



BARRISTERS SOLICITORS

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YOUR FILE

OUR FILE

114412-002-MJM

October 3, 2017

**Via Email: [kkashuba@torys.com](mailto:kkashuba@torys.com)**

Torys LLP

**Attention: Kyle Kashuba**

46<sup>th</sup> Floor, Eighth Avenue Place East

525 8<sup>th</sup> Ave S.W.

Calgary AB T2P 1G1

Dear Sir:

**Re: *The Bank of Nova Scotia and Alberta Treasury Branches v.  
Virginia Hills Oil Corp. and Dolomite Energy Inc.***

**Action No. 1701 02184**

- **Appeal From the June 20, 2017 Decision of the Justice K.D. Yamauchi – Appeal  
No. 1701-0221-AC**

Thank you for letter of October 2, 2017.

With respect, I disagree with your interpretation of the Rules as they apply to the time for filing an appeal. This is not an appeal under s. 193 of the *Bankruptcy and Insolvency Act* and the *Bankruptcy and Insolvency Act* Rule have no application. You need to look no further than the style of cause to determine this. The Queen's Bench Action number is 1701 02184 which is a standard file at the Court of Queen's Bench. If this were a bankruptcy matter, to which the *Bankruptcy Act* and Rules applied, it would be in the Bankruptcy action, Estate No. 24-094778.

I also point out that the timing of your suggestion is most unfortunate. We have now filed the Record and have put a considerable amount of effort into reviewing the provisions of the *Municipal Government Act* in furtherance of our anticipated factum.

If it is your intention to bring the application you suggest, please contact our office before selecting a date for the hearing so that we might find something mutually acceptable. You can expect that we would be bringing a costs application for the alternative relief of an extension for the time of appeal and will be putting into evidence the circumstances surrounding the delay in the application.

With respect to our request that you pass on a request to amend the Proofs of Claim from unsecured to secured, we simply do that as we know the Alvarez & Marsal is represented by counsel. We could certainly have our client contact them directly if you require.

Finally, we repeat our request for the Schedules to the Receiver's Report.

Yours truly,

**REYNOLDS MIRTH RICHARDS & FARMER LLP**

PER:

A handwritten signature in blue ink, appearing to be 'M. McCabe', written over a horizontal line.

**MICHAEL J. MCCABE, Q.C.**

MJM/lis

Enc.

c: Northern Sunrise County  
Attention: Bob Madore (via email)  
c: Sheila McNaughtan & Shauna Finlay (firm)  
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