



This is the 1st affidavit
of Tomomi Gohji in this case
and was made on August 1, 2024

No. S-238586
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

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 FACCIO, 1184416 B.C. LTD., MARK WILLIAM LOUITTIT and SARAH KINUKO LOUITTIT, 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

1038573 B.C. LTD.

Defendant by way of Counterclaim

AFFIDAVIT

I, **TOMOMI GOHJI**, Legal Assistant, of the City of Vancouver, in the Province of British Columbia, AFFIRM THAT:

1. I am a legal assistant with Dennis James Aitken LLP, counsel for the plaintiff in this case, 1038573 B.C. Ltd. ("**573**"). I have personal knowledge of the matters deposed to in this affidavit, except where stated to be based on information and belief, and, where so stated, I verily believe the same to be true.

2. Attached and marked as **Exhibit “A”** to my affidavit is a copy of The Owners, Strata Plan NW289’s (the “**Strata Corporation**”) list of documents, dated February 14, 2024.
3. Attached and marked as **Exhibit “B”** to my affidavit is a copy of 573’s Notice to Admit, dated February 21, 2024.
4. Attached and marked as **Exhibit “C”** to my affidavit is a copy of the Response to Notice to Admit of the Strata Corporation, dated March 13, 2024.
5. Attached and marked as **Exhibit “D”** to my affidavit is a copy of the Strata Corporation’s amended list of documents, dated May 10, 2024.
6. Attached and marked as **Exhibit “E”** to my affidavit is a copy of a letter from counsel for 573, Ray Power, to counsel for the Strata Corporation dated May 13, 2024.
7. Attached and marked as **Exhibit “F”** to my affidavit is a copy of a letter from counsel for 573, Craig Dennis, K.C., to counsel for the Strata Corporation dated June 24, 2024, seeking responses to the requests left at the examination of the Strata Corporation’s representative, Derek Lai.
8. Attached and marked as **Exhibit “G”** to my affidavit is a copy of Mr. Dennis’s letter to counsel for the Strata Corporation dated July 25, 2024, also regarding requests left at Mr. Lai’s discovery.
9. Attached and marked as “**Exhibit “H”**” to my affidavit is a copy of 573’s Second Notice to Admit, dated July 30, 2024.
10. Attached and marked as “**Exhibit “I”**” to my affidavit is an excerpt from the transcript of the examination for discovery of Mr. Lai conducted May 22, 2024, specifically, questions 37 to 61.
11. Attached and marked as “**Exhibit “J”**” to my affidavit is an excerpt from the transcript of the examination for discovery of Mr. Lai conducted May 22, 2024, specifically, questions 113 to 118.
12. Attached and marked as “**Exhibit “K”**” to my affidavit is an excerpt from the transcript of the examination for discovery of Mr. Lai conducted May 22, 2024, specifically, questions 202 to 215.

13. Attached and marked as “**Exhibit “L”**” to my affidavit is an excerpt from the transcript of the examination for discovery of Mr. Lai conducted May 22, 2024, specifically, questions 286 to 320.

14. Attached and marked as “**Exhibit “M”**” to my affidavit is an excerpt from the transcript of the examination for discovery of Mr. Lai conducted May 22, 2024, specifically, question 435.

15. Attached and marked as “**Exhibit “N”**” to my affidavit is an excerpt from the transcript of the examination for discovery of Mr. Lai conducted May 22, 2024, specifically, questions 462 to 475.

16. Attached and marked as “**Exhibit “O”**” to my affidavit is an excerpt from the transcript of the examination for discovery of Mr. Lai conducted May 22, 2024, specifically, questions 477 to 482.

17. Attached and marked as “**Exhibit “P”**” to my affidavit is an excerpt from the transcript of the examination for discovery of Mr. Lai conducted May 22, 2024, specifically, question 544.

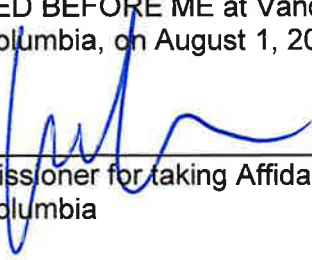
18. Attached and marked as “**Exhibit “Q”**” to my affidavit is an excerpt from the transcript of the examination for discovery of Mr. Lai conducted May 22, 2024, specifically, questions 577 to 590.

19. Attached and marked as “**Exhibit “R”**” to my affidavit is an excerpt from the transcript of the examination for discovery of Mr. Lai conducted May 22, 2024, specifically, questions 597 to 601.

20. Attached and marked as “**Exhibit “S”**” to my affidavit is an excerpt from the transcript of the examination for discovery of Mr. Lai conducted May 22, 2024, specifically, questions 621 to 646.

21. Attached and marked as “**Exhibit “T”**” to my affidavit is an excerpt from the transcript of the examination for discovery of Mr. Lai conducted May 22, 2024, specifically, questions 647 to 666.

AFFIRMED BEFORE ME at Vancouver,
British Columbia, on August 1, 2024.

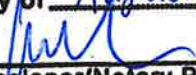


A Commissioner for taking Affidavits within
British Columbia

OWEN J. JAMES
Barrister & Solicitor
DENNIS JAMES AITKEN LLP
800 - 543 Granville Street
Vancouver, BC V6C 1X8
(604) 659-9485



TOMOMI GOHJI

This is Exhibit " A " referred to in the Affidavit of Tomomi Gehii sworn (or affirmed) before me this 1st day of August 2024.

A Commissioner/Notary Public for the Province of British Columbia

NO. S-238586
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

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, HONCHING RUDOLPH CHENG, 1161359 B.C. LTD., RICKY HEE MENG LAI, PIA FACCIO, 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

LIST OF DOCUMENTS

Prepared by: The Owners, Strata Plan NW289 as represented by the liquidator, Crowe Mackay & Company Ltd. (the **Listing Party**)

Part 1: DOCUMENTS THAT ARE OR HAVE BEEN IN THE LISTING PARTY'S POSSESSION OR CONTROL AND THAT COULD BE USED BY ANY PARTY AT TRIAL TO PROVE OR DISPROVE A MATERIAL FACT

Please see the attached Schedule "A", dated February 14, 2024.

Part 2: OTHER DOCUMENTS TO WHICH THE LISTING PARTY INTENDS TO REFER AT TRIAL

NIL

Part 3: DOCUMENTS THAT RELATE TO A MATTER IN QUESTION IN THE ACTION

NIL

Part 4: DOCUMENTS FOR WHICH PRIVILEGE FROM PRODUCTION IS CLAIMED

The Listing Party objects to production of the documents described in this part on the grounds that they are privileged. Paragraphs (a), (b) and (c) below describe the three categories of privilege in relation to the documents listed in this Part. A reference to (a), (b) or (c) next to the listing indicates the ground or grounds of privilege claimed in relation to the specific document or group of documents.

GROUND OF PRIVILEGE

Solicitor/Client Privilege

- (a) The documents are or record confidential communications between the Listing Party or their agents and the Listing Party's legal advisors for the purpose of obtaining legal advice or assistance.

NIL

Litigation Privilege

- (b) The documents are or record confidential communications between the Listing Party or their agents and the Listing Party's legal or professional advisors made for the dominant purpose of litigation at a time when litigation was contemplated or commenced; or

The documents are or record confidential communications between the Listing Party's legal or professional advisors, or between those legal or professional advisors and third parties, or between the Listing Party and third parties, made for the dominant purpose of litigation at a time when litigation was contemplated or commenced; or

The documents were prepared or brought into being by the Listing Party or its legal or professional advisors, or are copies of documents obtained from other parties or sources, for the dominant purpose of litigation at a time when litigation was contemplated or commenced.

Settlement Negotiation Privilege

- (c) The documents are or record confidential communications between the Listing Party, their agents, or their legal advisors and the opposing parties, their agent, or their advisors for the purpose of negotiating a settlement of an issue or issues between them.

NIL

ONGOING CLAIM OF SOLICITOR/CLIENT, LITIGATION PRIVILEGE AND SETTLEMENT NEGOTIATION PRIVILEGE

The Listing Party also claims privilege over documents created or coming into the Listing Party's or the Listing Party's solicitors possession after the date of this List of Documents in the following categories:

1. Documents consisting of or recording confidential communications between the Listing Party and the Listing Party's legal advisors for the purpose of giving the Listing Party legal advice in the context of this action;
2. Documents coming into being, prepared or coming into the possession of the Listing Party or their legal advisors, for the dominant purpose of this litigation, including drafts or pleadings, proofs of evidence, cases for the opinion of counsel, opinions of counsel and instructions to counsel prepared and given in anticipation and during the progress of this action, letters and copies of letters passing between the Listing Party and the Listing Party's counsel and memoranda made by the Listing Party's solicitors and the Listing Party's agents and experts for the purpose of defending/prosecuting the action (and prosecuting the counterclaim herein); and
3. Documents consisting of or recording confidential communications between the Listing Party, their agents, or their legal advisors and the opposing parties, their agent, or their advisors for the purpose of negotiating a settlement of an issue or issues between them.

TAKE NOTICE that the documents listed in Parts 1, 2 or 3 of this List of Documents that are not shown as no longer being in the Listing Party's possession or control may be inspected and copied, during normal business hours, at the offices of Lawson Lundell LLP, at 1600 – 925 West Georgia Street, Vancouver, British Columbia V6C 3L2.

Dated: February 14, 2024

Implied undertaking to the court

Documents produced are not to be used by the other parties except for the purposes of this litigation unless and until the scope of the undertaking is varied by a court order or other judicial order, consent or statutory override or a situation of immediate and serious danger emerges. This implied undertaking continues despite settlement or completion of the litigation.



Lawson Lundell LLP
Solicitors for the Listing Party

This List of Documents is delivered by Peter J. Roberts, K.C. / Sarah B. Hannigan, of the law firm of Lawson Lundell LLP, whose place of business and address for delivery is 1600 – 925 West Georgia Street, Vancouver, British Columbia V6C 3L2.

Schedule "A"

PROD_BEGDOC	Doc Date	Doc Type	Title	Author	Recipient
LIQ000001_0001	00/00/0000	Land Title Document	Application to Deposit Plan		
LIQ000002_0001	00/00/0000	Text Messages			
LIQ000003_0001	04/17/2020	Court Document	Notice of Civil Claim S204200		
LIQ000004_0001	05/20/2020	Court Document	Response to Civil Claim S204200		
LIQ000005_0001	09/23/2021	Court Document	Counterclaim S204200		
LIQ000006_0001	02/15/2022	Corporate Document	Certified Copy of Strata Corporation Resolutions	The Owners, Strata Plan NW289	
LIQ000007_0001	06/17/2022	Court Document	Order made after Application before Justice Milman S223926		
LIQ000008_0001	12/07/2022	Agreement	Mutual Notice of Second Condition Satisfaction and/or Waiver	The Owners, Strata Plan NW289;1038573 B.C. Ltd.	
LIQ000009_0001	05/24/2023	Meeting Minutes	Minutes of Special General Meeting		
LIQ000010_0001	10/22/2023	Agreement	Contract of Purchase and Sale	Jennifer M. Williams	Lisa Frey (3139) - 17FIR <lfrey@lawsonlundell.com>
LIQ000011_0001	11/06/2023	Email	RE: Cameray Gardens - Contracts of Purchase and Sale	Jennifer M. Williams	Ed Wilson (3148) - 17FIR <ewilson@lawsonlundell.com>
LIQ000012_0001	11/16/2023	Email	Re: Cameray Garten		Joanne Kwan <jkwan@mitaikins.com>;Margaret W. Kwan <mkwan@mitaikins.com>;Jennifer M. Williams <jwilliams@mitaikins.com>
LIQ000013_0001	11/20/2023	Email	RE: Cameray Gardens - Closing Documents		
LIQ000014_0001	12/10/2023	Company Summary	BC Company Summary for 1038573 B.C. Ltd.	Jillian Sych (3327) - 17FIR	
LIQ000015_0001	12/14/2023	Letter	Re: Financing to assist in the Purchasing of 3925 Kingsway and 5715 Jersey Avenue, Burnaby, BC	Abacus North Capital Ltd.	Belmont Pacific Development Group
LIQ000016_0001	12/15/2023	Letter	In the Matter of the Application for the Cancellation of Strata Plan NWS289 and the Dissolution of The Owners, Strata Plan NWS289 (the 'Strata Corporation'), In the Matter of Division 2 of Part 16 of the Strata Property Act, SBC 1998, C. 43; BCSC Action No. S-223926 (the 'Action') 3925 Kingsway and 5715 Jersey Avenue, Burnaby, B.C. (the 'Property')	Lawson Lundell LLP	New Westminster Land Title Office
LIQ000017_0001	12/15/2023	Form	BC Company Liquidator Appointment for The Owners, Strata Plan NWS289		
LIQ000018_0001	12/15/2023	Notice	Notice of Termination to Service Providers and Employees		
LIQ000019_0001	12/15/2023	Form	Property Transfer Tax Return		
LIQ000020_0001	12/19/2023	Letter	Re: 1038573 B.C. Ltd. v. The Owners, Strata Plan NW289 and others, B.C.S.C. Vancouver Reg. No. S-238586 (the 'Action')	Lawson Lundell LLP	Dennis James Aitken LLP
LIQ000021_0001	12/20/2023	Search Results	Supreme Court Civil Cases search result		
LIQ000022_0001	12/20/2023	Search Results	Personal Property Registry Search Result		
LIQ000023_0001	12/20/2023	Search Results	Title Search Results		
LIQ000024_0001	01/10/2024	Agreement	Contract of Purchase and Sale Addendum/Amendment		
LIQ000025_0001	01/23/2024	Email	Re: Cameray Gardens	Carly Erickson <carly@covemortgage.com>	Mylene Lim <mylene.mortgage@gmail.com>
LIQ000026_0001	01/25/2024	Email	Re: EVANGELISTA BAGUIO	Jody Ivanick <jody@areaa.ca>	Mylene Lim <mylene.mortgage@gmail.com>
LIQ000027_0001	01/25/2024	Email	URGENT Cameray Gardens	Mylene Lim <mylene.mortgage@gmail.com>	Lisa Frey <lfrey@lawsonlundell.com>
LIQ000028_0001	01/25/2024	Letter	Re: 1038573 B.C. Ltd. v. The Owners, Strata Plan NW289 and others, B.C.S.C. Vancouver Reg. No. S-238586	Lawson Lundell LLP	Dennis James Aitken LLP
LIQ000029_0001	10/06/2023	Email	RE: Cameray Gardens - Contracts of Purchase and Sale	Jillian Sych (3327) - 17FIR	Joanne Kwan <jkwan@mitaikins.com>;Margaret W. Kwan <mkwan@mitaikins.com>
LIQ000030_0001	05/25/2023	Email	RE: Cameray Gardens - Draft Subject Waiver	Lisa Frey (3139) - 17FIR	Jennifer Williams <jwilliams@harperfrey.com>
LIQ000031_0001	05/24/2023	Notice	Mutual Notice of Second Condition Satisfaction and/or Waiver		
LIQ000032_0001	09/28/2023	Email	RE: Cameray Gardens - Schedule A"	Jillian Sych (3327) - 17FIR	Jennifer M. Williams <jwilliams@mitaikins.com>;Margaret W. Kwan <mkwan@mitaikins.com>
LIQ000033_0001	09/22/2023	Email	Re: URGENT Cameray follow up - tax sale on Monday	Ed Wilson (3148) - 17FIR	Jennifer M. Williams <jwilliams@mitaikins.com>
LIQ000034_0001	00/00/0000	Table			
LIQ000035_0001	12/07/2023	Letter	Re: Cameray Gardens ('Property')	Dennis James Aitken	Lawson Lundell LLP
LIQ000036_0001	12/13/2023	Letter	Re: Cameray Gardens	Dennis James Aitken	Lawson Lundell LLP
LIQ000037_0001	12/18/2023	Letter	Re: 1038573 B.C. Ltd. v. The Owners, Strata Plan NW289, SCBC Vancouver Registry Action No. S-238586	Dennis James Aitken	Lawson Lundell LLP

