

# Court of Queen's Bench of Alberta

**Citation: Pathak v. Moloo, 2008 ABQB 389**

**Date:** 20080625  
**Docket:** 0803 00638  
**Registry:** Edmonton

Between:

**Balbir Pathak**

Applicant

- and -

**Nizar Moloo**

Respondent

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**Reasons for Judgment  
of the  
Honourable Mr. Justice R.P. Marceau**

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## **Introduction**

[1] This is an application by Balbir Pathak (the Applicant) against Nizar Moloo (the Respondent) for leave to commence an action (the derivative action) pursuant to section 240(1) of the *Business Corporations Act (BCA)*, R.S.A. 2000, c. B-9. Tecsteel Inc. is an Alberta corporation incorporated in 1993. Pathak and Moloo are Tecsteel's only shareholders, each with 50% of the shares. They are also its only directors. There appears to be no provision for casting votes on corporate matters or an unanimous shareholders' agreement to help resolve the conflict.

[2] The basic allegation is that the Respondent has breached his fiduciary duties as a director of the corporation by appropriating corporate opportunities that favour the business of a competing corporation, Conquest Steel Inc. Conquest is owned by the Respondent's wife and son and operates in Ontario. The Applicant also alleges that the Respondent is providing Tecsteel's confidential client information to Conquest, enabling Conquest to compete unfairly



## Resolving Family Law Issues

By the Family Law Advisory Committee  
Law Society of Alberta  
June 14, 2007

If you have determined that your marriage or common-law relationship cannot be salvaged, and you wish to proceed to address the issues relating to the relationship breakdown, you will have to work out arrangements with regards to.

- Parenting time and responsibilities regarding any children of the marriage,
- Child support,
- Spousal support if appropriate,
- Distribution of matrimonial property

In order to obtain a divorce, it is necessary to start an action by filing a *Statement of Claim for Divorce*. This may be combined with a Matrimonial Property action if the circumstances warrant it. In common-law relationships, an action may be started under the *Family Law Act*. If there are minor children, both parents will be required to complete the mandatory *Parenting After Separation Seminar*. This is provided at no cost and is held at numerous locations across the Province on a frequent basis. The seminar will provide you with valuable information regarding the impact of divorce upon children and how you can minimize the adverse effects upon your children. It will also outline the various options available to you to resolve your differences with your spouse.

Only a Judge can grant a divorce and it is for that reason that you, or your spouse, must begin an action. However, this does **not** mean that only a Judge can resolve the issues regarding your children, support and property.

There are numerous means of resolving the contentious issues including:

- 1) traditional methods,
- 2) mediation;
- 3) arbitration;
- 4) a combination of the above, or;
- 5) Collaborative Law,

Whatever method is selected by you and your spouse, you must bear in mind that the ease with which the issues are resolved, the time it takes and the attendant cost to you is largely a factor of the reasonable expectations and the reasonable cooperation of both you and your spouse. Regardless of which method is selected, the vast majority of cases are ultimately resolved by agreement and not by a Judge following a trial.

Die grünen Felder werden vom Finanzamt ausgefüllt

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27	Unterschrift Die mit der Steuererklärung angeforderten Daten werden aufgrund der §§ 149 ff der Abgabenordnung und der §§ 25, 46 des Einkommensteuergesetzes erhoben Ich versichere, dass ich die Angaben in dieser Steuererklärung wahrheitsgemäß nach bestem Wissen und Gewissen gemacht habe. Mir ist bekannt, dass Angaben über Kindschaftsverhältnisse und Pauschbeträge für Behinderte erforderlichenfalls der Gemeinde mitgeteilt werden, die für die Ausstellung der Lohnsteuerkarten zuständig ist. Bei der Anfertigung dieser Steuererklärung hat mitgewirkt											
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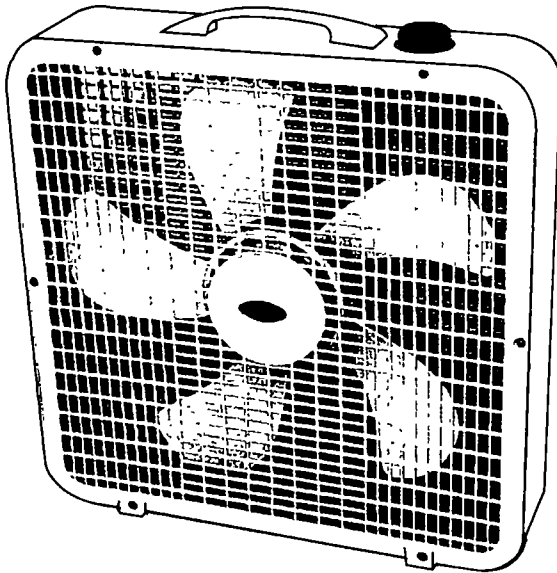
## OPERATING INSTRUCTIONS

