision Development Limited Partnership ("NVD"), a creditor in these bankruptcy proceedings. In relation to the Calgary commercial list hearing scheduled before Justice Romaine at 2 pm on June 27, 2024, please find enclosed for service copies of the following:

1. Application by NVD, filed April 8, 2024;
2. Affidavit of Ken Volk, filed April 8, 2024;
3. Affidavit of Michael Hale, filed April 8, 2024;

This is Exhibit "A" referred to in the Affidavit of

Sworn before me this 11th day of July, A.D., 2024

A Notary Public, A Commissioner for Oaths in and for the Province of Alberta

Lisa Hoang
A Commissioner for Oaths
in and for Alberta
My Commission Expires Sept. 18, 2025

www.dcllp.com
Tel: 780.428.6036 • Toll Free: 1.800.782.9409 • Fax: 780.428.9683
#2800, 10060 Jasper Ave. Edmonton, Alberta T5J 5V5

Duncan Craig LLP

June 17, 2024

Page 2

4. Supplemental Affidavit of Michael Hale, filed April 8, 2024;
5. Unfiled Brief of Law of NVD (the "Brief"); and
6. Unfiled Book of Authorities to the Brief (the "Book of Authorities").

Please note that the Brief and Book of Authorities have been sent for filing with the Court. We will provide filed first pages once same are returned by the Court.

Should you have any questions or concerns with respect to the above, please do not hesitate to contact me directly.

Yours truly,

DUNCAN CRAIG LLP

Per:



RYAN QUINLAN

RQ/mq

Enclosures (6)

c.c.: Duncan Craig LLP, Attention: Gil Miciak (via email)

Michelle Qu

From: Michelle Qu
Sent: June-17-24 10:03 AM
To: pkyriakakis@mccarthy.ca; nstewart@mccarthy.ca; Kaitlin Ward; Ryan Zahara; ryehia@blg.com; adekens@bmlp.ca; bpicken@marmoncranes.com
Cc: Ryan Quinlan; Gil Miciak
Subject: Bankruptcy of Nomodic Modular Structures et al. - Northern Vision Development LP's June 27, 2024 Hearing Materials
Attachments: SIGNED - Service letter re serving NVD's materials for the June 27, 2024 hearing - June 17, 2024 - 4154-2502-8176 v1.pdf; Application by NVD - ret. May 2, 2024 - Filed April 8, 2024 (Stamp for action 25-2997541) 4123-2227-6687 v.1.pdf; Affidavit of Ken Volk - Filed April 8, 2024 (Stamp for action 25-2997541) 4153-9250-7215 v.1.pdf; Supplemental Affidavit of Michael Hale - sworn Mar. 28, 2024 - Filed April 8, 2024 (Stamp for action 25-2997541) 4148-2214-7407 v.1.pdf

Good morning,

Please find enclosed for service our service letter and the hearing materials referenced therein.

Please note that the Affidavit of Michael Hale, Brief and Book of Authorities are attached in the below link due to size. If you have any issues or difficulties with the below link, please do not hesitate to contact us.

[Affidavit of Michael Hale, Brief and Book of Authorities](#)

Thank you,

Michelle Qu

From: Michelle Qu
Sent: June-18-24 9:49 AM
To: pkyriakakis@mccarthy.ca; nstewart@mccarthy.ca; Kaitlin Ward; Ryan Zahara; ryehia@blg.com; adekens@bmlp.ca; bpicken@marmoncranes.com
Cc: Ryan Quinlan; Gil Miciak
Subject: RE: Bankruptcy of Nomodic Modular Structures et al. - Northern Vision Development LP's June 27, 2024 Hearing Materials
Attachments: Brief - Filed First Page.pdf; Book of Authorities - Filed First Page.pdf

Good morning all,

Further to the below, please find attached filed first pages of our Brief and Book of Authorities.

Thank you,

From: Michelle Qu <mqu@dcllp.com>
Sent: Monday, June 17, 2024 10:03 AM
To: pkyriakakis@mccarthy.ca; nstewart@mccarthy.ca; Kaitlin Ward <kward@mltaikins.com>; Ryan Zahara <RZahara@mltaikins.com>; ryehia@blg.com; adekens@bmlp.ca; bpicken@marmoncranes.com
Cc: Ryan Quinlan <rquinlan@dcllp.com>; Gil Miciak <gmiciak@dcllp.com>
Subject: Bankruptcy of Nomodic Modular Structures et al. - Northern Vision Development LP's June 27, 2024 Hearing Materials

Good morning,

Please find enclosed for service our service letter and the hearing materials referenced therein.