Schedule "A"

PROD_BEGDOC	Doc Data	Doc Type	Title	Author	Recipient
LIQ000038_0001	12/18/2023	Letter	Re: Cameray Gardens	Dennis James Aitken	Lawson Lundell LLP
LIQ000039_0001	12/12/2023	Letter	Cameray Gardens (Property)	Lawson Lundell LLP	Dennis James Aitken LLP
LIQ000040_0001	12/18/2023	Letter	Re: 1038573 B.C. Ltd. v. The Owners, Strata Plan NW289, SCBC Vancouver Registry Action No. S-238586	Dennis James Aitken LLP	Lawson Lundell LLP
LIQ000041_0001	12/18/2023	Letter	Re: Cameray Gardens - Purchase & Sale Agreement dated December 7, 2022 (the "PSA")	Lawson Lundell LLP	MTL Aikins LLP
LIQ000042_0001	12/07/2022	Agreement	Purchase and Sale Agreement	The Owners, Strata Plan NW289; 1038573 B.C. Ltd.	
LIQ000043_0001	02/12/1998	Plan	Plan NWS289		
LIQ000044_0001	12/06/2023	Email	RE: Cameray Gardens	Lisa Frey (3139) - 17flr	Jennifer M. Williams [jwilliams@mltakins.com]
LIQ000045_0001	01/29/2015	Mortgage Terms	MT150002 Standard Mortgage Terms		
LIQ000046_0001	10/25/2021	Title Search	SL 001 Unit 105 TITLE-BL36430-PID-001-262-921		
LIQ000047_0001	10/25/2021	Title Search	SL 002 Unit 106 TITLE-CA4899601-PID-001-262-939		
LIQ000048_0001	10/25/2021	Title Search	SL 003 Unit 107 TITLE-CA8716214-PID-001-262-947		
LIQ000049_0001	10/25/2021	Title Search	SL 004 Unit 108 TITLE-BW200918-PID-001-262-963		
LIQ000050_0001	10/25/2021	Title Search	SL 005 Unit 109 TITLE-CA1140650-PID-001-262-971		
LIQ000051_0001	10/25/2021	Title Search	SL 006 Unit 110 TITLE-CA8716215-PID-001-262-980		
LIQ000052_0001	10/12/2023	Title Search	SL 007 Unit 111 TITLE-CA7453017-PID-001-262-998		
LIQ000053_0001	10/25/2021	Title Search	SL 008 Unit 112 TITLE-CA5381881-PID-001-263-005		
LIQ000054_0001	05/23/2023	Title Search	SL 009 Unit 114 TITLE-BR186205-PID-000-938-530		
LIQ000055_0001	10/12/2023	Title Search	SL 010 Unit 115 TITLE-CA7453018-PID-001-263-013		
LIQ000056_0001	10/12/2023	Title Search	SL 011 Unit 116 TITLE-WX2117663-PID-001-263-021		
LIQ000057_0001	10/18/2023	Title Search	SL 012 Unit 117 TITLE-CA7467872-PID-001-263-030		
LIQ000058_0001	03/28/2022	Title Search	SL 013 Unit 118 TITLE-CA4595504-PID-001-263-048		
LIQ000059_0001	10/25/2021	Title Search	SL 014 Unit 119 TITLE-CA8716216-PID-001-263-056		
LIQ000060_0001	03/21/2022	Title Search	SL 015 Unit 101 TITLE-CA9761692-PID-001-263-064		
LIQ000061_0001	10/25/2021	Title Search	SL 016 Unit 102 TITLE-CA4101080-PID-001-263-081		
LIQ000062_0001	10/25/2021	Title Search	SL 017 Unit 103 TITLE-CA3395591-PID-000-859-389		
LIQ000063_0001	10/25/2021	Title Search	SL 018 Unit 104 TITLE-CA1984394-PID-000-739-979		
LIQ000064_0001	10/25/2021	Title Search	SL 019 Unit 205 TITLE-BK324766-PID-001-263-099		
LIQ000065_0001	10/25/2021	Title Search	SL 020 Unit 206 TITLE-CA5948253-PID-001-263-102		
LIQ000066_0001	10/25/2021	Title Search	SL 021 Unit 207 TITLE-CA7817882-PID-001-263-111		
LIQ000067_0001	01/11/2022	Title Search	SL 022 Unit 208 TITLE-CA9603740-PID-001-263-137		
LIQ000068_0001	10/18/2023	Title Search	SL 023 Unit 209 TITLE-CA8007604-PID-001-263-145		
LIQ000069_0001	10/25/2021	Title Search	SL 024 Unit 210 TITLE-CA8716217-PID-001-263-153		
LIQ000070_0001	10/25/2021	Title Search	SL 025 Unit 211 TITLE-CA8716218-PID-001-263-161		
LIQ000071_0001	10/25/2021	Title Search	SL 026 Unit 212 TITLE-CA8716219-PID-001-263-170		
LIQ000072_0001	10/25/2021	Title Search	SL 027 Unit 214 TITLE-BR186405-PID-001-263-188		
LIQ000073_0001	10/25/2021	Title Search	SL 028 Unit 215 TITLE-CA7467864-PID-001-263-196		
LIQ000074_0001	10/18/2023	Title Search	SL 029 Unit 216 TITLE-CA7467864-PID-001-263-200		
LIQ000075_0001	10/12/2023	Title Search	SL 030 Unit 217 TITLE-CA7453019-PID-001-263-218		
LIQ000076_0001	10/25/2021	Title Search	SL 031 Unit 218 TITLE-CA5140986-PID-001-263-226		
LIQ000077_0001	10/25/2021	Title Search	SL 032 Unit 219 TITLE-BR284591-PID-001-263-234		
LIQ000078_0001	10/25/2021	Title Search	SL 033 Unit 201 TITLE-BB694134-PID-001-263-242		
LIQ000079_0001	10/25/2021	Title Search	SL 034 Unit 202 TITLE-CA8716221-PID-001-263-251		
LIQ000080_0001	10/25/2021	Title Search	SL 035 Unit 203 TITLE-BX377455-PID-001-263-269		
LIQ000081_0001	10/18/2023	Title Search	SL 036 Unit 204 TITLE-CA8007614-PID-001-263-277		
LIQ000082_0001	10/18/2023	Title Search	SL 037 Unit 305 TITLE-CA7467870-PID-001-263-285		
LIQ000083_0001	10/25/2021	Title Search	SL 038 Unit 306 TITLE-CA321548-PID-001-263-293		
LIQ000084_0001	10/25/2021	Title Search	SL 039 Unit 307 TITLE-CA8716222-PID-000-613-754		
LIQ000085_0001	10/25/2021	Title Search	SL 040 Unit 308 TITLE-BT140330-PID-001-025-953		
LIQ000086_0001	10/25/2021	Title Search	SL 041 Unit 309 TITLE-CA8716223-PID-001-263-307		
LIQ000087_0001	10/25/2021	Title Search	SL 042 Unit 310 TITLE-CA8716224-PID-001-263-315		
LIQ000088_0001	10/25/2021	Title Search	SL 043 Unit 311 TITLE-CA8716225-PID-001-263-323		
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LIQ000090_0001	10/25/2021	Title Search	SL 045 Unit 314 TITLE-CA8716226-PID-001-263-358		
LIQ000091_0001	10/25/2021	Title Search	SL 046 Unit 315 TITLE-BB1459419-PID-001-263-366		
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LIQ000093_0001	10/25/2021	Title Search	SL 048 Unit 317 TITLE-CA8716227-PID-001-263-382		

Schedule "A"

PRCD_BEGDOC	Doc Date	Doc Type	Title	Author	Recipient
LIQ000094_0001	01/04/2022	Title Search	SL 049 Unit 318 TITLE-BT65562-PID-001-263-991 (
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LIQ000098_0001	10/25/2021	Title Search	SL 053 Unit 303 TITLE-CA8716228-PID-001-263-439		
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LIQ000102_0001	10/12/2023	Title Search	SL 057 Unit 115 TITLE-CA7467862-PID-001-263-463		
LIQ000103_0001	10/18/2023	Title Search	SL 058 Unit 116 TITLE-CA7467871-PID-001-263-480		
LIQ000104_0001	04/14/2022	Title Search	SL 059 Unit 101 TITLE-CA3129128-PID-001-263-498		
LIQ000105_0001	10/25/2021	Title Search	SL 060 Unit 102 TITLE-CA8716230-PID-001-263-528		
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LIQ000108_0001	10/25/2021	Title Search	SL 063 Unit 105 TITLE-BB4065793-PID-001-035-118		
LIQ000109_0001	10/25/2021	Title Search	SL 064 Unit 106 TITLE-CA4604828-PID-001-263-579		
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LIQ000118_0001	10/25/2021	Title Search	SL 073 Unit 217 TITLE-CA8716232-PID-001-263-684		
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LIQ000144_0001	04/05/2022	Title Search	SL 099 Unit 310 TITLE-CA9828047-PID-001-263-978		
LIQ000145_0001	02/28/2022	Title Search	SL 100 Unit 311 TITLE-BV16632-PID-001-263-994		
LIQ000146_0001	10/25/2021	Title Search	SL 101 Unit 312 TITLE-CA5053209-PID-001-264-001		

No. S-238586
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

1038573 B.C. LTD.

Plaintiff

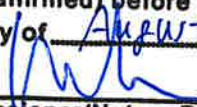
AND:

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 FACCIO, 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

1038573 B.C. LTD.

Defendant by way of Counterclaim

This is Exhibit " B " referred to in the
Affidavit of Tomomi Gohji
sworn (or affirmed) before me
this 15 day of August 2024.

A Commissioner/Notary Public for the
Province of British Columbia


NOTICE TO ADMIT

To: the defendant, The Owners, Strata Plan NW289 (the "**Strata Corporation**")

TAKE NOTICE that the plaintiff and defendant by way of counterclaim, 1038573 B.C. Ltd. ("**573**"), requests that the Strata Corporation admit, for the purpose of this proceeding only, the facts set out below and the authenticity of the documents referred to below, copies of which are attached.

AND TAKE NOTICE that, unless the court otherwise orders, if the party to whom the notice is directed does not serve a written statement, as provided in Rule 7-7(2) of the *Supreme Court Civil Rules*, within 14 days after service of a copy of this notice on him or her, then the truth of the facts and the authenticity of the documents will be deemed to be admitted.

Date: February 21, 2024



Signature of lawyer for party serving notice
to admit, 1038573 B.C. Ltd.
Craig P. Dennis, K.C. / Ray Power

The facts, the admission of which is requested, are:

Tenancies at Property

1. The Owners, Strata Plan NW289 (the "**Strata Corporation**") entered into a Purchase and Sale Agreement dated December 7, 2022 (the "**Purchase Contract**") to sell all of the lands and premises within Strata Plan NW289, municipally located at 3925 Kingsway and 5715 Jersey Avenue, Burnaby, together with all improvements thereon and rights and benefits appurtenant thereto (together, the "**Property**") to 1038573 B.C. Ltd. ("**573**").
2. The Strata Corporation entered into the Purchase Contract on its own behalf and on behalf of the registered owners of strata lots 1 through 101 of the Strata Corporation (the "**Strata Lot Owners**").
3. Prior to December 7, 2022, the Strata Corporation disclosed to 573 that 29 of the strata lots were leased.
4. As of October 2023, there were strata lots other than the 29 originally disclosed which were tenanted.
5. As of today, there are strata lots other than the 29 originally disclosed which are tenanted.
6. The Strata Corporation has not disclosed to 573 the number of these additional tenancies.

7. The Strata Corporation has not disclosed to 573 the strata lots which are subject to these additional tenancies.
8. The Strata Corporation has not disclosed to 573 the terms of these additional tenancies.
9. Some of these additional tenancies are subject to a written lease agreement.
10. The Strata Corporation has not disclosed to 573 the terms of any such written lease agreement.
11. Some of these additional tenancies are subject to an oral lease agreement.
12. The Strata Corporation has not disclosed to 573 the terms of any such oral lease agreement.

Sales by Strata Lot Owners

13. Since December 7, 2022, some of the Strata Lot Owners have transferred either the legal or beneficial interest in their units, or both.
14. Since December 7, 2022, some of the Strata Lot Owners have entered into option agreements whereby they have granted an option to purchase their unit.
15. The Strata Corporation has not provided 573 with notice of these sales or potential sales.
16. The Strata Corporation has not provided 573 with details or the terms of these sales or potential sales.

Foreclosure Proceedings

17. Some of the strata lots at the Property are subject to foreclosure proceedings.
18. The Strata Corporation has not provided 573 with details concerning these foreclosure proceedings.

Community Fire Claim

19. On April 17, 2020, Community Fire Prevention Ltd. filed a claim against the Strata Corporation, Strata Corporation council members, the Strata Lot Owners, and others in SCBC Vancouver Registry Action No. S204200 (the "**Community Fire Claim**").
20. The relief sought in the Community Fire Claim includes a certificate of pending litigation.
21. The relief sought in the Community Fire Claim includes general damages and special damages.

22. The relief sought in the Community Fire Claim includes an order that strata units be sold for the purposes of realizing any judgment.
23. The relief sought in the Community Fire Claim includes legal costs.
24. The relief sought in the Community Fire Claim includes “such further and other relief as the nature of this case may require and this Honourable Court may deem proper”.
25. Trial of the Community Fire Claim is scheduled for 10 days, beginning April 14, 2025.

The documents, the authenticity of which admission is requested, are:

1. Each of the documents set out in Schedule A.

SCHEDULE "A"

TAB	DOCUMENT
1.	Letter from Peter Roberts, K.C. of Lawson Lundell LLP to Craig Dennis, K.C. dated December 12, 2023.
2.	Letter from Peter Roberts, K.C. to Jennifer Williams dated December 18, 2023.
3.	Letter from Peter Roberts, K.C. to Craig Dennis, K.C. dated December 19, 2023.
4.	Notice of Civil Claim filed April 17, 2020 in SCBC Vancouver Registry Action No. S2024200.
5.	Response to Civil Claim filed May 20, 2020 by The Owners, Strata Plan NW289 in SCBC Vancouver Registry Action No. S204200.
6.	Notice of Trial filed December 11, 2023 in SCBC Vancouver Registry Action No. S204200.

Suite 1600 Cathedral Place
925 West Georgia Street
Vancouver, BC
Canada V6C 3L2
T: 604.685.3456

December 12, 2023

VIA EMAIL
(cdennis@djacounsel.com)

Dennis James Aitken LLP
800 – 543 Granville Street
Vancouver, BC V6C 1X8

Attention: Craig Dennis, K.C.

Dear Sir:

Cameray Gardens (“Property”)

We write in reply to your letter dated December 7, 2023. We confirm you are the solicitors for 1038573 B.C. Ltd. (the “**Purchaser**”) and that your client, as purchaser, is a party to the purchase and sale agreement dated December 7, 2022 (“**PSA**”) with The Owners, Strata Plan NW289 (“**Cameray Gardens**”), as vendor, for the purchase of the real property described in the PSA (the “**Strata Lands**”). We also confirm that your client has always been aware that Crowe MacKay & Company Ltd. (the “**Liquidator**”) is the court-confirmed liquidator for Cameray Gardens and, in that capacity, is a party to the PSA.

As you know, the PSA is set to complete on Friday, December 15, 2023 (the “**Completion Date**”). Your letter seeks “confirmation and documentary evidence” that our clients will be in compliance with the representation and warranty set out in section 4.2(a) of the PSA on the Completion Date.

By way of letters dated November 23 and 24, 2023 from Mr. Wilson of our office to Jennifer Williams, your client’s solicitor at MLT Aikins LLP, your clients received responses answering the various issues of purported concern enumerated in your letter dated December 7, 2023.