### 20" BOX FAN

MODEL : 13-04062

*Fellini*

Thank you for purchasing this high quality fan.



**READ AND SAVE THESE INSTRUCTIONS.**

#### IMPORTANT SAFETY NOTES

When using electrical appliances, the following safety precautions should always be followed

- Please read carefully all instructions before using this product
- This fan is intended for the only use described in this instruction sheet
- Never insert fingers, pencils or any other object through the grill
- To protect against electrical hazard, never immerse fan, plug or cord in water nor spray it with liquid
- This appliance is not intended for the use of children and close supervision is required when operating near children
- Unplug the fan if not in use, when moving the fan or cleaning it
- Do not operate in the presence of explosive or flammable sprays
- Do not place the fan or any parts near an open flame, cooking or heating appliances
- Do not operate with a damaged cord or plug
- Do not use outdoor, nor near an open window
- To disconnect, always grip the plug and never pull on the cord
- Always use on a dry and stable surface
- Do not operate without the fan grills properly positioned
- The use of attachments or accessories not sold or recommended by the manufacturer may cause hazards
- This product is only intended for household use and not for commercial or industrial applications
- This fan is equipped with a polarized power plug (one blade larger than the other) It can be plugged only into a 120 volt polarized power outlet in one way, this feature reduces the risk of electric shock. If you are unable to insert the plug entirely into the receptacle, try to reverse it. If it fails, contact a qualified electrician to replace the receptacle. Do not try to bypass this safety feature

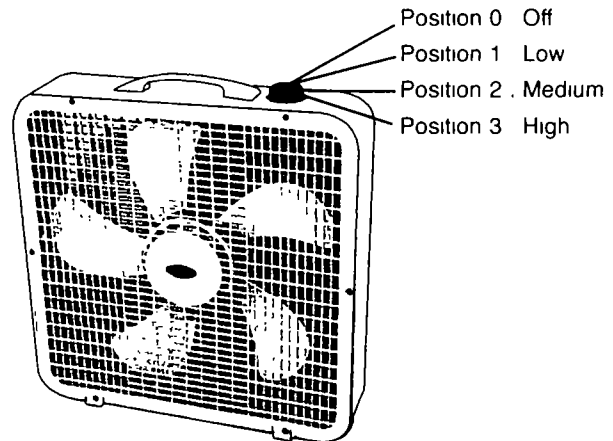
#### WARNING

- To reduce the risk of fire or electrical hazard, do not use this fan with any solid state speed control device or dimmer
- Always disconnect the fan from the power source before cleaning or servicing
- If the housing and other parts have been removed, always completely reassemble the unit before plugging it back

#### OPERATION

- a) Connect the fan into a standard 120V AC power outlet
- b) Using the rotary switch located on the top of the fan, set the speed at the desired level

Note This fan is supplied with a top handle for easy moving



#### CLEANING, MAINTENANCE AND STORAGE

- 1 Always unplug the fan before cleaning or servicing
- 2 Blade, body and grill must be cleaned with a mild soap (no abrasive, nor gasoline, thinner or other chemical products) Use a damp cloth or sponge DO NOT IMMERSE THE FAN
- 3 This fan components and bearings do not require yearly maintenance lubrication
- 4 Store in a clean and dry area