Please note that the Affidavit of Michael Hale, Brief and Book of Authorities are attached in the below link due to size. If you have any issues or difficulties with the below link, please do not hesitate to contact us.

[Affidavit of Michael Hale, Brief and Book of Authorities](#)

Thank you,

Michelle Qu
Legal Assistant to Ryan Quinlan and Gil Miciak



This is Exhibit "B" referred to in the
Affidavit of
Lin Qu
Sworn before me this *11th* day
of *July* A.D., 20 *24*
Lisa Hoang
— A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Lisa Hoang
A Commissioner for Oaths
in and for Alberta
My Commission Expires Sept. 18, 20*25*

Michelle Qu

From: Michelle Qu
Sent: June-26-24 2:29 PM
To: pkyriakakis@mccarthy.ca; nstewart@mccarthy.ca; Kaitlin Ward; Ryan Zahara; ryehia@blg.com; adekens@bmlp.ca; bpicken@marmoncranes.com
Cc: Ryan Quinlan; Gil Miciak
Subject: RE: Bankruptcy of Nomodic Modular Structures et al. - Northern Vision Development LP's June 27, 2024 Hearing Materials
Attachments: (20240627)-B201-996918, B201-997457, B201-997541-Filed-2024-06-26-Supplemental-Book-of-Authorities.pdf

Good afternoon all,

In relation to the hearing tomorrow at 2 pm before Justice Feasby, please find enclosed an unfiled Supplemental Book of Authorities of Northern Vision Development Limited Partnership, which has been sent for filing with the Court. Mr. Quinlan and Mr. Miciak advise that these represent some additional authorities that they may have reference to tomorrow in response to some of the arguments and authorities put forward in ATB's materials. Some of the authorities contained in the attached are also found in ATB's Book of Authorities but the versions included herein have additional paragraphs or portions that were not included in ATB's materials.

Thank you,

From: Michelle Qu <mqu@dcllp.com>
Sent: Tuesday, June 18, 2024 9:49 AM
To: pkyriakakis@mccarthy.ca; nstewart@mccarthy.ca; Kaitlin Ward <kward@mltaikins.com>; Ryan Zahara <RZahara@mltaikins.com>; ryehia@blg.com; adekens@bmlp.ca; bpicken@marmoncranes.com
Cc: Ryan Quinlan <rquinlan@dcllp.com>; Gil Miciak <gmiciak@dcllp.com>
Subject: RE: Bankruptcy of Nomodic Modular Structures et al. - Northern Vision Development LP's June 27, 2024 Hearing Materials

Good morning all,

Further to the below, please find attached filed first pages of our Brief and Book of Authorities.

Thank you,

Michelle Qu
Legal Assistant to Ryan Quinlan and Gil Miciak



This is Exhibit "C" referred to in the Affidavit of
Lisa Hoang
Sworn before me this 11th day
of July A.D., 2024
Lisa Hoang
A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Lisa Hoang
A Commissioner for Oaths
in and for Alberta
My Commission Expires Sept. 18, 2025

From: Michelle Qu <mqu@dcllp.com>

Sent: Monday, June 17, 2024 10:03 AM

To: pkyriakakis@mccarthy.ca; nstewart@mccarthy.ca; Kaitlin Ward <kward@mltaikins.com>; Ryan Zahara <RZahara@mltaikins.com>; ryehia@blg.com; adekens@bmlp.ca; bpicken@marmoncranes.com

Cc: Ryan Quinlan <rquinlan@dcllp.com>; Gil Miciak <gmiciak@dcllp.com>

Subject: Bankruptcy of Nomodic Modular Structures et al. - Northern Vision Development LP's June 27, 2024 Hearing Materials

Good morning,

Please find enclosed for service our service letter and the hearing materials referenced therein.

Please note that the Affidavit of Michael Hale, Brief and Book of Authorities are attached in the below link due to size. If you have any issues or difficulties with the below link, please do not hesitate to contact us.