Regarding the civil claim SCBC Vancouver Reg. Action No. S-204200 (the “**Community Fire Claim**”), we reminded your client that section 4.2 (c) of the PSA represents that:

. . . there is no action, suit, claim, litigation or proceeding pending or to the Vendor’s knowledge threatened against the Vendor or in respect of the Property or the use or occupancy thereof before any court, arbiter,

Peter J. Roberts, K.C.
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proberts@lawsonlundell.com

arbitration panel or administrative tribunal or agency which, if decided adversely to the Vendor, might materially affect the Vendor's ability to perform any of the Vendor's obligations hereunder and no state of facts exists which could constitute the basis of any such action, suit, claim, litigation or proceeding.

The Community Fire Claim does not materially affect the Vendor's ability to perform any of the Vendor's obligations in the PSA. The Liquidator will withhold sufficient funds from the sale proceeds to fund the ongoing defence of the claim and pay any judgment that may be awarded. The Community Fire Claim is a debt claim and does not assert any interest in the Strata Lands. There is no CPL filed against any of the Strata Lands that might otherwise impair the Liquidator's ability to transfer clear title on the Completion Date.

Regarding the "claims by the City of Burnaby to tax arrears on several strata units", we advised your client that the tax sale notices were discharged in September 2023 when the tax arrears were paid. In any event, as with other financial encumbrances, all tax arrears will be paid on closing and will not impair the Liquidator's ability to transfer clear title.

Regarding the asserted tenancies "beyond the limited number of leases contemplated in the PSA", your client was told that any new tenancies entered into by strata unit owners are "Permitted Encumbrances" under the PSA. Schedule A of the PSA expressly provides that "Leases (existing) and replacement Leases entered into by Strata Lot Owners on similar terms, between the Execution Date and the Completion Date" are Permitted Encumbrances.

Further, section 4.1(d)(iv) of the PSA provides that:

. . . if any Strata Lot Owner enters into, modifies, terminates or accepts a surrender of any Lease, or enters into a replacement Lease on similar terms, the Vendor will provide or cause to be provided a copy of same, and of any new Strata Property Act Form K received, to the Purchaser as soon as reasonably possible. **The Vendor shall not be in breach of this Agreement, if any of the Strata Lot Owners enters into a month-to-month lease of their Strata Lot and fails to provide the same to the Vendor;**
(emphasis added)

In addition, your client was reminded that any new leases are a practical benefit. Because of the existence of a large number of "existing leases", the Purchaser will have to comply with the *Residential Tenancy Act* termination notice and compensation requirements in any event. As the Purchaser has to give notice of termination in any event, it might as well have ongoing revenue from the existing and any new leases pending receipt of the needed development approval for the Strata Lands.

Page 3

It is a term of the PSA that time is of the essence. A deposit totaling \$3 million has been paid by the Purchasers to the Purchaser's Solicitors (MLT Aiken LLP) "in trust" (the "**Deposit**") in respect of the PSA.

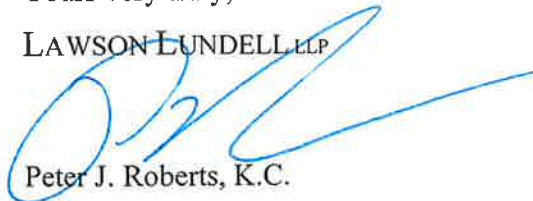
The PSA is binding and enforceable against the Purchaser and the Purchaser is obligated to complete the purchase of the Strata Lands on the Completion Date. None of the issues raised in your letter dated December 7, 2023 constitute breaches of the PSA and do not support any assertion that the PSA is at an end.

We confirm that the Liquidator and Cameray Gardens, as the vendors, are ready, willing and able to complete the transaction in accordance with the terms of the PSA. Under section 7.2 of the PSA, it is the Purchaser's obligation to prepare the closing documents listed in section 7.1 of the PSA. To date none of those documents have been provided to us. We do have a court certified copy of the Court Order required to transfer title into the Liquidator's name.

If the Purchaser fails to deliver the purchase price and complete the purchase of the Strata Lands on the Completion Date, such failure will constitute a repudiation of the PSA entitling our clients to various remedies, including seeking specific performance of the PSA, retaining the Deposit and recovering from the Purchasers any damages suffered. We anticipate that resort to these remedies will not be necessary. For that reason, we look forward to your confirmation that your client, the Purchaser, will be honouring its contractual obligations under the PSA.

Yours very truly,

LAWSON LUNDELL LLP



Peter J. Roberts, K.C.

PJR/acc2

cc. Crowe MacKay & Company Ltd.
Jennifer Williams, MLT Aikins LLP (jwilliams@mltaikins.com)



Suite 1600 Cathedral Place
925 West Georgia Street
Vancouver, BC
Canada V6C 3L2
T: 604 685.3456

December 18, 2023

BY EMAIL (jwilliams@mltaikins.com)

MLT Aikins LLP
Suite 2600, 1066 West Hastings Street
Vancouver, BC V6E 3X1

Attention: Jennifer M. Williams

Dear Madam:

Re: Cameray Gardens - Purchase & Sale Agreement dated December 7, 2022 (the “PSA”)

We write further to our letter dated December 12, 2023 addressed to Mr. Dennis, K.C., and copied to you. In material breach of the PSA between our respective clients, your client, 1038573 B.C. Ltd., failed to complete the purchase of the Property, as defined in the PSA, on the Completion Date of December 15, 2023.

Our client, The Owners, Strata Plan NW289, as represented by its liquidator, Crowe MacKay & Company Ltd. (the “**Liquidator**”), is entitled to the immediate release of the First Deposit, as defined in the PSA. Pursuant to clause 2.5(a)(ii) of the PSA, please arrange to have the sum of \$3,000,000.00, together with all interest earned thereon, paid to “Lawson Lundell LLP in trust”.

In the event you are unprepared to comply with the terms of the PSA and release the First Deposit to the Liquidator, we put you on notice that those funds must remain in your trust account until such time as there is either an agreement in writing between the parties or a court order with respect to the disposition of the First Deposit and the interest earned thereon.

Yours very truly,

LAWSON LUNDELL LLP

Peter J. Roberts, K.C.
PJR/acc2

cc. Craig Dennis, K.C., Dennis James Aitken LLP
Derek Lai, Crowe Mackay & Company Ltd.

Peter J. Roberts, K.C.
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proberts@lawsonlundell.com



Suite 1600 Cathedral Place
925 West Georgia Street
Vancouver, BC
Canada V6C 3L2
T: 604 685.3456

December 19, 2023

VIA EMAIL

cdennis@djacounsel.com

Dennis James Aitken LLP
800 – 543 Granville Street
Vancouver, BC V6C 1X8

Attention: Craig Dennis, K.C.

Dear Sir:

**Re: 1038573 B.C. Ltd. v. The Owners, Strata Plan NW289 and others, B.C.S.C. Vancouver
Reg. No. S-238586 (the “Action”)**

We are in receipt of your letters of December 18, 2023 delivering copies of the Notice of Civil Claim and resulting CPL filed on title to the individually owned strata units comprising The Owners, Strata Plan NW289 (“**Cameray Gardens**”). We write to express the dismay of the Cameray Gardens owners at the cynical conduct of your client in filing the Action and seeking to artificially create an extension to the purchase and sale agreement dated December 7, 2022 (the “**PSA**”) at no cost to the purchaser but which visits considerable hardship and uncertainty on these owners. Whatever goodwill existed for your client has now entirely dissipated.

As a matter of law, we write to put on the record that it is our client’s position is that it is your client, 1038573 B.C. Ltd., that failed to complete the PSA and has repudiated that agreement. That repudiation is accepted, ending the PSA. As a result, your client has no claim for specific performance.

We have instructions only to accept service of the Notice of Civil Claim on behalf of The Owners, Strata Plan NW289, as represented by the liquidator, Crowe Mackay & Company Ltd. (the “**Liquidator**”). You will need to make arrangements to personally serve all the other defendants. We ask that you keep us apprised, on a rolling basis, of your success in doing so.

We also write to demand the immediate discharge of all the CPLs filed on December 18, 2023 against title to the individual strata units of Cameray Gardens, save the unit owned by the strata corporation itself and the Cameray Gardens common property. In filing these CPLs, your client has demonstrated a fundamental misunderstanding about the structure of this transaction.

Peter J. Roberts, K.C.
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Page 2

Your client has no contractual relationship with any of the individual strata unit owners and, consequently, no contractual right to claim an estate or interest in their units. Your client's contractual rights are set out in the PSA (if still enforceable) and are with the strata corporation as represented by the Liquidator. By filing CPLs against title to the individual units, your client has and will continue to cause financial hardship to those owners with mortgages and other financial security on title. By filing the CPLs, your client has likely put each of these owners into default with their lenders and denied them access to credit. The lenders are likely to cease advancing credit to these people and take steps to call the loans or foreclose on their security.

Your client has also overlooked the fact that at all times the PSA contemplated that individual strata unit owners may still sell their particular units to third parties. Any third party purchaser of a unit buys subject to the strata wind-up order and the PSA (when it was still enforceable). Filing the CPLs precludes this.

Both of these outcomes are a breach of the PSA (if still enforceable) and visit an unacceptable hardship and inconvenience on all these owners. The CPLs must be discharged immediately, failing which we will bring an application to have the CPLs discharged under section 256 of the *Land Title Act*. In the event that application is necessary, we will seek costs against your client payable forthwith in any event of the cause.

Please provide us by the end of day tomorrow (December 20, 2023) with a registerable form of discharge for all the CPLs registered on title to the individually owned strata units of Cameray Gardens.

Our client is also concerned about the financial wherewithal of your client, a numbered company, to pay an adverse costs award in the Action. We write to notify you that, subject to any response to this letter, our client intends to bring a security for cost application. In advance of that, we asked that you provide us with sufficient evidence to establish that your client has the financial wherewithal to pay any cost award made against it in this matter. Based on our searches, it does not appear that your client has any assets in British Columbia.

Yours very truly,

LAWSON LUNDELL LLP



Peter J. Roberts, K.C.

PJR/acc2

cc. Crowe MacKay & Company Ltd.
Jennifer Williams, MLT Aikins LLP (jwilliams@mltaikins.com)

SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY

S-204200

APR 17 2020

No. _____
Vancouver Registry

In the Supreme Court of British Columbia

BETWEEN

COMMUNITY FIRE PREVENTION LTD.

PLAINTIFF

AND

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

DEFENDANTS

17APR20 2007/69 21422
5204200 RISS GM

NOTICE OF CIVIL CLAIM

This action has been started by the plaintiff(s) for the relief set out in Part 2 below.

If you intend to respond to this action, you or your lawyer must

- (a) file a response to civil claim in Form 2 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim on the plaintiff.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to civil claim in Form 2 and a counterclaim in Form 3 in the above-named registry of this court within the time for response to civil claim described below, and
- (b) serve a copy of the filed response to civil claim and counterclaim on the plaintiff and on any new parties named in the counterclaim.

JUDGMENT MAY BE PRONOUNCED AGAINST YOU IF YOU FAIL to file the response to civil claim within the time for response to civil claim described below.

Time for Response to Civil Claim

A response to civil claim must be filed and served on the plaintiff(s),

- (a) if you were served with the notice of civil claim anywhere in Canada, within 21 days after that service,
- (b) if you were served with the notice of civil claim anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the notice of civil claim anywhere else, within 49 days after that service, or
- (d) if the time for response to civil claim has been set by order of the court, within that time.

CLAIM OF THE PLAINTIFF

Part 1: Statement of Facts

[Using numbered paragraphs, set out a concise statement of the material facts giving rise to the plaintiff's(s') claim.]

1. The Plaintiff, Community Fire Prevention Ltd., is a company duly incorporated pursuant to the laws of British Columbia, with a registered records address at 104 - 1320 Kingsway Avenue, Port Coquitlam, British Columbia.
2. The Defendant, The Owners, Strata Plan NW289 (the "Strata Corporation"), is a strata corporation duly subsisting pursuant to the *Strata Property Act*, with registered address at c/o Bayside Property Services Ltd., #100-6400 Roberts Street, Burnaby, British Columbia.
3. The Defendant, David Grewal is a director of the Defendants 1161359 BC Ltd., 1184413 BC Ltd., 1184414 BC Ltd., and 1184416 BC Ltd., whose mailing address is 1100 - 510 Burrard Street, Vancouver, British Columbia.
4. The Defendant, Sarbjit Bajwa, is a director of the Defendant 1184413 BC Ltd., and whose mailing address is 15303 58A Avenue, Surrey, British Columbia.
5. The Defendant, Johnny Chi Ho Tsang, is a director of the Defendant 1184414 BC Ltd., whose mailing address is 1607 - 7788 Ackroyd Road, Richmond, British Columbia.
6. The Defendant, Armaan Dhalla, is a director of the Defendant 1184416 BC Ltd., whose mailing address is 117 - 3925 Kingsway Avenue, Burnaby, British Columbia.
7. The Defendant, Leon Zhang, does not own a strata lot in the Strata Corporation, and his address for service is unknown to the plaintiff.
8. The Defendant, 1161359 BC Ltd., is incorporated under the laws of British Columbia, with an address for service at 1130 - 1185 West Georgia Street, Vancouver, British Columbia.
9. The Defendant, 1184413 BC Ltd., is incorporated under the laws of British Columbia, with an address for service at 1130 - 1185 West Georgia Street, Vancouver, British Columbia.
10. The Defendant, 1184414 BC Ltd., is incorporated under the laws of British Columbia, with an address for service at 1130 - 1185 West Georgia Street, Vancouver, British Columbia.
11. The Defendant, 1184416 BC Ltd., which is incorporated under the laws of British Columbia, with an address for service at 1130 - 1185 West Georgia Street, Vancouver, British Columbia.
12. The Defendants listed in Appendix A to this Notice of Civil Claim are the registered owners of strata lots 1 through 101 of the Strata Corporation, and whose addresses for service are listed therein (the "Owners").
13. The Owners own the common property and common assets of the Strata Corporation as tenants in common pursuant to s.66 of the *Strata Property Act*, and together with each of the Owners respective strata lot, will collectively be referred to as the "Lands".

14. The Plaintiff carries on the business of installing and servicing fire protection equipment in British Columbia.

Claim against Strata Corporation and Owners

15. On or about January 29, 2020, the Plaintiff entered into an agreement with the Strata Corporation whereby the Plaintiff agreed to replace the fire alarm panel located on the common property of the Lands (the "Contract").

16. The Owners of the Strata Corporation passed a resolution authorizing the Strata Corporation to finance the Contract on February 25, 2020.

17. In accordance with the terms of the agreement, and with the knowledge and consent of the Strata Corporation, the Plaintiff performed work and supplied materials necessary remove the existing fire alarm panel and install a new fire panel (the "Improvement") and invoiced the Strata Corporation from time to time.

18. In breach of its contract with the Plaintiff, the Strata Corporation has refused or neglected to make payment, despite demand. There remains due and owing to the Plaintiff from the Strata Corporation for work performed and materials supplied and delivered to the Lands, the sum of \$223,930.28.

19. The Plaintiff has demanded payment of the said sum from the Strata Corporation but the Strata Corporation has refused or neglected to pay the same.

20. On March 25, 2020 the Plaintiff made a claim of lien pursuant to the *Builders Lien Act*, S.B.C. 1997, c. 45, alleging that the sum of \$223,930.28 was due and owing by causing the said claim of lien to be filed against the Lands at the Land Title Office in the City of New Westminster, the Province of British Columbia under number CA8105199.

21. On or about March 25, 2020, the Improvement was not completed or abandoned. The Strata Corporation has prevented access to the Lands so the Improvement can be completed.

22. The Plaintiff has complied with the provisions of the *Builders Lien Act* and is entitled to a builders lien on the Lands.

23. The Strata Corporation was obligated by section 4 of the *Builders Lien Act* to retain a holdback pursuant to that section.