#### WARRANTY

This product is covered by a limited warranty against defects in materials and workmanship if used for the applications specified in these instructions for a period of TWO (2) years from the date of original purchase in Canada

This warranty does not apply if the damage is due to an accident, improper handling or operation, misuse or abuse, or repairs or modifications to the unit not authorized by SUNRISE TRADEX CORP

ALL WARRANTIES, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY, ARE LIMITED TO A TWO (2) YEAR PERIOD FROM THE ORIGINAL DATE OF PURCHASE, COVERED BY THIS EXPRESS LIMITED WARRANTY. SUNRISE TRADEX DISCLAIMS ANY LIABILITY FOR CONSEQUENTIAL OR INCIDENTAL DAMAGES AND, IN NO EVENT, SHALL SUNRISE TRADEX CORP LIABILITY EXCEED THE RETAIL VALUE OF THE PRODUCT FOR BREACH OF ANY WRITTEN OR IMPLIED WARRANTY WITH RESPECT TO THIS PRODUCT

***sunrise* Tradex Corp.**

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## Tax Installment Payment Plan - TIPP Application

### TERMS AND CONDITIONS

TIPP IS A MONTHLY INSTALLMENT PAYMENT PLAN, PURSUANT TO SECTION 340 OF THE MUNICIPAL GOVERNMENT ACT AND THE CITY OF CALGARY BYLAW 9M2002, BY WHICH TAXPAYERS MAY MAKE CONSECUTIVE MONTHLY PAYMENTS FOR TAXES RATHER THAN A SINGLE PAYMENT

I/We the applicant(s) authorize the bank to debit my/our account for the monthly tax installment payment payable to The City of Calgary. Payments are due the 1st day of every month as payment in part of taxes due on the property named on the reverse side. I/We acknowledge The City of Calgary has the right to cancel participation in TIPP if any payments are not honoured by the participant's bank.

Payment amounts will be adjusted in June to compensate for the change in the taxes as a result of the annual tax levy in May. At that time I/We will be notified of the total amount of installments paid to date and the new installment amount for the remainder of the year.

Payments may be made by automatic withdrawal, pursuant to bylaw 9M2002. You must give written permission before the withdrawal will begin. The City of Calgary does not charge for this service, however, normal bank service charges may apply.

You may join TIPP throughout the year. The monthly payment will be calculated as if your payments had started January 1. You will be required to make an Initial Payment which is equivalent to missed payments plus 2% fee. Applications received after the 20th day of the month cannot be processed until the following month.

- 1 WITHDRAWAL/NON-PAYMENT - You may withdraw from the plan by giving written notice, at least TWO WEEKS prior to the next payment. NOTE: if you withdraw from the plan or your plan is cancelled, all unpaid taxes become due and payable, and are subject to penalties in accordance with the Penalty Bylaw. If any payments are missed, The City of Calgary has the option to cancel the agreement and request payment of the total outstanding taxes.
- 2 TIPP payments are non-refundable and are not transferable to other property tax accounts.
- 3 If you change your bank accounts, it is your responsibility to inform The City of Calgary of the change in writing at least TWO WEEKS prior to the next payment.
- 4 TIPP automatically continues from year to year.

### PRIVACY NOTIFICATION

Personal information collected on this form is used for the purpose of administering the Property Tax Installment Payment Plan. It is collected in accordance with the Municipal Government Act, Section 340(2), and is protected by the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection and use of personal information, please contact the Administrator, Customer Service Centre (IMC 8044), P O Box 2100, Station M, Calgary, AB T2P 2M5.

For further inquiries, call 3-1-1 or (403) 268-CITY(2489).

Our FAX number is (403) 268-1564.

### REMEMBER

ENCLOSE YOUR INITIAL PAYMENT IF REQUIRED

Print your roll number on the front of your cheque

Please ensure your cheque is signed, dated and completed accurately as The City of Calgary is not responsible for errors and/or omissions.

2008-01

THE CITY OF CALGARY  
FINANCE & SUPPLY/TAX & RECEIVABLES  
PO BOX 2405 STN M  
CALGARY AB T2P 3L9  
CANADA

**DETAILED PERSPECTIVE**

