

No. S-240358
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

NATIONAL BANK OF CANADA

PETITIONER

AND

1326 MANN FARM INC., K P DRYWALL LTD., 13 MANN FARMS B.C. LTD., and DYKE
VALLEY BERRY LTD.

RESPONDENTS

ORDER MADE AFTER APPLICATION

BEFORE)	THE HONOURABLE)	
)	<u>Justice Tammen</u>)	11/20/2025

ON THE APPLICATION of FTI Consulting Canada Inc. (“**FTI**”), in its capacity as court appointed receiver (the “**Receiver**”) over the assets, undertakings, and property of 1326 Mann Farm Inc., K P Drywall Ltd., 13 Mann Farms B.C. Ltd., and Dyke Valley Berry Farms Ltd. (collectively, the “**Debtors**”) pursuant to the order of Justice Taylor pronounced on March 8, 2024 (the “**Receivership Order**”), coming on for hearing November 20, 2025, at 800 Smithe Street, Vancouver, British Columbia; AND ON HEARING Christian Garton, counsel for the Receiver, and those other counsel listed in **Schedule “A”** hereto; AND ON READING the material filed, including the Second Report of the Receiver filed November 6, 2025 (the “**Second Report**”), the First Affidavit of Tom Powell filed November 6, 2025 (“**Powell Affidavit #1**”), and the First Affidavit of Mary Buttery, K.C. filed November 6, 2025 (“**Buttery Affidavit #1**”);

THIS COURT ORDERS AND DECLARES THAT:

APPROVAL OF RECEIVER ACTIVITIES

1. The actions, conduct, and activities of the Receiver as set out in the Second Report are hereby approved, provided, however, that only the Receiver, in its personal capacity and only with respect to its own personal liability, shall be entitled to rely upon or utilize in any way such approval.

GENERAL

2. The fees and disbursements of the Receiver and its counsel, as set out in the Second Report, Powell Affidavit #1, and Buttery Affidavit #1 are hereby approved.

3. After payment of the fees and disbursements of the Receiver and its counsel as herein approved, including estimated Completion Fees (as defined and described in the Second Report), the Receiver shall pay all funds remaining in its hands pursuant to the distributions set out in the Second Report, being approximately:

- (a) \$25,000 to Canada Revenue Agency in respect of unremitted source deductions;
- (b) \$250,000 to National Bank of Canada for repayment of Receiver borrowings made pursuant to the Receivership Order;
- (c) \$270,000 to Farm Credit Canada relating to its security over 13 Mann Farms B.C. Ltd.; and
- (d) the remainder to National Bank of Canada.

4. Upon payment of the amounts set out in paragraph 3 hereof, the Receiver shall be discharged as Receiver of the assets, undertaking and property of the Debtors, provided 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 FTI in its capacity as Receiver.

5. FTI is hereby released and discharged from any and all liability that FTI now has or may hereafter have by reason of, or in any way arising out of, the acts or omissions of FTI while acting in its capacity as Receiver herein, save and except for any gross negligence or wilful misconduct on its part. Without limiting the generality of the foregoing, FTI is hereby forever released and discharged from any and all liability relating to matters that were raised, or which could have been raised, in the within receivership proceedings, save and except for any gross negligence or wilful misconduct on its part.

6. Notwithstanding any provision herein, this Order shall not affect any person to whom notice of these proceedings was not delivered as required by the *BIA* and regulations thereto, any other applicable enactment, or any other Order of this Court.

7. The Receiver may apply to this Court for advice and directions in relation to this order and any related matters.


8. Endorsement of this Order by counsel appearing on this application other than counsel for the Receiver is hereby dispensed with.

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:



Signature of Christian Garton
Counsel for the Receiver

BY THE COURT


Registrar

SCHEDULE "A"

Appearance List

COUNSEL NAME		PARTY REPRESENTED
Mary Buttery, K.C. Christian Garton		The Receiver
Adnan Habib		Farm Credit Canada