Claim against the Strata Council Defendants and Majority Owners

24. The Defendants, Armaan Dhalla, David Grewal, Johnny Tsang, Leon Zhang, and Sarbjit Bajwa were at all material times strata council members of the Strata Corporation (the "Strata Council Defendants").

25. At all material times, the Strata Council Defendants were elected by the Owners at a general meeting of the Strata Corporation.
26. The Defendant, David Grewal is a director of the Defendants 1161359 BC Ltd., 1184413 BC Ltd., 1184414 BC Ltd., and 1184416 BC Ltd. David Grewal does not own a strata lot in the Strata Corporation.
27. The defendant, Sarbjit Bajwa, is a director of the Defendant 1184413 BC Ltd. Sarbjit Bajwa does not own a strata lot in the Strata Corporation.
28. The defendant, Johnny Chi Ho Tsang, is a director of the Defendant 1184414 BC Ltd. Johnny Chi Ho Tsang does not own a strata lot in the Strata Corporation.
29. The defendant, Armaan Dhalla, is a director of the Defendant 1184416 BC Ltd. Armaan Dhalla does not own a strata lot in the Strata Corporation.
30. The Defendants, 1161359 BC Ltd., 1184413 BC Ltd., 1184414 BC Ltd., and 1184416 BC Ltd., will collectively be referred to as the ("Majority Owners").
31. The Majority Owners and the Strata Council Members knew of the existence of the Contract but have directed the Strata Corporation to withhold payment of the Plaintiff's invoices relating to the Improvement, have refused to allow the Plaintiff access to the Lands in order to finish the installation of the Improvement, and are looking for another contractor to complete the work, contrary to the terms of the Contract.
32. The Strata Council Defendants and Majority Owners intended and caused that the Strata Corporation to breach the Contract.
33. In causing the Strata Corporation and Majority Owners, or each of them, to breach the Contract, the Strata Council Defendants and Majority Owners were acting in bad faith and outside the normal and ordinary scope of their duties as strata council members.

Part 2: Relief Sought

[Using numbered paragraphs, set out the relief sought and indicate against which defendant(s) that relief is sought. Relief may be sought in the alternative.]

1. For a declaration that the Plaintiff is entitled to a lien pursuant to the *Builders Lien Act* in the amount of \$223,930.28 against the Lands owned by the Owners and located in the City of Burnaby and each legally described as indicated in Appendix A (the "Lands");
2. For a declaration that the lien pursuant to the *Builders Lien Act* of the Plaintiff is a first charge, lien, or encumbrance against the Lands in preference or priority to all of the right, title, and interest of the Strata Corporation and Owners;

3. For a judgment or order that in default of payment in the amount of \$223,930.28 and costs, the Lands, the interest of the Owners charged by the said lien be sold for the purposes of realizing the amount of the Plaintiff's lien and costs pursuant to the provisions of the *Builders Lien Act* and that the proceeds of such sale be applied in payment of the Plaintiff's lien and costs;
4. For the purposes aforesaid, an order that all proper and necessary directions, accounts, inquiries, and references be taken;
5. For judgment against the Strata Corporation in the sum of \$223,930.28 plus contractual interest, or interest in the alternative, pursuant to the *Court Order Interest Act*;
6. For damages for interference with contractual relations against the Strata Council Defendants and Majority Owners defendants;
7. For damages, including general and special damages;
8. For a Certificate of Pending Litigation;
9. For costs of this Action including a reasonable sum for the costs of drawing and filing the claim of lien filed in the Land Title Office in the City of New Westminster under number CA8105199; and
10. For such further and other relief as the nature of this case may require and this Honourable Court may deem proper.

Part 3: Legal Basis

[Using numbered paragraphs, set out a concise summary of the legal bases on which the plaintiff(s) intend(s) to rely in support of the relief sought and specify any rule or other enactment relied on. The legal bases for the relief sought may be set out in the alternative.]

1. The Plaintiff claims against the Strata Corporation in its capacity as representative or agent of the Owners.
2. The Plaintiff performed work and supplied material in relation to the Improvement on the Lands pursuant to a contract with the Strata Corporation.
3. The Plaintiff is entitled to judgment for the unpaid amount due and owing under the contract and to a lien under the *Builders Lien Act* ("the Act").
4. The Plaintiff claims costs pursuant to the Act and the British Columbia Supreme Court Civil Rules.
5. The Plaintiff claims general damages and special damages for the Strata Corporation's breach of the Contract.

6. The Plaintiff claims general damages and special damages against the Strata Council Defendants and Majority Owners as they each interfered with the Plaintiff's contractual relations with the Strata Corporation as follows:
- a. the Contract between the Plaintiff and the Strata Corporation was a valid and enforceable contract at all material times;
 - b. the Strata Council Defendants and the Majority Owners, and each of them, knew of the existence of the Contract;
 - c. the Strata Council Defendants the Majority Owners, and each of them, induced the Strata Corporation to breach the Contract;
 - d. the Strata Council Defendants the Majority Owners, and each of them, intended that the Strata Corporation breach the Contract;
 - e. the interference of the Strata Council Defendants and the Majority Owners, and each of them, was wrongful;
 - f. the Strata Council Defendants the Majority Owners, and each of them, were acting in bad faith, outside the normal and ordinary scope of their duties as strata council members; and
 - g. the Plaintiff suffered damages as a result of that interference.

Plaintiff's address for service:

Citadel Law Corporation
1400 – 1125 Howe Street
Vancouver, BC V6Z 2K8

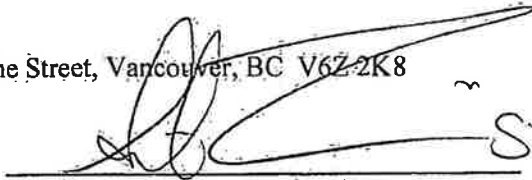
Fax number address for service (if any): *N/A*

Email address for service (if any): *N/A*

Place of trial: Vancouver

The address of the registry is: 800 Smith Street, Vancouver, BC V6Z 2K8

Dated April 17, 2020



Signature of lawyer for Plaintiff
Silvano Todesco

Rule 7-1(1) of the Supreme Court Civil Rules states:

(1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,

- (a) prepare a list of documents in Form 22 that lists**
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and**
 - (ii) all other documents to which the party intends to refer at trial, and**
- (b) serve the list on all parties of record.**

APPENDIX A – Owner Defendants

Strata Lot	Registered Owners and their Addresses for Service	Legal Description (collectively the “Lands”)
1.	JENNY DONNA DICKISON, #105 - 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 1 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-262-921
2.	FERNANDO MARCELINO DUTRA DE SOUSA, 106 - 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 2 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-262-939
3.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 3 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-262-947
4.	CARMELIA MARIA DA SILVA, 108 - 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 4 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-262-963
5.	HON-CHING RUDOLPH CHENG, 109-3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 5 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-262-971
6.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 6 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-262-980
7.	1161359 BC LTD., 1130-1185 GEORGIA ST W VANCOUVER, BC V6E 4E6	Strata Lot 7 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-262-998
8.	RICKY HEE MENG LAI, 112 - 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 8 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-005
9.	PIA FACCIO,	Strata Lot 9

	685 PLEASANT PARK OTTAWA, ONTARIO K1G 1Y3	District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 000-938-530
10.	1161359 BC LTD., 1130-1185 GEORGIA ST W VANCOUVER, BC V6E 4E6	Strata Lot 10 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-013
11.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 11 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-021
12.	1184416 BC LTD., 1130-1185 GEORGIA ST W VANCOUVER, BC V6E 4E6	Strata Lot 12 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-030
13.	MARK WILLIAM LOUETTIT, SARAH KINUKO LOUETTIT, 118 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 13 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-048
14.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 14 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-056
15.	KENNETH JOHN WATSON, 101 - 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 15 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-064
16.	LIPING DUAN, 102 - 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 16 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-081
17.	NORMAN VICTOR LEECH, #103 - 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 17 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 000-859-389
18.	ROLANDO VINAS DIZON, NARCISA DIZON,	Strata Lot 18

	104-3925 KINGSWAY BURNABY, BC V5H 3Y7	District Lot 34 Group 1 New Westminster District Strata Plan NW289 000-739-979
19.	NICHOLAS GEORGE KARAMOUZOS, MARIA KARAMOUZOS, #205-3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 19 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-099
20.	CUI MING CHEN, #206-3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 20 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-102
21.	YANKUI WANG, 302 5565 INMAN AVENUE BURNABY, BC V5H 2M2 XIN TIAN, 207 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 21 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-111
22.	MARIO TIEXIERA ALMEIDA, MARIA DA NATIVIDADE ALMEIDA, LUIS ALBERTO ALMEIDA, 3925 KINGSWAY #208 BURNABY, BC V5H 3X7	Strata Lot 22 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-137
23.	1237765 B.C. LTD., 268 - 8191 WESTMINSTER HIGHWAY RICHMOND, BC V6X 1A7	Strata Lot 23 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-145
24.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 24 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-153
25.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 25 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-161

26.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 26 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-170
27.	JU-SHAN CHIANG, FLORA FU, 214 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 27 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-188
28.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 28 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-196
29.	1184414 BC LTD., 1130-1185 GEORGIA ST W VANCOUVER, BC V6E 4E6	Strata Lot 29 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-200
30.	1161359 BC LTD., 1234 WEST 41ST AVENUE VANCOUVER, BC V6M 1X2	Strata Lot 30 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-218
31.	AMAR SINGH BHATIA, NARANJAN KAUR BHATIA, #218 - 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 31 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-226
32.	PHUNG KIM VUONG, TUONG LAM, #219 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 32 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-234
33.	MONICA PAOLA ALIAGA, 201 - 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 33 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-242
34.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 34 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-251

35.	MARCELINO LOPES DE SOUSA, OLGA MARIA DUTRA DE SOUSA, 5507 WOODSWORTH STREET BURNABY, BC V5G 4M3	Strata Lot 35 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-269
36.	1237765 B.C. LTD., 268 - 8191 WESTMINSTER HIGHWAY RICHMOND, BC V6X 1A7	Strata Lot 36 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-277
37.	1184413 BC LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6J 4H1	Strata Lot 37 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-285
38.	LUALHATI ONGKEKO CRISOSTOMO, #306 - 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 38 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-293
39.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 39 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 000-613-754
40.	RICHARD RAYMOND RAVENSBERGEN, DAWN MARIE RAVENSBERGEN, #308 - 3925 KINGSWAY BURNABY, BC V5H 3H7	Strata Lot 40 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-025-953
41.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 41 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-307
42.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 42 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-315
43.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET	Strata Lot 43

	VANCOUVER, BC V6E 4E6	District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-323
44.	1184414 BC LTD., 1130-1185 GEORGIA ST W VANCOUVER, BC V6E 4E6	Strata Lot 44 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-340
45.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 45 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-358
46.	YUK FAR CHEUNG, YIN ON CHEUNG, #315 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 46 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-366
47.	1184413 BC LTD., 1130-1185 GEORGIA ST W VANCOUVER, BC V6E 4E6	Strata Lot 47 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-374
48.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 48 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-382
49.	GARY LUCIEN DREES, 318 - 3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 49 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-391
50.	THOMAS PATRICK FLEMING, SUITE 319-3925 KINGSWAY BURNABY, BC V5H 3Y7	Strata Lot 50 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 000-564-885
51.	1161359 BC LTD., 1130 1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 51 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-404
52.	1184416 B.C. LTD.,	Strata Lot 52

	1130 - 1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-421
53.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 53 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-439
54.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 54 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-447
55.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 55 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-455
56.	WAN CHEN, HONG YANG, #114 - 5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 56 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 000-814-377
57.	1161359 BC LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6J 4H1	Strata Lot 57 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-463
58.	1184416 BC LTD., 1130-1185 GEORGIA ST W VANCOUVER, BC V6E 4E6	Strata Lot 58 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-480
59.	SU JUAN SITU, 101-5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 59 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-498
60.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 60 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-528
61.	1161359 B.C. LTD.,	Strata Lot 61

	1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-544
62.	VAN DAO NGUYEN, THI BICH HANG NGUYEN, #104-5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 62 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-561
63.	JULIAN BOZSIK, 105 - 5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 63 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-035-118
64.	CHRISTIAN HERBERT JOSON LIM, IRIS JUNE CALIBUGAN ADIONG, 106 - 5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 64 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-579
65.	ANGELA JOY EYKELBOSH, 107-5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 65 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-595
66.	THE OWNERS, STRATA PLAN NW289 3925 KINGSWAY BURNABY, BC	Strata Lot 66 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-609
67.	1184416 BC LTD, 1130-1185 WEST GEORGIA VANCOUVER, BC V6E 4E6	Strata Lot 67 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-617
68.	NGUYEN THANH VUONG, TUYET NGOC DU, 102 - 2277 EAST 30TH AVENUE VANCOUVER, BC V5N 5N1	Strata Lot 68 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-625
69.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 69 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-633

70.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 70 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-641
71.	OM PARKASH LOOMBA, MERRAN LOOMBA, 215 5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 71 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-650
72.	SUZANNE JUANITA KUDELSKI, #216 - 5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 72 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-676
73.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 73 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-684
74.	YAN QIONG LU, 201-5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 74 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-706
75.	1184416 BC LTD., 1130-1185 GEORGIA ST W VANCOUVER, BC V6E 4E6	Strata Lot 75 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-714
76.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 76 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-731
77.	PING HE, #204-5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 77 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-749
78.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 78 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-757
79.	EDWARD LAWRENCE THUE,	Strata Lot 79

	#206 - 5715 JERSEY AVENUE BURNABY, BC V5H 2L3	District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 000-473-774
80.	RICHARD CHARLES PATRICK SPENCER, DIANE MARIE SPENCER, 207-5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 80 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-765
81.	ARTHUR SUMMERS WILLIAMSON, #208 - 5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 81 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-773
82.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 82 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-781
83.	GARY DALE CHARTER, CRISTINA RIMANDO GAPAL, 210 - 5715 JERSEY AVENUE, BURNABY, BC V5H 2L3	Strata Lot 83 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-790
84.	JU TAI ZHOU, YU QING LI, 211-5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 84 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-811
85.	ZHI HAO YANG, 212-5715 JERSEY AVENUE BURNABY, BRITISH COLUMBIA V5H 2L3	Strata Lot 85 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-820
86.	DAISY CUETO EVANGELISTA, MARIA CHERRY EVANGELISTA, 314 5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 86 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-838
87.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 87 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-846

88.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 88 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-854
89.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 89 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-862
90.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 90 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-871
91.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 91 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-889
92.	1161359 B.C. LTD., 1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	Strata Lot 92 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-897
93.	MEGAN MARY BURGHALL, 304 - 5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 93 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-919
94.	NASIM BHALOO, 305 - 5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 94 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-927
95.	HUI LIN DONG, LI WANG, 306-5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 95 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-935
96.	MANSOUR MESHKI, 307-5715 JERSEY AVENUE BURNABY, BRITISH COLUMBIA V5H 2L3	Strata Lot 96 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-943
97.	1161359 B.C. LTD.,	Strata Lot 97

	1130-1185 WEST GEORGIA STREET VANCOUVER, BC V6E 4E6	District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-951
98.	HSIANG CHIAO HUANG, 309 - 5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 98 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-960
99.	GRACE JOANNA LEVSEN, 310 - 5715 JERSEY AVENUE BURNABY, BC	Strata Lot 99 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-978
100.	PING CHOR CHAN, 311-5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 100 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-263-994
101.	SO FAN LEE, #312 - 5715 JERSEY AVENUE BURNABY, BC V5H 2L3 TAK TAI LUI, #312 5715 JERSEY AVENUE BURNABY, BC V5H 2L3	Strata Lot 101 District Lot 34 Group 1 New Westminster District Strata Plan NW289 PID: 001-264-001

Appendix

[The following information is provided for data collection purposes only and is of no legal effect.]

Part 1: Concise summary of nature of claim:

Part 2: This claim arises from the following:

[Check one box below for the case type that best describes this case.]

