

District of Alberta
Division No. 02 – Calgary
Court No. 25-2679073
Estate No. 25-2679073

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COURT
JUDICIAL CENTRE

QUEEN'S BENCH OF ALBERTA
CALGARY

\$50
COM
June 17, 2021
Justice Romaine

AND IN THE MATTER OF THE BANKRUPTCY AND INSOLVENCY
ACT, RSC 1985, C B-3, AS AMENDED

MATTER

IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A
PROPOSAL OF GREENFIRE OIL AND GAS LTD.

AND IN THE MATTER OF THE NOTICE OF INTENTION TO
MAKE A PROPOSAL OF GREENFIRE HANGINGSTONE
OPERATING CORPORATION

AND IN THE MATTER OF THE RECEIVERSHIP OF GREENFIRE
HANGINGSTONE OPERATING CORPORATION

APPLICANT

BOOM CONSTRUCTION LTD.

DOCUMENT

APPLICATION BY BOOM CONSTRUCTION LTD.

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY FILING THIS
DOCUMENT

Rose LLP
2100, 440 - 2nd Avenue S.W.
Calgary, Alberta T2P 5E9
Telephone: (403) 776-0500
Attention: Courtney Kachur and Elisa Stewart
File No.: 10684-001

NOTICE TO THE RESPONDENT

This application is made against you. You are a Respondent.

You have the right to state your side of this matter before the Judge.

To do so, you must be in Court when the application is heard as shown below:

Date	June 17, 2021
Time	11:00 a.m.

Where Calgary Court of Queen's Bench via Webex
Before Whom The Honourable Madam Justice Romaine

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. An Order setting aside the Notice of Disallowance of Claim served by Alvarez & Marsal Canada Inc. (the "**Receiver**") on April 16, 2021, in its capacity as Receiver in the within proceedings, and directing the Receiver to accept the claim of Boom Construction Ltd. ("**Boom**") as a secured claim pursuant to section 2 of the *Bankruptcy and Insolvency Act*, RSA 1985, c B-3;
2. Costs of this Application; and
3. Such further and other relief as this Honourable Court deems just and appropriate.

Grounds for making this application:

4. Boom provided Greenfire Oil & Gas and Greenfire Hanging Operating Corporation (collectively, "**Greenfire**") with the supply and delivery of certain labour, materials, services and equipment (the "**Work**") in connection with the construction of an improvement to an oil and gas well or well site.
5. Greenfire requested, within the meaning of the *Builders' Lien Act*, RSA 2000, c B-7, as amended (the "**BLA**"), and the Work was accordingly supplied to, performed on, and incorporated into an oil and gas well or well site legally described as 13-26-084-11-W4, and in respect of oil sands and petroleum lease number 072 728201AT70 (collectively, the "**Lands**"), formed part thereof, and constituted an improvement to, the same.
6. Boom issued invoices to Greenfire for the Work, of which a total of \$503,058.37 remains unpaid and outstanding to Boom (the "**Outstanding Amount**").
7. On March 27, 2020, Boom filed a builders' lien with the Alberta Department of Energy, bearing registration number 2000801, in the amount of \$304,825.35, plus interest and costs, against the Lands (the "**Lien**").
8. On March 19, 2021, Boom submitted a Secured Proof of Claim for its secured claim in the amount of \$304,825.35, in accordance with the Notice to Claimants (Secured Claims Procedure) provided to Boom by the Receiver in its capacity as Proposal Trustee.
9. On April 16, 2021, the Receiver served Boom with a Notice of Disallowance which stated that Boom's claim would be disallowed as a secured claim on the basis that the Lien was registered with Alberta Energy outside the 90-day prescribed period to register a builders' lien under section 41 of the *BLA*.
10. Boom disputes the classification of its claim as an unsecured claim.

11. At the time that the Lien was registered, the Work was ongoing and was being performed with the knowledge and at the express written request of Greenfire as part of the prevenient arrangement between Boom and Greenfire.
12. Boom performed Work and registered the Lien within the 90-day period to register a builders' lien under section 41 of the *BLA*.
13. Such further and other grounds as counsel may advise and this Honourable Court may permit.

Material or evidence to be relied on:

14. The Affidavit of Ryan Morse, sworn May 6, 2021.

Applicable rules:

15. *Alberta Rules of Court*, Alta Reg 124/2010, rules 1.2 and 6.3.

Applicable Acts and regulations:

16. *Bankruptcy and Insolvency Act*, RSC 1985, c B-3, ss 2, 135(4).
17. *Bankruptcy and Insolvency General Rules*, CRC, c 368, s 9.
18. *Builders' Lien Act*, RSA 2000, c B-7, ss 6, 41.

Any irregularity complained of or objection relied on:

19. None.

How the application is proposed to be heard or considered:

20. Virtually, via Webex.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the APPLICANT what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the APPLICANT.