



District of Vancouver
Division of Vancouver
Court No. B-210053
Estate No. 11-254317

**IN THE SUPREME COURT OF BRITISH COLUMBIA
IN BANKRUPTCY AND INSOLVENCY**

**IN THE MATTER OF THE BANKRUPTCY OF
WESTRIDGE MECHANICAL LTD.**

NOTICE OF MOTION FOR BANKRUPTCY ORDER

TAKE NOTICE that an application will be made by the Bank of Nova Scotia (“BNS”) to the presiding judge at the courthouse at 800 Smithe Street, in the City of Vancouver, British Columbia on February 4, 2021 for the order set out in Part 1 below.

PART 1: ORDER(S) SOUGHT

1. Westridge Mechanical Ltd. (“Westridge”) be adjudged bankrupt;
2. A Bankruptcy Order in respect of the property of Westridge;
3. MNP Ltd. be appointed as the trustee of the estate of Westridge;
4. Costs of BNS be paid out of the estate of Westridge; and
5. Such further and other relief as counsel may advise and this Honourable Court may permit.

PART 2: FACTUAL BASIS

1. Westridge is a company incorporated in the Province of British Columbia under incorporation no. BC1030555, with a registered and records office located at 203 – 22471 Lougheed Highway, Maple Ridge, British Columbia, V2X 2T8, and carried on business from its location at 3 – 7252 River Place, Mission, British Columbia, V4S 0A2, which are within the jurisdiction of this Court.
2. Westridge is an insolvent company and has, within the six months immediately preceding the date of the filing of this Application, committed an act of bankruptcy pursuant to subsection 42 of the *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, as amended; namely, Westridge has ceased to meet its liabilities generally as they become due, including amounts owing to BNS and the Canada Revenue Agency.

3. Westridge has been in default of the amounts owing to BNS since October 2020 and was, as at January 20, 2021, justly and truly indebted to BNS in the amount of \$1,516,652.71, plus interest and costs which continue to accrue. Despite demand, Westridge has failed, refused or neglected to pay these amounts.
4. BNS holds security from Westridge for repayment of the amount owing. However, the value of this security is expected to be insufficient to repay the amounts owing to BNS and for the purpose of this Application, it is estimated that at least \$1 million will be owed to BNS as an unsecured claim.
5. MNP Ltd. is a firm qualified to act as the Trustee in Bankruptcy of the property of Westridge and has agreed to act as such and is acceptable to BNS.

PART 3: LEGAL BASIS

1. BNS will rely upon the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c.B-3 (the "BIA") sections 42 and 43 and the *Bankruptcy and Insolvency General Rules*, C.R.C. 1978 c. 368 (the "BIA Rules") Rules 11, 69 to 72 and 74 to 76.

PART 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Cheryl Conn, sworn January 22, 2021.

The applicant estimates that the application will take 15 minutes.

- This matter is within the jurisdiction of a master.
 This matter is not within the jurisdiction of a master.

Dated: January 22, 2021


Signature of Lisa Hiebert, lawyer for the Applicant

Name and address of counsel for Bank of Nova Scotia:

Borden Ladner Gervais LLP
1200 - 200 Burrard Street
Vancouver BC V7X 1T2
604-632-3425
Attn: Lisa Hiebert/Ryan Laity


Registrar in Bankruptcy

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In the Supreme Court of British Columbia
In Bankruptcy and Insolvency

In the Matter of the Bankruptcy of
Westridge Mechanical Ltd.

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FOR BANKRUPTCY ORDER**

BORDEN LADNER GERVAIS LLP
1200 Waterfront Centre
200 Burrard Street
P.O. Box 48600
Vancouver, British Columbia, Canada V7X 1T2
Telephone: (604) 632-3425
Attention: Lisa Hiebert
Client No. 550929/28