A personal injury arising out of:

- a motor vehicle accident
- medical malpractice
- another cause

A dispute concerning:

- contaminated sites
- construction defects
- real property (real estate)
- personal property
- the provision of goods or services or other general commercial matters
- investment losses
- the lending of money
- an employment relationship
- a will or other issues concerning the probate of an estate
- a matter not listed here

Part 3:

[Check all boxes that apply to this case.]

- a class action
- maritime law
- Aboriginal law
- constitutional law
- conflict of laws
- none of the above
- do not know

Part 4:

1. *Builders Lien Act;*
2. *Strata Property Act;*
3. *Court Order Interest Act.*



No: S 204200
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

COMMUNITY FIRE PREVENTION LTD.

PLAINTIFF

AND

THE OWNERS, STRATA PLAN NW289,
ARMAAN DHALLA, DAVID GREWAL,
JOHNNY CHI HO TSANG, LEON ZHANG, SARBJIT BAJWA,
1161359 BC LTD., 1184413 BC LTD.,
1184414 BC LTD., 1184416 BC LTD., 1237765 B.C. LTD.,
MARCELINO LOPES DE SOUSA, OLGA MARIA DUTRA DE SOUSA,
JENNY DONNA DICKISON FERNANDO MARCELINO LUIS ALBERTO ALMEIDA
MONICA PAOLA ALIAGA, PHUNG KIM VUONG,
TUONG LAM, AMAR SINGH BHATIA,
NARANJAN KAUR BHATIA, JU-SHAN CHIANG, FLORIA FU
MARIO TIEXIERA ALMEIDA, MARIA DA NATIVIDADE ALMEIDA, XIN TIAN,
YANKUI WANG, CUI MING CHEN, NICHOLAS GEORGE KARAMOUZOS, MARIA
KARAMOUZOS ROLANDO VINAS DIZON, NARCISA DIZON, NORMAN VICTOR
LEECH, LI PING DUAN, KENNETH JOH NWATSON, MARK WILLIAM LOUTTIT,
SARAH KINUKO LOUTTIT, PIA FACCIORICKY HEEMENG LAI HON-
CHING RUDOLPH CHENG, CARMELIA MARIA DA SILVA, ANGELA JOY
EYKELBOSH, CHRISTIAN HERBERT JOSON LIM, IRIS JUNE CALIBUGAN ADIONG,
JULIAN BOZSIK, VAN DAO NGUYEN, THI BICH HANG NGUYEN SU JUAN SITU,
WAN CHEN, HONG YANG, THOMAS PATRICK FLEMING, GARY LUCIEN DREES,
YUK FAR CHEUNG, YIN ON CHEUNG, RICHARD RAYMOND RAVENSBERGEN,
DAWN MARIE RAVENSBERGEN, LUALHATI ONKEKO CRISOSTOMO, TAK TAI LUI,
SO FAN LEE, PING CHOR CHAN, GRACE JOANNA LEVSEN, HSIANG, CHIAO HUANG,
MANSOUR MESH, HUI LIN DONG, LI WANG, NASIM BHALOO, MEGAN MARY
BURGHALL, DAISY CUETO EVANGELISTA, MARIA CHERRY EVANGELISTA, ZHI
HAO YANG, JU TAI ZHOU, YU QING LI, GARY DALE CHARTER, CRISTINA
RIMANDO GAPAL ARTHUR SUMMERS WILLIAMSON, RICHARD CHARLES PATRICK
SPENCER, DIANE MARIE SPENCER, EDWARD LAWRENCE THUE, PING HE, YAN
QIONG LU, SUZANNE JUANITA KUDELSKI,
OM PARKASH LOOMBA, MERRAN LOOMBA,
NGUYEN THANH VUONG, TUYET NGOC DU

DEFENDANTS

RESPONSE TO CIVIL CLAIM

Filed by: The Owners, Strata Plan NW289 (the "Defendant")

Part 1: Response to Notice of Civil Claim Facts

Division 1 - Defendant's Response to Facts

1. The facts alleged in paragraphs 8, 9, 10, 11, 12, and 30, of Part 1 of the Notice of Civil Claim are admitted.
2. The facts alleged in paragraphs 2, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 31, 32, 33 of Part 1 of the Notice of Civil Claim are denied.
3. The facts alleged in paragraphs 1, 3, 4, 5, 6, 7, 13, 14, 26, 27, 28, and 29 of Part 1 of the Notice of Civil Claim are outside the knowledge of the defendant.

Division 2 - Defendant's Version of Facts

1. The Defendant's registered address is c/o Fraser Park Realty Ltd. #235 – 10330 152 Street, Surrey, BC V3R 4G8.
2. The Defendant denies that they made the alleged or any contract as alleged in paragraph 15 of the notice of civil claim, or at all.
3. The plaintiff provided a quotation dated January 21, 2020 to the former property manager Edward Cygan ("Mr. Cygan") of Bayside Property Services of The Owners, Strata Plan NW 289, for a fire alarm panel replacement (the "Quotation").
4. The Defendants say that the Quotation is not a valid and enforceable contract because it was missing essential terms, including, but not limited to:
 - whether the parties can unilaterally or mutually terminate the contract, if at all;
 - the specific price of items listed in the Quotation.
5. In the alternative, if the Quotation is a valid and enforceable contract, which the Defendant specifically denies, the Quotation does not set out any terms that suggest that the Quotation cannot be cancelled by the Defendant at any time for any reason.
6. The Defendant admits that a resolution was passed on February 25, 2020, as alleged in paragraph 16 of the notice of civil claim, but denies that it was a resolution authorizing the Strata Corporation (as defined in the notice of civil claim) to finance any alleged contract, the existence of which is specifically denied by the Defendant.
7. The Defendant denies that the plaintiff performed work and supplied materials, as alleged in paragraph 17 of the notice of civil claim, and the Defendant says that the plaintiff did not perform work or supply any materials to the Lands (as defined in the notice of civil claim).

8. In answer to paragraph 20 of the notice of civil claim, if the Plaintiff is entitled to a lien against the Lands, which is denied, then the Defendant denies that the Plaintiff is entitled to a lien in the amount of \$223,930.28.
9. In response to paragraphs 21 to 23 of the notice of civil claim, the Defendant denies that the plaintiff is entitled to a lien against the Lands and denies that the Plaintiff has complied with the provisions of the *Builders lien Act*, S.B.C. 1997, c. 45, and amendments thereto (the “Act”) by failing to supply the material to the land against which the lien was filed.
10. If any contract was made, which is specifically denied by the Defendant, The Defendant denies that the acts and conduct alleged in paragraphs 18, 31, or 32 of the notice of civil claim amounted to a breach of the contract as alleged, or at all.
11. In answer to paragraph 31 of the notice of civil claim, the Defendant denies that there was a contract, but, if there was any contract, which is denied, there were no terms that prohibited the Defendant from looking for or hiring another contractor to complete any work.

Part 2: Response to Relief Sought

1. The defendant consents to the granting of the relief sought in paragraph NIL of the Notice of Civil Claim.
2. The defendant opposes the granting of the relief sought in paragraph 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of Part 2 of the Notice of Civil Claim.
3. The defendant takes no position on the granting of the relief sought in paragraph NIL of Part 2 of the Notice of Civil Claim.

Part 3: LEGAL BASIS

1. The Defendant denies that there was any contract with the plaintiff as alleged or at all and if there was, which the Defendant denies, the Defendant denies that they breached the contract.
2. The contract is missing essential terms and any ambiguity should be construed against the drafter, the plaintiff.
3. The Defendant says that the Plaintiff did not perform any work or supply any materials under the Quotation and therefore has no valid claim to a lien against the Lands.
4. *Builders Lien Act*, S.B.C. 1997, c. 45, section 2.
5. In the alternative, if the plaintiff has a valid lien against the Lands, which the Defendant specifically denies, the Plaintiff may not take out a lien that is higher than the amount that is owing on any invoices, though it is specifically denied that any amount is owing to the plaintiff.

Defendant's address for service: NORTH SHORE LAW LLP
Barristers & Solicitors
6th Floor, 171 West Esplanade
North Vancouver, B.C., V7M 3J9

Fax number address for service (if any): 604-980-4019



Date: May 19, 2020

Courtney Morrison
Lawyer for the Defendant

Rule 7-1(1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the Court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - (a) prepare a List of Documents in Form 22 that lists
 - (i) all documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - (ii) all other documents to which the party intends to refer at trial, and
 - (b) serve the list on all parties of record.



NO S-204200
VANCOUVER REGISTRY

THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

COMMUNITY FIRE PREVENTION LTD.

PLAINTIFF

AND:

THE OWNERS, STRATA PLAN NW289, ARMAAN DHALLA, DAVID GREWAL,
JOHNNY CHI HO TSANG, LEON ZHANG, SARBJIT BAJWA, 1161359 B.C. LTD., 1184413
B.C. LTD., 1184414 B.C. LTD., 1184416 B.C. LTD., 1237765 B.C. LTD.

DEFENDANTS

AND:

BAYSIDE PROPERTY SERVICES LTD and CITY OF BURNABY

THIRD PARTIES

NOTICE OF TRIAL

Filed by: The Plaintiff, Community Fire Prevention Ltd.

TAKE NOTICE that the trial of this proceeding has been set down at the following place, date and time:

City	Vancouver
Address of Courthouse	800 Smithe Street
Date [dd/mmm/yyyy]	14/APR/2025
Time	10 days

The place of trial set out above is the place of trial set out in the notice of civil claim.

All parties of record in this action agree that not more than 10 days is a reasonable time for the hearing of all evidence and argument in this action.

Date: December 11, 2023



 Signature of lawyer for Plaintiff
 Silvano S. Todesco

Contact information for the parties and their lawyers is as follows:

<p>Counsel for the Plaintiff, Community Fire Prevention Ltd.</p> <p>Silvano S. Todesco Citadel Law Corporation 1400 - 1125 Howe Street Vancouver, BC V6Z 2K8 Direct: 604-9459-9893 Tel: 604-945-9990 Fax: 604-688-0933 Email: stodesco@citadellawyers.ca Assistant: Elynne Zhu ezhu@citadellawyers.ca</p>
<p>Counsel for the Defendants. Armaan Dhalla, David Grewal, Johnny Chi Ho Tsang, Leong Zhang, Sarbjit Bajwa</p> <p>Paul G. Mendes Lesperance Mendes Suite 550 – 900 Howe Street Vancouver, BC V6Z 2M4 Direct: 604-685-4894 Tel: 604-685-3567 Fax: 604-685-7505 Email: pgm@lmlaw.ca Assistant: Dilpreet Brar dkb@lmlaw.ca</p>
<p>Counsel for the Defendants, David Grewal, 1161359 B.C. LTD., 1184413 B.C. LTD., I 184414 B.C. LTD., 1184416 B.C. LTD.</p> <p>Michelle E. Guy Guardian Law Corporation 1130 – 1185 W Georgia Street Vancouver, BC V6E 4E6 Tel: 604-901-3477 Email: mguy@guardian-law.ca Assistant: Ciara Bosdachin cbosdachin@guardian-law.ca</p>
<p>Counsel for Third Party, Bayside Property Services Ltd.</p> <p>Amy Peck Whitelaw Twining 2400 – 200 Granville Street Vancouver, BC V6C 1S4 Tel: 604-682-5466 Direct: 604-891-7256 Fax: 604-682-5217 Email: apecck@wt.ca Assistant: Breanna Morris BMorris@wt.ca</p>

**Counsel for Defendant, Strata Corporation NW289
(Counsel that filed the Third Party Notice to add Bayside and Burnaby)**

Shaun Driver
 Boughton Law Corporation
 700 – 595 Burrard Street
 Vancouver, BC V7X 1S8
 Tel: 604-687-3789
 Fax: 604-683-5317
 Email: sdriver@boughtonlaw.com
 Assistant: Melissa Pedron mpedron@boughtonlaw.com

Counsel for Third Party, City of Burnaby

James E. Silvester
 City of Burnaby
 4949 Canada Way
 Burnaby, BC V5G 1M2
 Tel: 604-294-7235
 Fax: 604-294-7985
 Email: james.silvester@burnaby.ca
 Assistant: Bardaro, Paulina paulina.bardaro@burnaby.ca

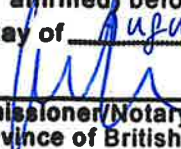
Appendix

Part 1: THIS CLAIM INVOLVES THE FOLLOWING:

a matter not listed here

Part 2:

Builders Lien Act, S.B.C. 1997, c. 45
Strata Property Act, S.B.C. 1998, c. 43
Court Order Interest Act, R.S.B.C., 1996, c. 79

This is Exhibit "C" referred to in the
Affidavit of Tomomi Gohji
sworn (or affirmed) before me
this 1st day of August 2024.

A Commissioner/Notary Public for the
Province of British Columbia

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NO. S-238586
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

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 FACCIO, 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

RESPONSE TO NOTICE TO ADMIT

The Defendant, The Owners, Strata Plan NW289, as represented by the liquidator, Crowe Mackay & Company Ltd., (the “**Liquidator**”) provides the following response to the Plaintiff’s Notice to Admit delivered February 21, 2024.


In response to the facts, the admission of which is requested:

1. Paragraphs 1 and 2 of the Notice to Admit are denied by the Liquidator.
2. Paragraphs 3 to 18 of the Notice to Admit are unknown to the Liquidator.
3. Paragraphs 19 to 24 of the Notice to Admit are conclusory summaries of documents the authenticity of which is admitted.

In response to the documents, the authenticity of which admission is requested:

1. Admitted
2. Admitted
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.

Dated at the City of Vancouver, in the Province of British Columbia, this ^{13th} day of March, 2024.



 Lawson Lundell LLP
 Solicitors for the Defendant, The Owners,
 Strata Plan NW289 as represented by the
 liquidator, Crowe Mackay & Company Ltd.

This Response to Notice to Admit is delivered by Peter J. Roberts, K.C. / Sarah B. Hannigan, of the law firm of Lawson Lundell LLP, whose place of business and address for delivery is 1600 – 925 West Georgia Street, Vancouver, British Columbia V6C 3L2.

This is Exhibit " D " referred to in the
Affidavit of Tamoni Gohvi
sworn (or affirmed) before me
this 1st day of August 2024.

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A Commissioner/Notary Public for the
Province of British Columbia

NO. S-238586
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

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, HONCHING 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

LIST OF DOCUMENTS

Prepared by: The Owners, Strata Plan NW289 as represented by the liquidator, Crowe Mackay & Company Ltd. (the **Listing Party**)

Part 1: DOCUMENTS THAT ARE OR HAVE BEEN IN THE LISTING PARTY'S POSSESSION OR CONTROL AND THAT COULD BE USED BY ANY PARTY AT TRIAL TO PROVE OR DISPROVE A MATERIAL FACT

Please see Schedule "A", dated February 14, 2024.

Please see the attached Schedule "A-1"

Part 2: OTHER DOCUMENTS TO WHICH THE LISTING PARTY INTENDS TO REFER AT TRIAL

NIL

Part 3: DOCUMENTS THAT RELATE TO A MATTER IN QUESTION IN THE ACTION

NIL

Part 4: DOCUMENTS FOR WHICH PRIVILEGE FROM PRODUCTION IS CLAIMED

The Listing Party objects to production of the documents described in this part on the grounds that they are privileged. Paragraphs (a), (b) and (c) below describe the three categories of privilege in relation to the documents listed in this Part. A reference to (a), (b) or (c) next to the listing indicates the ground or grounds of privilege claimed in relation to the specific document or group of documents.

GROUPS OF PRIVILEGE

Solicitor/Client Privilege

- (a) The documents are or record confidential communications between the Listing Party or their agents and the Listing Party's legal advisors for the purpose of obtaining legal advice or assistance.