[Affidavit of Michael Hale, Brief and Book of Authorities](#)

Thank you,

Michelle Qu
Legal Assistant to Ryan Quinlan and Gil Miciak



Michelle Qu

From: Michelle Qu
Sent: June-26-24 3:23 PM
To: pkyriakakis@mccarthy.ca; nstewart@mccarthy.ca; Kaitlin Ward; Ryan Zahara; ryehia@blg.com; adekens@bmlp.ca; bpicken@marmoncranes.com
Cc: Ryan Quinlan; Gil Miciak
Subject: RE: Bankruptcy of Nomodic Modular Structures et al. - Northern Vision Development LP's June 27, 2024 Hearing Materials
Attachments: Filed First Page - Supplemental Book of Authorities.pdf

Good afternoon all,

Please find attached the filed first page of our Supplemental Book of Authorities.

Thank you,

From: Michelle Qu <mqu@dcllp.com>
Sent: Wednesday, June 26, 2024 2:29 PM
To: pkyriakakis@mccarthy.ca; nstewart@mccarthy.ca; Kaitlin Ward <kward@mltaikins.com>; Ryan Zahara <RZahara@mltaikins.com>; ryehia@blg.com; adekens@bmlp.ca; bpicken@marmoncranes.com
Cc: Ryan Quinlan <rquinlan@dcllp.com>; Gil Miciak <gmiciak@dcllp.com>
Subject: RE: Bankruptcy of Nomodic Modular Structures et al. - Northern Vision Development LP's June 27, 2024 Hearing Materials

Good afternoon all,

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Thank you,

Michelle Qu
Legal Assistant to Ryan Quinlan and Gil Miciak
Duncan Craig LLP
2800 Rice Howard Place
10060 Jasper Avenue
Edmonton, Alberta, T5J 3V9

Tel: +1 780.409.4407
Toll-free: 1.800.782.9409
Fax: 780.428.9683
Email: mqu@dcllp.com
Web: dcllp.com



This is Exhibit "D" referred to in the Affidavit of
Lina Qu
Sworn before me this 11th day
of July A.D., 2024
[Signature]
A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Lisa Hoang
A Commissioner for Oaths
in and for Alberta
My Commission Expires Sept. 18, 2025

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Please note that errors can occur in electronically transmitted materials. We do not accept liability for any such errors. If verification is required please ask for a hard copy.

From: Michelle Qu <mqu@dcllp.com>

Sent: Tuesday, June 18, 2024 9:49 AM

To: pkiriakakis@mccarthy.ca; nstewart@mccarthy.ca; Kaitlin Ward <kward@mltaikins.com>; Ryan Zahara <RZahara@mltaikins.com>; ryehia@blg.com; adekens@bmlp.ca; bpicken@marmoncranes.com

Cc: Ryan Quinlan <rquinlan@dcllp.com>; Gil Miciak <gmiciak@dcllp.com>

Subject: RE: Bankruptcy of Nomodic Modular Structures et al. - Northern Vision Development LP's June 27, 2024 Hearing Materials

Good morning all,

Further to the below, please find attached filed first pages of our Brief and Book of Authorities.

Thank you,

Michelle Qu
Legal Assistant to Ryan Quinlan and Gil Miciak



From: Michelle Qu <mqu@dcllp.com>

Sent: Monday, June 17, 2024 10:03 AM

To: pkiriakakis@mccarthy.ca; nstewart@mccarthy.ca; Kaitlin Ward <kward@mltaikins.com>; Ryan Zahara <RZahara@mltaikins.com>; ryehia@blg.com; adekens@bmlp.ca; bpicken@marmoncranes.com


Cc: Ryan Quinlan <rquinlan@dcllp.com>; Gil Miciak <gmiciak@dcllp.com>

Subject: Bankruptcy of Nomodic Modular Structures et al. - Northern Vision Development LP's June 27, 2024 Hearing Materials

Good morning,

Please find enclosed for service our service letter and the hearing materials referenced therein.

Please note that the Affidavit of Michael Hale, Brief and Book of Authorities are attached in the below link due to size. If you have any issues or difficulties with the below link, please do not hesitate to contact us.

