

SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY

AUG 22 2024

ENTERED
BETWEEN:



IN THE SUPREME COURT OF BRITISH COLUMBIA

NO. S-238586
VANCOUVER REGISTRY

1038573 B.C. LTD.

PLAINTIFF

AND:

THE OWNERS, STRATA PLAN NW289, JENNY DONNA DICKISON, FERNANDO MARCELINO DUTRA DE SOUSA, 1276331 B.C. LTD., CARMELIA MARIA DA SILVA, HON-CHING RUDOLPH CHENG, 1161359 B.C. LTD., RICKY HEE MENG LAI, PIA FACCIIO, 1184416 B.C. LTD., MARK WILLIAM LOUTTIT and SARAH KINUKO LOUTTIT, BARRY DOUGLAS WATSON, AS ADMINISTRATOR OF THE ESTATE OF KENNETH JOHN WATSON, LI PING DUAN, NORMAN VICTOR LEECH, ROLANDO VINAS DIZON and NARCISA DIZON, NICHOLAS GEORGE KARAMOUZOS and MARIA KARAMOUZOS, CUI MING CHEN, YANKUI WANG and XIN TIAN, MARIA DA NATIVIDADE ALMEIDA, 1237765 B.C. LTD., JU-SHAN CHIANG and FLORA FU, 1184414 B.C. LTD., AMARSINGH BHATIA and NARANJAN KAUR BHATIA, PHUNG KIM VUONG and TUONG LAM, MONICA PAOLA ALIAGA, MARCELINO LOPES DE SOUSA and OLGA MARIA DUTRA DE SOUSA, 1184413 B.C. LTD., LUALHATI ONGKEKO CRISOSTOMO, RICHARD RAYMOND RAVENSBERGEN and DAWN MARIE RAVENSBERGEN, YUK FAR CHEUNG and YIN ON CHEUNG, GARY LUCIEN DREES, THOMAS PATRICK FLEMING, 1352962 B.C. LTD., WAN CHEN and HONG YANG, SU JUAN SITU, VAN DAO NGUYEN and THI BICH HANG NGUYEN, JULIAN BOZSIK, CHRISTIAN HERBERT JOSON-LIM and IRIS JUNE CALIBUGAN ADIONG, ANGELA JOY EYKELBOSH, NGUYEN THANH VUONG and TUYET NGOC DU, OM PARKASH LOOMBA and MERRAN LOOMBA, SUZANNE JUANITA KUDELSKI, YAN QIONG LU, PING HE, EDWARD LAWRENCE THUE, RICHARD CHARLES PATRICK SPENCER and DIANE MARIE SPENCER, ARTHUR SUMMERS WILLIAMSON, GARY DALE CHARTER and CRISTINA RIMANDO GAPAL, JU TAI ZHOU and YU QING LI, ZHI HAO YANG, DAISY CUETO EVANGELISTA and MARIA CHERRY EVANGELISTA, MEGAN MARY BURGHALL, NASIM BHALOO, HUI LIN DONG and LI WANG, MANSOUR MESHKI, HSIANG CHIAO HUANG, GORDON WILLIAM PATERSON, YVONNE JO-ANNE ENGLAND, GRACE JOANNA LEVSEN, PING CHOR CHAN, SO FAN LEE and TAK TAI LUI

DEFENDANTS

AND:

1038573 B.C. LTD.

DEFENDANT BY WAY OF COUNTERCLAIM

ORDER MADE AFTER APPLICATION

BEFORE JUSTICE *McDONALD.*

THURSDAY, THE 22ND DAY
OF AUGUST, 2024

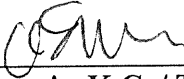
ON THE APPLICATION of the plaintiff, 1038573 B.C. Ltd., coming on for hearing at the Courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia, on August ~~21~~ *22*, 2024 at ~~10:00~~ *9:45* a.m., AND ON HEARING ~~Craig Dennis, K.C., and~~ *GM*

Taraneh Ashrafi, counsel for the plaintiff, and Peter J. Roberts, K.C. and Sarah B. Hannigan, counsel for The Owners, Strata Plan NW289, as represented by the liquidator, Crowe MacKay & Company Ltd. (the “Liquidator”), AND ON READING the materials filed herein;

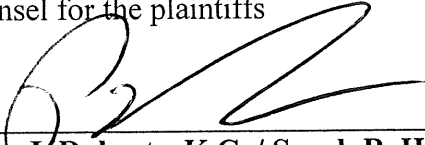
THIS COURT ORDERS AND DECLARES, and BY CONSENT, that:

1. The plaintiff, 1038573 B.C. Ltd., and the Liquidator shall specifically perform the purchase and sale agreement dated December 7, 2022, as amended, between the plaintiff 1038573 B.C. Ltd. and The Owners, Strata Plan NW289 (the “PSA”) by completing the transaction contemplated by the PSA, except as modified in section 2 below.
2. For the purposes of section 3.1 of the PSA, the “Completion Date” for the PSA shall be Tuesday, November 26, 2024.
3. The relief sought in paragraphs 1, 2, 3, 4(a), 4(d), 5 and 6 of the Notice of Application filed on August 1, 2024 by the plaintiff, 1038573 B.C. Ltd., be adjourned generally.
4. The Notice of Application filed on January 30, 2024 by the Liquidator be adjourned generally.
5. The parties are at liberty to seek further directions with respect to the completion of the PSA and to make further application with respect to the issue of costs.

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:

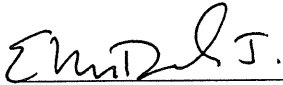


Craig Dennis, K.C. / Taraneh Ashrafi
 Counsel for the plaintiffs



Peter J. Roberts, K.C. / Sarah B. Hannigan
 Counsel for The Owners, Strata Plan NW289,
 as represented by the liquidator,
 Crowe MacKay & Company Ltd.

BY THE COURT



 REGISTRAR



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AND:

THE OWNERS, STRATA PLAN NW289 et al.

DEFENDANTS

BETWEEN:

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DEFENDANT BY WAY OF COUNTERCLAIM

ORDER MADE AFTER APPLICATION



Barristers & Solicitors
1600 Cathedral Place
925 West Georgia Street
Vancouver, British Columbia V6C 3L2
Phone: (604) 685-3456
Attention: Peter J. Roberts, K.C. / Sarah B. Hannigan