NIL

Litigation Privilege

- (b) The documents are or record confidential communications between the Listing Party or their agents and the Listing Party's legal or professional advisors made for the dominant purpose of litigation at a time when litigation was contemplated or commenced; or

The documents are or record confidential communications between the Listing Party's legal or professional advisors, or between those legal or professional advisors and third parties, or between the Listing Party and third parties, made for the dominant purpose of litigation at a time when litigation was contemplated or commenced; or

The documents were prepared or brought into being by the Listing Party or its legal or professional advisors, or are copies of documents obtained from other parties or sources, for the dominant purpose of litigation at a time when litigation was contemplated or commenced.

Settlement Negotiation Privilege

- (c) The documents are or record confidential communications between the Listing Party, their agents, or their legal advisors and the opposing parties, their agent, or their advisors for the purpose of negotiating a settlement of an issue or issues between them.

NIL

ONGOING CLAIM OF SOLICITOR/CLIENT, LITIGATION PRIVILEGE AND SETTLEMENT NEGOTIATION PRIVILEGE

The Listing Party also claims privilege over documents created or coming into the Listing Party's or the Listing Party's solicitors possession after the date of this List of Documents in the following categories:

1. Documents consisting of or recording confidential communications between the Listing Party and the Listing Party's legal advisors for the purpose of giving the Listing Party legal advice in the context of this action;
2. Documents coming into being, prepared or coming into the possession of the Listing Party or their legal advisors, for the dominant purpose of this litigation, including drafts or pleadings, proofs of evidence, cases for the opinion of counsel, opinions of counsel and instructions to counsel prepared and given in anticipation and during the progress of this action, letters and copies of letters passing between the Listing Party and the Listing Party's counsel and memoranda made by the Listing Party's solicitors and the Listing Party's agents and experts for the purpose of defending/prosecuting the action (and prosecuting the counterclaim herein); and
3. Documents consisting of or recording confidential communications between the Listing Party, their agents, or their legal advisors and the opposing parties, their agent, or their advisors for the purpose of negotiating a settlement of an issue or issues between them.

TAKE NOTICE that the documents listed in Parts 1, 2 or 3 of this List of Documents that are not shown as no longer being in the Listing Party's possession or control may be inspected and copied, during normal business hours, at the offices of Lawson Lundell LLP, at 1600 – 925 West Georgia Street, Vancouver, British Columbia V6C 3L2.

Dated: May 10, 2024

Implied undertaking to the court

Documents produced are not to be used by the other parties except for the purposes of this litigation unless and until the scope of the undertaking is varied by a court order or other judicial order, consent or statutory override or a situation of immediate and serious danger emerges. This implied undertaking continues despite settlement or com:



Lawson Lundell LLP
Solicitors for the Listing Party

This List of Documents is delivered by Peter J. Roberts, K.C. / Sarah B. Hannigan, of the law firm of Lawson Lundell LLP, whose place of business and address for delivery is 1600 – 925 West Georgia Street, Vancouver, British Columbia V6C 3L2.

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000147-0001	01/26/2007	Land Title Document	Amendment to Bylaws	The Owners, Strata Plan NW289	
LIQ000148-0001	06/16/2011	Land Title Document	Amendment to Bylaws	The Owners, Strata Plan NW289	
LIQ000149-0001	12/17/2012	Land Title Document	Amendment to Bylaws	The Owners, Strata Plan NW289	
LIQ000150-0001	11/24/2014	Land Title Document	Amendment to Bylaws	The Owners, Strata Plan NW289	
LIQ000151-0001	07/22/2020	Court Document	S-204200 Response to Civil Claim	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000152-0001	07/22/2020	Court Document	S204200 Third Party Notice	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000153-0001	10/30/2020	Court Document	S204200 Response to Third Party Notice	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000154-0001	05/12/2021	Court Document	S204200 Notice of Discontinuance	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000155-0001	05/26/2021	Court Document	S204200 Notice of Change of Solicitor	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000156-0001	05/31/2021	Court Document	S204200 - Case Plan Order	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000157-0001	06/15/2021	Court Document	S204200 Notice of Change of Solicitor	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000158-0001	06/15/2021	Court Document	S204200 Notice of Application	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000159-0001	06/17/2021	Court Document	S204200 Application Response	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000160-0001	06/30/2021	Court Document	S204200 Requisition - General	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000161-0001	07/27/2021	Court Document	S204200 Requisition - General	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	

Schedule "A-1"

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000162-0001	07/29/2021	Court Document	S204200 Notice of Change of Solicitor	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000163-0001	07/30/2021	Form	Form K - Notice of Tenant's Responsibilities		
LIQ000164-0001	07/30/2021	Form	Notice of Tenant's Responsibilities	Unit 203 - 5715 Jersey Avenue Burnaby, BC	
LIQ000165-0001	07/30/2021	Form	Notice of Tenant's Responsibilities	Unit 316 - 5715 Jersey Avenue, Burnaby, BC	
LIQ000166-0001	08/04/2021	Court Document	S204200 Application Response	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000167-0001	08/11/2021	Court Document	S204200 Consent Order	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000168-0001	08/11/2021	Agreement	S204200 Application Response	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000169-0001	08/12/2021	Court Document	S204200 Application Response	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000170-0001	08/17/2021	Court Document	S204200 Order Made After Application	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000171-0001	09/23/2021	Court Document	S204200 Third Party Notice	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000172-0001	09/23/2021	Court Document	S204200 Third Party Notice	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000173-0001	10/21/2021	Land Title Document	Amendment to Bylaws	The Owners, Strata Plan NW289	
LIQ000174-0001	01/07/2022	Form	Amendment to Bylaws for Strata Corporation NW-289	Strata Corporation NW-289	
LIQ000175-0001	02/15/2022	Meeting Minutes	Minutes of Special General Meeting	Strata Plan NWS289	
LIQ000176-0001	04/20/2022	Court Document	S204200 List of Documents of The Owners, Strata Plan NW289	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000177-0001	05/03/2022	Court Document	S204200 Response to Third Party Notice	Community Fire Prevention Ltd. v. The Owners, Strata Plan NW289 et al.	
LIQ000178-0001	06/20/2022	Agreement	Strata Property Management Service Agreement	Crowe Mackay & Company Ltd.;Fraser Park Realty Ltd.	
LIQ000179-0001	08/25/2022	Email	RE: Strata Windup Cameray Gardens - Call Update	'veerman, robert @ vancouver' <robert.veerman@cbre.com>	'ho, david @ vancouver' <david.ho@cbre.com>;brett aura <brett.aura@trgcommercial.ca>;derek lai <derek.lai@crowemackay.ca>;marshall macleod <mmacleod@naicommmercial.ca>
LIQ000180-0001	08/23/2022	Attachment	Purchase and Sale Agreement - 1174 Inlet Drive - WITH PURCHASER CONDITIONS (01830466).DOC		
LIQ000181-0001	08/26/2022	Email	Re: Strata Windup Cameray Gardens - Call Update	'veerman, robert @ vancouver' <robert.veerman@cbre.com>	derek lai <derek.lai@crowemackay.ca>
LIQ000182-0001	09/02/2022	Email	Re: Cameray Offer (V.3) 3925 Kingsway and 5715 Jersey Avenue, Burnaby, BC	derek lai <derek.lai@crowemackay.ca>	'veerman, robert @ vancouver' <robert.veerman@cbre.com>;jed wilson <swilson@lawsonlundell.com>
LIQ000183-0001	09/09/2022	Email	Re: Bellmont offer	'veerman, robert @ vancouver' <robert.veerman@cbre.com>	derek lai <derek.lai@crowemackay.ca>
LIQ000184-0001	09/12/2022	Email	RE: Strata Windup Cameray Gardens - Accepted Offer from Bellmont Pacific Development Group Ltd.	derek lai <derek.lai@crowemackay.ca>	'brett aura' <brett.aura@trgcommercial.ca>;'ho, david @ vancouver' <david.ho@cbre.com>;'marshall macleod <mmacleod@naicommmercial.ca>' <mmacleod@naicommmercial.ca>;'veerman, robert @ vancouver' <robert.veerman@cbre.com>;jed wilson <swilson@lawsonlundell.com>

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000185-0001	09/08/2022	Attachment	Purchase and Sale Agreement with Bellmont Pacific Group Ltd (executed by Liquidator) (initials required by Bellmont).pdf		
LIQ000186-0001	09/28/2022	Email	RE: Cameray Gardens due diligence and outstanding documents	'derek lai' <afdfb079bd7f492a8a13c6907ca91d7e-derek.lai@exchangelabs.com>	hkalfon@fraserparkreality.com
LIQ000187-0001	09/29/2022	Email	FW: Kingsway and Jersey leases	kulwant chauhan <kulwant@sevilleinvestments.ca>	'marshall macleod - nai (mmacleod@naicommercial.ca)' <mmacleod@naicommercial.ca>
LIQ000188-0001	10/01/2022	Attachment	3925 Kingsway Oct 2022 rent roll.xlsx		
LIQ000189-0001	10/01/2022	Attachment	5715 Jersey Avenue Oct 2022 rent roll.xlsx		
LIQ000190-0001	09/30/2022	Email	RE: Cameray Gardens due diligence and outstanding documents	'derek lai' <afdfb079bd7f492a8a13c6907ca91d7e-derek.lai@exchangelabs.com>	hkalfon@fraserparkreality.com;ivan.driedger@crowemackay.ca;nelson.allan@crowemackay.ca
LIQ000191-0001	10/07/2022	Letter	Re: Strata Windup - Cameray Gardens NWS289 ('Cameray Gardens') Update from the Liquidator	Crowe Mackay & Company Ltd.	To the Owners of Cameray Gardens, Strata Plan NWS289
LIQ000192-0001	11/14/2022	Email	Re: Cameray Gardens - Bellmont Status and Next Steps (Realtor Group)	brett aura <brett.aura@trgcommercial.ca>	'ed wilson' <ewilson@lawsonlundell.com>;'veer man, robert @ vancouver' <robert.veerman@cbre.com>;derek lai <derek.lai@crowemackay.ca>;marsha ll macleod <mmacleod@naicommercial.ca>;peter roberts <proberts@lawsonlundell.com>
LIQ000193-0001	11/18/2022	Email	Re: Ad Hoc Item	hilaire kalfon <hkalfon@fraserparkreality.com>	derek lai <derek.lai@crowemackay.ca>

Schedule "A-1"

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000194-0001	11/23/2022	Email	FW: Marketing Plan Moving Forward & Resigning Listing	'derek lai' <afdfb079bd7f492a8a13c6907ca91d7e-derek.lai@exchangelabs.com>	brett.aura@trgcommercial.ca;david.ho@cbre.com;macleod@naicommercial.ca;robert.veerman@cbre.com
LIQ000195-0001	06/28/2022	Attachment	Cameray Gardens - Exclusive Listing Agreement.pdf		
LIQ000196-0001	11/28/2022	Letter	RE: Strata Windup - Cameray Gardens NWS289 ('Cameray Gardens') Update from the Liquidator	Crowe Mackay & Company Ltd.	To the Owners of Cameray Gardens, Strata Plan NWS289
LIQ000197-0001	12/16/2022	Letter	Re: Strata Windup - Cameray Gardens NWS289 ('Cameray Gardens') update from the Liquidator	Crowe Mackay & Company Ltd.	To the Owners of Cameray Gardens, Strata Plan NWS289
LIQ000198-0001	12/16/2022	Email	Cameray Gardens - Update to owners LTR to Owners - Final (Dec 16, 2022) - Signed.pdf	'tetsu takagaki' <a087766bde904e68bb10f95c99024ded-tetsu.takag@exchangelabs.com>	hkalfon@fraserparkrealty.com
LIQ000199-0001	12/16/2022	Attachment			
LIQ000200-0001	01/04/2023	Agreement	Residential Tenancy Agreement	Unit 102 - 3925 Kingsway, Burnaby	
LIQ000201-0001	01/26/2023	Email	Update on the Sale of Cameray Gardens	hilaire kalfon <hkalfon@fraserparkrealty.com>	admin fpr <admin@fraserparkrealty.com>
LIQ000202-0001	01/27/2023	Email	Marshall McLeod Memo	derek lai	derek lai
LIQ000203-0001	01/27/2023	Email	Cameray Gardens Partial Subject removal	<derek.lai@crowemackay.ca>	<derek.lai@crowemackay.ca>
LIQ000204-0001	01/28/2023	Email	Kulwant C Memo	'ed wilson (3148) - 17flr' <ewilson@lawsonlundell.com>	jennifer williams <jwilliams@harpergrey.com>
LIQ000205-0001	02/22/2023	Email	Bellmont	derek lai	derek lai
LIQ000206-0001	02/25/2023	Email	RE: Cameray Gardens Partial Subject removal	<derek.lai@crowemackay.ca>	<derek.lai@crowemackay.ca>
LIQ000207-0001	02/25/2023	Email	RE: Bellmont	marshall macleod <macleod@naicommercial.ca>	derek lai
				'ed wilson (3148) - 17flr' <ewilson@lawsonlundell.com>	jennifer williams <jwilliams@harpergrey.com>
				derek lai	'ho, david @ vancouver' <david.ho@cbre.com>;marshall macleod
				derek lai <derek.lai@crowemackay.ca>	<macleod@naicommercial.ca>

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000208-0001	02/24/2023	Attachment	Subject Removal and Extension (February 24, 2023) (fully execute.pdf)		
LIQ000209-0001	02/28/2023	Letter	RE: Strata Windup - Cameray Gardens NWS289 ('Cameray Gardens') update from the Liquidator	Crowe Mackay & Company Ltd.	To the Owners of Cameray Gardens, Strata Plan NWS289
LIQ000210-0001	02/28/2023	Email	Letter to Owners regarding sale	tetsu takagaki <tetsu.takagaki@crowemackay.ca>	hilaire kalfon <hkalfon@fraserparkrealty.com>
LIQ000211-0001	02/28/2023	Attachment	Ltr to Owners (Feb. 28, 2023) (Final - Signed).docx.pdf		
LIQ000212-0001	03/01/2023	Email	Update On Sale Agreement and Moving a Step Closer	hilaire kalfon <hkalfon@fraserparkrealty.com>	undisclosed-recipients:
LIQ000213-0001	02/28/2023	Attachment	Ltr to Owners (Feb. 28, 2023) (Final - Signed).docx.pdf		
LIQ000214-0001	04/20/2023	Letter	Re: Purchase and Sale of Strata Plan NW289, municipally located at 3925 Kingsway, Burnaby, BC and 5715 Jersey Avenue, Burnaby, BC (the 'Property')	Harper Grey LLP Unit 107 - 5715 Jersey Avenue, Burnaby, BC	Lawson Lundell LLP
LIQ000215-0001	05/08/2023	Agreement	Residential Tenancy Agreement		
LIQ000216-0001	05/20/2023	Notice	Notice of Special General Meeting	The Owners, Strata Plan NW289	
LIQ000217-0001	05/20/2023	Notice	Cameray Gardens Special General Meeting Sale of Strata Corporation		
LIQ000218-0001	05/23/2023	Email	RE: Cameray Gardens - Draft Subject Waiver	'lisa frey (3139) - 17flr' <lfrey@lawsonlundell.com>	jennifer williams <jwilliams@harpergrey.com>
LIQ000219-0001	05/23/2023	Attachment	Cameray Gardens - Second Condition Waiver (Draft 05.23.2023).DOCX		
LIQ000220-0001	05/24/2023	Email	RE: Cameray Gardens - Draft Subject Waiver	'lisa frey (3139) - 17flr' <lfrey@lawsonlundell.com>	jennifer williams <jwilliams@harpergrey.com>
LIQ000221-0001	05/24/2023	Attachment	Second Condition Waiver (05.24.2023).pdf		
LIQ000222-0001		Attachment	image001.jpg		