 [Affidavit of Michael Hale, Brief and Book of Authorities](#)

Thank you,

Michelle Qu
Legal Assistant to Ryan Quinlan and Gil Miciak



Michelle Qu

From: Ryan Quinlan
Sent: July-03-24 8:53 AM
To: 'Tristen.Cones@justice.gc.ca'
Cc: Gil Miciak
Subject: Bankruptcy of Nomodic Modular Structures Inc

Hi Tristen,

I understand that you have been retained by CRA to act on its behalf in respect of the bankruptcy of Nomodic Modular Structures Inc. ("Nomodic"). I confirm that I am counsel for Northern Vision Development Limited Partnership ("NVD") in respect of section 81 property Proof of Claim asserted in respect of the bankruptcy of Nomodic. I gather from Mr. Zahara and Ms. Ward that you were served with the trustee's materials and have been kept up to date in respect of their Application for advice and direction. It occurs to me talking to them, and checking my own office's service records, that because your email was not on the various service emails that your office did not receive copies of NVD's materials in respect of that Application and NVD's concurrent Application. Please accept my apologies for that oversight.

Please find attached a link to NVD's materials. [Northern Vision Materials](#)

Please let me know if you have any issues opening or using the link to our client's materials. I confirm that at this point that the hearing date for this matter (and the Applications) has been adjourned *sine die*.

If you would like hard copies of these documents please let me know. If you are not retained on behalf of CRA in respect of this matter, apologies for the inconvenience and please let me know that.

Happy to discuss if desired.

Thanks,

Ryan

This is Exhibit "E" referred to in the Affidavit of

.....
Sworn before me this 11th day
of July, A.D., 2024

.....
A Notary Public, A Commissioner for Oaths
in and for the Province of Alberta

Lisa Hoang
A Commissioner for Oaths
in and for Alberta
My Commission Expires Sept. 18, 2025

Michelle Qu

From: Ryan Quinlan
Sent: July-04-24 11:08 AM
To: Ryan Quinlan
Subject: FW: Bankruptcy of Nomodic Modular Structures Inc

From: Ryan Quinlan <rquinlan@dcllp.com>
Sent: Thursday, July 4, 2024 11:05 AM
To: alb.fc@justice.gc.ca; Jasey.Stevens@justice.gc.ca
Cc: Cones, Tristen (he; him | il; lui) <Tristen.Cones@justice.gc.ca>
Subject: FW: Bankruptcy of Nomodic Modular Structures Inc

Good morning,

In light of Mr. Cones' out of office reply, please see the below, including the below link to documents.

Thank you,

Ryan

Ryan Quinlan
Partner
Duncan Craig LLP
2800 Rice Howard Place
10060 Jasper Avenue
Edmonton, Alberta, T5J 3V9

Tel: +1 780.441.4336
Toll-free: 1.800.782.9409
Fax: 780.428.9683
Email: rquinlan@dcllp.com
Web: dcllp.com



DUNCAN CRAIG LLP
LAWYERS MEDIATORS

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.


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Please note that errors can occur in electronically transmitted materials. We do not accept liability for any such errors. If verification is required please ask for a hard copy.

From: Ryan Quinlan <rquinlan@dcllp.com>
Sent: Wednesday, July 3, 2024 8:54 AM
To: Tristen.Cones@justice.gc.ca
Cc: Gil Miciak <gmiciak@dcllp.com>
Subject: Bankruptcy of Nomodic Modular Structures Inc

Hi Tristen,

I understand that you have been retained by CRA to act on its behalf in respect of the bankruptcy of Nomodic Modular Structures Inc. ("Nomodic"). I confirm that I am counsel for Northern Vision Development Limited Partnership ("NVD") in respect of section 81 property Proof of Claim asserted in respect of the bankruptcy of Nomodic. I gather from Mr. Zahara and Ms. Ward that you were served with the trustee's materials and have been kept up to date in respect of their Application for advice and direction. It occurs to me talking to them, and checking my own office's service records, that because your email was not on the various service emails that your office did not receive copies of NVD's materials in respect of that Application and NVD's concurrent Application. Please accept my apologies for that oversight.

Please find attached a link to NVD's materials.  [Northern Vision Materials](#)

Please let me know if you have any issues opening or using the link to our client's materials. I confirm that at this point that the hearing date for this matter (and the Applications) has been adjourned *sine die*.

If you would like hard copies of these documents please let me know. If you are not retained on behalf of CRA in respect of this matter, apologies for the inconvenience and please let me know that.

Happy to discuss if desired.

Thanks,

Ryan

Ryan Quinlan
Partner