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000223-0001	05/24/2023	Email	RE: Cameray Gardens - Draft Subject Waiver	'lisa frey (3139) - 17flr' <lfrey@lawsonlundell.com>	jennifer williams <jwilliams@harpergrey.com>
LIQ000224-0001	05/24/2023	Attachment	Cameray Gardens - Second Condition Waiver (Draft 05.24.2023).DOCX		
LIQ000225-0001	05/24/2023	Attachment	MINUTES OF COUNCIL MEETING		
LIQ000226-0001		Attachment	Unnamed		
LIQ000227-0001		Attachment	image004.jpg		
LIQ000228-0001	05/24/2023	Email	RE: Cameray Gardens - Draft Subject Waiver	'lisa frey (3139) - 17flr' <lfrey@lawsonlundell.com>	jennifer williams <jwilliams@harpergrey.com>
LIQ000229-0001		Attachment	image001.jpg		
LIQ000230-0001	05/24/2023	Email	RE: Cameray Gardens - Draft Subject Waiver	'lisa frey (3139) - 17flr' <lfrey@lawsonlundell.com>	jennifer williams <jwilliams@harpergrey.com>
LIQ000231-0001	05/25/2023	Email	RE: Cameray Gardens - Draft Subject Waiver	'lisa frey (3139) - 17flr' <lfrey@lawsonlundell.com>	jennifer williams <jwilliams@harpergrey.com>
LIQ000232-0001	05/24/2023	Attachment	Mutual Notice of Second Condition Satisfaction and or Waiver (signed).pdf		
LIQ000233-0001	05/25/2023	Email	RE: Cameray Gardens - Draft Subject Waiver	'lisa frey (3139) - 17flr' <lfrey@lawsonlundell.com>	jennifer williams <jwilliams@harpergrey.com>
LIQ000234-0001	05/24/2023	Attachment	Second_Condition_Waiver_(05.24.2023).pdf		
LIQ000235-0001	05/25/2023	Email	RE: Cameray Gardens - Draft Subject Waiver	'lisa frey (3139) - 17flr' <lfrey@lawsonlundell.com>	jennifer williams <jwilliams@harpergrey.com>
LIQ000236-0001	05/25/2023	Email	RE: Mutual Condition Waiver	'lisa frey (3139) - 17flr' <lfrey@lawsonlundell.com>	marshall macleod <mmacleod@naicommmercial.ca>
LIQ000237-0001	07/26/2023	Email	Individual Contract of Purchase and Sale - Cameray Gardens	'ed wilson (3148) - 17flr' <ewilson@lawsonlundell.com>	jennifer williams <jwilliams@harpergrey.com>
LIQ000238-0001		Attachment	Cameray Gardens - Contract of Purchase and Sale (CBA-BCREA form).DOCX		
LIQ000239-0001		Attachment	Unnamed		
LIQ000240-0001	08/04/2023	Email	RE: Individual Contract of Purchase and Sale - Cameray Gardens	jennifer williams <jwilliams@harpergrey.com>	ed wilson <ewilson@lawsonlundell.com> lisa frey <lfrey@lawsonlundell.com>
LIQ000241-0001	08/22/2023	Email	Cameray Gardens - Schedule "A"	jennifer williams <jwilliams@harpergrey.com>	ed wilson <ewilson@lawsonlundell.com>

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000242-0001		Attachment	[DRAFT] Lawson Lundell Contract of Purchase and Sale Schedule A - Cameray Gardens - HG Edits - August 8, 2023.docx		
LIQ000243-0001		Attachment	Redline - [DRAFT] Lawson Lundell Contract of Purchase and Sale Schedule A - Cameray Gardens - LL Edits - July 26, 2023 and [DRAFT] Lawson Lundell C.pdf		
LIQ000244-0001	09/01/2023	Email	RE: Cameray Gardens - Schedule "A"	jennifer williams <jwilliams@harpergrey.com>	ed wilson <ewilson@lawsonlundell.com>
LIQ000245-0001	09/18/2023	Email	RE: Cameray Gardens - Schedule "A"	jennifer williams <jwilliams@mitaikins.com>	ed wilson <ewilson@lawsonlundell.com>
LIQ000246-0001	09/20/2023	Email	FW: Cameray Gardens - Schedule "A"	jennifer williams <jwilliams@mitaikins.com>	ed wilson <ewilson@lawsonlundell.com>
LIQ000247-0001		Attachment	[BLACKLINE] [DRAFT] Individual Contract of Purchase and Sale Schedule A - Cameray Gardens - HG Edits - August 8 2023-33796743-v1 and [DRAFT] Individual Cont.pdf		
LIQ000248-0001		Attachment	[DRAFT] Individual Contract of Purchase and Sale Schedule A - Cameray Gardens - HG Edits - August 8 2023.docx		
LIQ000249-0001		Attachment	[DRAFT] Cameray Gardens - Contract of Purchase and Sale (CBA-BCREA form).docx		
LIQ000250-0001		Attachment	[BLACKLINE] Cameray Gardens - Contract of Purchase and Sale (CBA-BCREA form)-33797172-v2 and [DRAFT] Cameray Gardens - Contract of Purchase and Sale (CBA-BC.pdf		

Schedule "A-1"

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000251-0001	09/22/2023	Email	RE: URGENT Cameray follow up - tax sale on Monday	'jennifer m. williams' <jwilliams@mitaikins.com>	ed wilson <ewilson@lawsonlundell.com>;jillian sych <jsych@lawsonlundell.com>
LIQ000252-0001	09/22/2023	Email	Re: URGENT Cameray follow up - tax sale on Monday	'ed wilson (3148) - 17flr' <ewilson@lawsonlundell.com>	'jennifer m. williams' <jwilliams@mitaikins.com>
LIQ000253-0001	09/22/2023	Email	URGENT Cameray follow up - tax sale on Monday	'jennifer m. williams' <jwilliams@mitaikins.com>	ed wilson <ewilson@lawsonlundell.com>
LIQ000254-0001	09/14/2023	Attachment	Notice-Annual-Tax-Sale-2023-09-25.pdf		
LIQ000255-0001	09/22/2023	Email	RE: URGENT Cameray follow up - tax sale on Monday	'jillian sych (3327) - 17flr' <jsych@lawsonlundell.com>	'ed wilson (3148) - 17flr' <ewilson@lawsonlundell.com>;'jennifer m. williams' <jwilliams@mitaikins.com>
LIQ000256-0001	10/07/2022	Attachment	Cameray Gardens - Unit 216_SL 29_ TITLE-CA7467864-PID-001-263-200 (Oct 7, 2022).PDF		
LIQ000257-0001	10/07/2022	Attachment	Cameray Gardens - Unit 116_SL 58_ TITLE-CA7467871-PID-001-263-480 (Oct 7, 2022).PDF		
LIQ000258-0001	10/07/2022	Attachment	Cameray Gardens - Unit 115_SL 57_ TITLE-CA7467862-PID-001-263-463 (Oct 7, 2022).PDF		
LIQ000259-0001	10/07/2022	Attachment	Cameray Gardens - Unit 316_SL 47_ TITLE-CA7453020-PID-001-263-374 (Oct 7, 2022).PDF		
LIQ000260-0001	10/07/2022	Attachment	Cameray Gardens - Unit 312_SL 44_ TITLE-CA7467865-PID-001-263-340 (Oct 7, 2022).PDF		
LIQ000261-0001	10/07/2022	Attachment	Cameray Gardens - Unit 305_SL 37_ TITLE-CA7467870-PID-001-263-285 (Oct 7, 2022).PDF		
LIQ000262-0001	10/07/2022	Attachment	Cameray Gardens - Unit 302_SL 52_ TITLE-CA7603787-PID-001-263-421 (Oct 7, 2022).PDF		
LIQ000263-0001	10/07/2022	Attachment	Cameray Gardens - Unit 301_SL 51_ TITLE-CA7467869-PID-001-263-404 (Oct 7, 2022).PDF		

Schedule "A-1"

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000264-0001	10/07/2022	Attachment	Cameray Gardens - Unit 217_SL 30_ TITLE-CA7453019-PID-001-263-218 (Oct 7, 2022).PDF		
LIQ000265-0001	10/07/2022	Attachment	Cameray Gardens - Unit 117_SL 12_ TITLE-CA7467872-PID-001-263-030 (Oct 7, 2022).PDF		
LIQ000266-0001	10/07/2022	Attachment	Cameray Gardens - Unit 116_SL 11_ TITLE-WX2117663-PID-001-263-021 (June 8, 2022).PDF		
LIQ000267-0001	10/07/2022	Attachment	Cameray Gardens - Unit 115_SL 10_ TITLE-CA7453018-PID-001-263-013 (Oct 7, 2022).PDF		
LIQ000268-0001	10/07/2022	Attachment	Cameray Gardens - Unit 111_SL 07_ TITLE-CA7453017-PID-001-262-998 (Oct 7, 2022).PDF		
LIQ000269-0001		Attachment	image001.png		
LIQ000270-0001	09/28/2023	Email	RE: Cameray Gardens - Schedule "A" image002.jpg	'jillian sych (3327) - 17flr' <jsych@lawsonlundell.com>	'jennifer m. williams' <jwilliams@mitaikins.com>; margaret w. kwan' <mkwan@mitaikins.com>
LIQ000271-0001		Attachment	image001.png		
LIQ000272-0001		Attachment	image001.png		
LIQ000273-0001	09/28/2023	Email	RE: Cameray Gardens - Schedule "A"	'jillian sych (3327) - 17flr' <jsych@lawsonlundell.com>	'jennifer m. williams' <jwilliams@mitaikins.com>; margaret w. kwan' <mkwan@mitaikins.com>
LIQ000274-0001	10/06/2023	Email	Re: Jersey & Kingsway	marshall macleod <mmacleod@naicommercial.ca>	kulwant chauhan <kulwant@sevilleinvestments.ca>; pal as kabir <palas@sevilleinvestments.ca>
LIQ000275-0001	10/06/2023	Email	Jersey & Kingsway	palas kabir <palas@sevilleinvestments.ca>	'marshall macleod - nai (mmacleod@naicommercial.ca)' <mmacleod@naicommercial.ca>; kul want chauhan <kulwant@sevilleinvestments.ca>
LIQ000276-0001	09/01/2023	Attachment	Rent roll.xlsx		

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000277-0001	10/06/2023	Email	Cameray Gardens	kulwant chauhan <kulwant@sevilleinvestments.ca>	david grewal <grewal@shawbiz.ca>;palas kabir <palas@sevilleinvestments.ca>
LIQ000278-0001	10/17/2023	Email	RE: Cameray Gardens	'derek lai' <afdfb079bd7f492a8a13c6907ca91d7 e-derek.lai@exchangelabs.com>	mmacleod@naicommercial.ca
LIQ000279-0001	10/17/2023	Email	RE: Cameray Gardens - Schedule "A"	'jennifer m. williams' <jwilliams@mitaikins.com>	'margaret w. kwan' <mkwan@mitaikins.com>;jillian sych <jsyech@lawsonlundell.com>
LIQ000280-0001	11/06/2023	Email	RE: Cameray Gardens - Contracts of Purchase and Sale	'jennifer m. williams' <jwilliams@mitaikins.com>	lisa frey <lfrey@lawsonlundell.com>
LIQ000281-0001	11/07/2023	Email	RE: Cameray Gardens - Contracts of Purchase and Sale	'jennifer m. williams' <jwilliams@mitaikins.com>	lisa frey <lfrey@lawsonlundell.com>
LIQ000282-0001	11/07/2023	Email	RE: Cameray Gardens - Contracts of Purchase and Sale	'lisa frey (3139) - 17flr' <lfrey@lawsonlundell.com>	'jennifer m. williams' <jwilliams@mitaikins.com>
LIQ000283-0001	11/01/2023	Attachment	CONSENT TO ACT AS A DIRECTOR		
LIQ000284-0001	11/14/2023	Email	RE: Strata Wind-up - Georgia Court proposal	'derek lai' <afdfb079bd7f492a8a13c6907ca91d7 e-derek.lai@exchangelabs.com>	brett.aura@trgcommercial.ca 'veerman, robert @ vancouver' <robert.veerman@cbre.com>;brett aura <brett.aura@trgcommercial.ca>;mars hall macleod <mmacleod@naicommercial.ca>
LIQ000285-0001	11/14/2023	Email	RE: Cameray update call	'ho, david @ vancouver' <david.ho@cbre.com>	brett aura <brett.aura@trgcommercial.ca>
LIQ000286-0001	11/18/2023	Email	Re: Cameray update call	marshall macleod <mmacleod@naicommercial.ca>	'jennifer m. williams' <jwilliams@mitaikins.com>;margaret w. kwan' <mkwan@mitaikins.com>;joanne kwan <jkwan@mitaikins.com>
LIQ000287-0001	11/20/2023	Email	RE: Cameray Gardens - Closing Documents	'jillian sych (3327) - 17flr' <jsyech@lawsonlundell.com>	

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000288-0001	11/20/2023	Email	Cameray Gardens - Property Tax Certificates	'Jillian sych (3327) - 17fir' <jsych@lawsonlundell.com>	'jennifer m. williams' <jwilliams@mltaikins.com>; margaret w. kwan' <mkwan@mltaikins.com>; joanne kwan <jkwan@mltaikins.com>
LIQ000289-0001	11/22/2023	Email	Re: Cameray update call	'veerman, robert @ vancouver' <robert.veerman@cbre.com>	brett aura <brett.aura@trgcommercial.ca>; ed wilson <ewilson@lawsonlundell.com>; mars hall macleod <mmacleod@naicommercial.ca>
LIQ000290-0001	11/27/2023	Email	RE: Deal documents	'derek lai' <afdfb079bd7f492a8a13c6907ca91d7e-derek.lai@exchangelabs.com>	robert.veerman@cbre.com
LIQ000291-0001	12/07/2022	Attachment	Subject Removal and Extension (February 24, 2023) (fully executed).pdf		
LIQ000292-0001	12/07/2022	Attachment	[FULLY EXECUTED] Purchaser Partial Subject Removal and Exrenstion (January 27, 2023).pdf		
LIQ000293-0001	02/27/2023	Attachment	Letter to Lawson Lundell LLP - Receipt of Deposit.pdf		
LIQ000294-0001	12/14/2023	Email	RE: Cameray	'derek lai' <afdfb079bd7f492a8a13c6907ca91d7e-derek.lai@exchangelabs.com>	brett.aura@trgcommercial.ca
LIQ000295-0001	12/14/2023	Email	Cameray Gardens - Strata Council Meeting re: Bellmont	'derek lai' <afdfb079bd7f492a8a13c6907ca91d7e-derek.lai@exchangelabs.com>	coppertopped@gmail.com;dovidlang@gmail.com;kulwant@sevilleinvestments.ca;nadine@sevilleinvestments.ca;normleech@gmail.com;tetsu.takagaki@crowemackay.ca

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000296-0001	12/14/2023	Email	Re: Revised Realtor Comments/Recommendations	derek lai <derek.lai@crowemackay.ca>	brett aura <brett.aura@trgcommercial.ca>;ed wilson <ewilson@lawsonlundell.com>;peter roberts <proberts@lawsonlundell.com>
LIQ000297-0001	12/14/2023	Email	RE: Realtor Comments/Recommendations	derek lai <derek.lai@crowemackay.ca>	brett aura <brett.aura@trgcommercial.ca>;ed wilson <ewilson@lawsonlundell.com>
LIQ000298-0001	12/15/2023	Email	RE: CBRE Invoice: 20230300837 - 3925 Kingsway & 5715 Jersey Avenue, Burnaby, BC " Closing - December 15, 2023	'sharma, kajal @ vancouver' <kajal.sharma@cbre.com>	'jwilliams@mltaikins.com' <jwilliams@mltaikins.com>;ed wilson <ewilson@lawsonlundell.com>
LIQ000299-0001	12/18/2023	Email	Cameray Gardens - Purchase & Sale Agreement dated December 7, 2022	'ashley cheng (3316) - 14flr' <acheng@lawsonlundell.com>	'jwilliams@mltaikins.com' <jwilliams@mltaikins.com>
LIQ000300-0001	12/18/2023	Attachment	2023-12-18 LT J. Williams re PSA.PDF		
LIQ000301-0001	03/13/2024	Email	FW: 1038573 B.C. Ltd. v. The Owners, Strata Plan NW289 " SCBC Vancouver Registry Action No. S-238586	'kim dionne (3399) - 14flr' <kdionne@lawsonlundell.com>	'jwilliams@mltaikins.com' <jwilliams@mltaikins.com>
LIQ000302-0001	03/13/2024	Attachment	026 Response of the Defendant to Plaintiff_s Notice to Admit dated March 13, 2024.PDF		
LIQ000303-0001	03/13/2024	Attachment	2024-03-13 LT C. Dennis and R. Dennis (Dennis James Aitken) sv Response to Plaintiff_s Notice to Adm.PDF		
LIQ000304-0001	04/11/2024	Court Document	Vesting by Court Order CB1295755	Strata Lot 44	
LIQ000305-0001	04/11/2024	Court Document	Vesting by Court Order CB1295769	Strata Lot 75	
LIQ000306-0001	04/11/2024	Court Document	Vesting by Court Order CB1295753	Strata Lot 37	
LIQ000307-0001	04/11/2024	Court Document	Vesting by Court Order CB1295751	Strata Lot 30	

Schedule "A-1"

Doc No	Doc Date	Doc Type	Doc Title	Author	Recipient
LIQ000308-0001	04/11/2024	Court Document	Vesting by Court Order CB1295759	Strata Lot 51	
LIQ000309-0001	04/11/2024	Court Document	Vesting by Court Order CB1295757	Strata Lot 47	
LIQ000310-0001	04/11/2024	Court Document	Vesting by Court Order CB1295745		
LIQ000311-0001	04/11/2024	Court Document	Vesting by Court Order CB1295765	Strata Lot 58	
LIQ000312-0001	04/11/2024	Court Document	Vesting by Court Order CB1295767	Strata Lot 67	
LIQ000313-0001	04/11/2024	Court Document	Vesting by Court Order CB1295743	Strata Lot 7	
LIQ000314-0001	04/11/2024	Court Document	Vesting by Court Order CB1295761	Strata Lot 52	
LIQ000315-0001	04/11/2024	Court Document	Vesting by Court Order CB1295747	Strata Lot 12	
LIQ000316-0001	04/11/2024	Court Document	Vesting by Court Order CB1295763	Strata Lot 57	
LIQ000317-0001	04/30/2024	Court Document	Release of Lien CB1295744	Strata Lot 10	
LIQ000318-0001	04/30/2024	Court Document	Release of Lien CB1295768	Strata Lot 75	
LIQ000319-0001	04/30/2024	Court Document	Release of Lien CB1295766	Strata Lot 67	
LIQ000320-0001	04/30/2024	Court Document	Release of Lien CB1295752	Strata Lot 37	
LIQ000321-0001	04/30/2024	Court Document	Release of Lien CB1295758	Strata Lot 51	
LIQ000322-0001	04/30/2024	Court Document	Release of Lien CB1295748	Strata Lot 29	
LIQ000323-0001	04/30/2024	Court Document	Vesting by Court Order CB1295749	Strata Lot 29	
LIQ000324-0001	04/30/2024	Court Document	Release of Lien CB1295742	Strata Lot 7	
LIQ000325-0001	04/30/2024	Court Document	Release of Lien CB1295762	Strata Lot 57	
LIQ000326-0001	04/30/2024	Court Document	Release of Lien CB1295750	Strata Lot 30	
LIQ000327-0001	04/30/2024	Court Document	Release of Lien CB1295764	Strata Lot 58	
LIQ000328-0001	04/30/2024	Court Document	Release of Lien CB1295746	Strata Lot 12	
LIQ000329-0001	04/30/2024	Court Document	Release of Lien CB1295760	Strata Lot 52	
LIQ000330-0001	04/30/2024	Court Document	Release of Lien CB1295756	Strata Lot 47	
LIQ000331-0001	04/30/2024	Court Document	Release of Lien CB1295754	Strata Lot 44	
LIQ000332-0001		Notice	Cameray Gardens Important Notice.pdf		
LIQ000333-0001		Agreement	Private Property Impound Form	Cameray Gardens;Mundlie's Towing & Recovery	

May 13, 2024

Via Email

Lawson Lundell LLP
1600 Cathedral Place
925 West Georgia St.
Vancouver, BC V6C 3L2

Attention: Peter Roberts, K.C. and Sarah Hannigan

Dear Sirs/Mesdames:

Re: Cameray Gardens

We write further to 1038573 B.C. Ltd.'s ("573") Notice to Admit dated February 21, 2024 and the Owners, Strata Plan NW289's ("Strata Corporation") Response to Notice to Admit dated March 13, 2024. We write to address two matters.


First, we advise that, in our view, the second paragraph of the Strata Corporation's response ("Paragraphs 3 to 18 of the Notice to Admit are unknown to the Liquidator") does not comply with the *Supreme Court Civil Rules*.

We say that because each of the facts at paragraphs 3 to 18 of 573's Notice to Admit are matters which would appear to be within the knowledge of the Strata Corporation and its representatives. They concern steps taken or not taken by the Strata Corporation, or in limited respects by its constituent owners (on whose behalf the Strata Corporation has agreed to sell the Property).

Where there is a stated refusal or inability to admit a fact or document, a party is required under Rule 7-7(2)(b) to set out "in detail the reasons why the party cannot make the admission". We note the decision of *Nouhi v. Pourtaghi*, 2021 BCSC 1779 and the jurisprudence cited therein, including in particular paragraphs 52 and 56(c) (emphasis added):

[52] As a general proposition, lack of personal knowledge of a fact or document may be a valid reason for declining to admit that fact or document if the party in receipt of the notice to admit has taken some steps to inform themselves. Justice Dillon made this point in *Ceperkovic* at para. 36, where she said:

[36] ... While lack of knowledge may be a proper ground for refusing to admit a fact or document, it is unlikely that this explanation would be accepted if the party has not taken reasonable steps to inform themselves about the fact or document (see e.g. *Pershad v. Lachan*, 2015 ONSC 5290 at para. 81). This is in keeping with the basic duty under the discovery rules that the party discovered should take reasonable steps to inform himself or herself.

This is Exhibit " E " referred to in the
Affidavit of Tomomi Gohji
sworn (or affirmed) before me
this 1st day of August 2024.

A Commissioner/Notary Public for the
Province of British Columbia

[56] That said, I will make a couple of observations:

c) ... there are also numerous facts alleged about specific events involving the plaintiff, for example, meetings that he is alleged to have attended and documents that he is alleged to have signed. For him to profess a lack of personal knowledge of these facts suggests a failure to make reasonable efforts to properly respond to the notice.

The Strata Corporation has to date failed to provide the explanation required under Rule 7-7(2)(b). We ask that the Strata Corporation either (i) admit paragraphs 3 to 18 of the Notice to Admit or (ii) provide a detailed explanation for why no admission can be made.

Second, we note that the Strata Corporation has not responded to paragraph 25 of 573's Notice to Admit.

May we ask that the Strata Corporation provide an updated Response to Notice to Admit that accords with the Rules by not later than May 21, 2024.

Many thanks.

Yours truly,

Dennis James Aitken LLP



Ray Power
604-659-9454

rpower@djacounsel.com

RLP/sc

June 24, 2024

Via Email

Lawson Lundell LLP
1600 Cathedral Place
925 West Georgia St.
Vancouver, BC V6C 3L2

Attention: Peter Roberts, K.C. and Sarah Hannigan

Dear Sirs/Mesdames:

**Re: 1038573 B.C. Ltd. v. The Owners, Strata Plan NW289,
SCBC Vancouver Registry Action No. S-238586**

We write further to our examination for discovery of the Strata Corporation's representative, Derek Lai, on May 22, 2024. We request that Mr. Lai provide answers to the outstanding requests left at his examination, set out at Schedule "A" to this letter.

Yours truly,

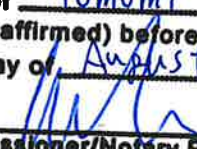
Dennis James Aitken LLP



Craig Dennis, K.C.
Direct: 604-659-9480
cdennis@djacounsel.com

CPD

Encl.

This is Exhibit " F " referred to in the
Affidavit of Tomomi Gohis
sworn (or affirmed) before me
this 1st day of August 2024.

A Commissioner/Notary Public for the
Province of British Columbia

SCHEDULE "A"

- Request 1:** Determine who prepared the February 15, 2022, special meeting minutes of the Strata Corporation.
- Request 2:** Determine how Mr. Lai came to know of the February 15, 2022, special meeting of the Strata Corporation and provide any notes on the meeting if not already provided.
- Request 3:** Provide the notice of the February 15, 2022, special meeting of the Strata Corporation and determine when and to whom it was sent.
- Request 4:** Provide the agenda of the February 15, 2022, special meeting of the Strata Corporation and determine who made it and when.
- Request 5:** Determine if, on or before February 15, 2022, Mr. Lai had any communications with Strata Lot Owners or Strata Corporation property manager concerning the February 15, 2022 special general meeting of the Strata Corporation.
- Request 6:** Provide any written communications not already provided between Mr. Lai and the Strata Corporation.
- Request 7:** Determine how document LIQ000191 (*i.e.*, October 7, 2022 letter from the liquidator to the Strata Lot Owners) was sent to the Strata Lot Owners.
- Request 8:** Provide the "previous communication" referred to in LIQ000191.
- Request 9:** Provide any other updates to the Strata Lot Owners in the same format as LIQ00191 which have not already been produced.
- Request 10:** Provide the "summary of key terms of the PSA and the timeline" referred to in LIQ000191.
- Request 11:** Provide any summaries of the Purchase and Sale Agreement between the Strata Corporation and the plaintiff (the "PSA") that were prepared by Crowe MacKay or Lawson Lundell.
- Request 12:** Provide the notice and minutes of the November 17, 2022 Annual General Meeting of the Strata Corporation.
- Request 13:** Provide the notice and minutes of the 2023 Annual General Meeting of the Strata Corporation and any notes on it from the Crowe MacKay team.

- Request 14:** Provide the “interest schedule” referred to in paragraph 5 of LIQ000175 (i.e., February 15, 2022 minutes of the February 15, 2022 Strata Corporation meeting).
- Request 15:** This request has two components:
- identify the Strata Corporation’s interest schedule in the document production, if already produced; and
 - determine if the Strata Corporation’s interest schedule is the attachment referred to in paragraph 5 of LIQ000175.
- Request 16:** Determine if Mr. Lai or anyone on the Crowe MacKay took steps to verify the accuracy of appendix A to the order of Justice Milman (the “**Windup Order**”).
- Request 17:** Determine if any strata lots have been sold since the February 2022 Special General Meeting of the Strata Corporation and, if so:
- advise of sales details, including when the sales occurred; and
 - provide the sales agreements.
- Request 18:** Determine if the Strata Lot Owners shown in appendix A to the Windup Order were the same Strata Lot Owners as of December 7, 2022, or if not, advise:
- who each of the Strata Lot Owners were as of December 7, 2022; and
 - how and when the Strata Lot Owners as of December 7, 2022 acquired their respective interests.
- Request 19:** Advise if there is a specific term of the PSA regarding the sale of strata units prior to completion.
- Request 20:** Provide any correspondence to the Strata Lot Owners on the topic of whether owners may sell their units to third parties prior to completion.
- Request 21:** Determine if paragraphs 33 and 34 of Justice Crerar’s January 31, 2024 reasons for judgment were shared with the Strata Lot Owners.
- Request 22:** Provide the meeting minutes of the Special General Meeting of the Strata Corporation approving the PSA, or, if they have already been produced, identify them in the production.
- Request 23:** Provide the affidavits referenced in the Windup Order.

- Request 24:** This request has two components:
- determine whether the Strata Lot Owners entered into any “replacement leases”, as described in schedule A to the PSA, on or after December 7, 2022; and
 - provide copies of any replacement leases entered into on or after December 7, 2022, if any.
- Request 25:** Determine if the Strata Lot Owners were provided with any advice on the meaning of the term “permitted encumbrances” in the PSA.
- Request 26:** Determine what information the Crowe MacKay team had concerning “replacement leases” entered into on or after December 7, 2022.
- Request 27:** Provide a list of the “additional month to month residential tenancy agreements” referenced in paragraph 20 of the response to civil claim.
- Request 28:** Determine which “additional month to month residential tenancy agreements” are “replacement leases under similar terms” entered into between December 7, 2022 and December 15, 2023, and advise what steps were taken to determine same.
- Request 29:** Determine if paragraph 5 of the plaintiff’s notice to admit dated February 21, 2024 is true.
- Request 30:** Determine what steps the Crowe MacKay team took to gather information in response to paragraphs 3-5 of the notice to admit.
- Request 31:** Determine if Lawson Lundell communicated with the conveyancing solicitors for the purchaser regarding the matters in the notice to admit and, if so, provide or identify the communications in the production.
- Request 32:** Determine what steps the Crowe MacKay team took to obtain copies of written lease agreements concerning the additional tenancies before preparing the response to the notice to admit.
- Request 33:** Determine if there is an original of the document at Exhibit “L” to Mr. Lai’s affidavit (*i.e.*, certified copy of the Strata Corporation resolutions, dated December 15, 2023) and if so, provide the original document with attachments.
- Request 34:** Determine if the February 15, 2022 resolution of the Strata Corporation referenced in Exhibit “L” to Mr. Lai’s affidavit was put in writing between February 15, 2022, and December 15, 2023, and if so, when.

July 25, 2024

Via Email

Lawson Lundell LLP
1600 Cathedral Place
925 West Georgia St.
Vancouver, BC V6C 3L2

Attention: Peter Roberts, K.C. and Sarah Hannigan

Dear Sirs/Mesdames:

**Re: 1038573 B.C. Ltd. v. The Owners, Strata Plan NW289,
SCBC Vancouver Registry Action No. S-238586**

We write further to our examination for discovery of the Strata Corporation's representative, Derek Lai, on May 22, 2024, and our letter of June 24, 2024. On further review, it seems that the court reporter did not make note of certain requests made during Mr. Lai's examination.

For convenience, those requests are set out below in Schedule "A" to this letter. We again ask that Mr. Lai provide responses to the requests left at his examination.

Yours truly,

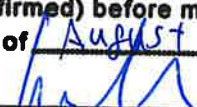
Dennis James Aitken LLP



Craig Dennis, K.C.
Direct: 604-659-9480
cdennis@djacounsel.com

CPD

Encl.

This is Exhibit " G " referred to in the
Affidavit of Tomomi Gohji
sworn (or affirmed) before me
this 14 day of August 2024.

A Commissioner/Notary Public for the
Province of British Columbia

SCHEDULE "A"

- Request 36:** If there were any leases entered into after December 7, 2022, determine the terms of such leases.
- Request 37:** Determine whether on December 15, 2023, Mr. Lai, or anyone on his team, knew of any replacement leases.
- Request 38:** Provide a list of residential tenancies as they existed on the date the Purchase and Sale Agreement was signed, being December 7, 2022.
- Request 39:** Determine what "Certified Copy" means or signifies in relation to Exhibit H to Affidavit #1 of Mr. Lai, signed January 30th, 2024.

No. S-238586
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

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

1038573 B.C. LTD.

Defendant by way of Counterclaim

SECOND NOTICE TO ADMIT

To: The Owners, Strata Plan NW289

TAKE NOTICE that the plaintiff and defendant by way of counter claim, 1038573 B.C. Ltd., requests the defendant to admit, for the purpose of this proceeding only, the facts set out below and the authenticity of the documents referred to below, copies of which are attached.

AND TAKE NOTICE that, unless the court otherwise orders, if the party to whom this notice is directed does not service a written statement, as provided in Rule 7-7(2) of the *Supreme Court*

This is Exhibit "H" referred to in the Affidavit of Tomomi Gohji sworn (or affirmed) before me this 1st day of August 2024.

[Signature]
A Commissioner/Notary Public for the Province of British Columbia

Civil Rules, within 14 days after service of a copy of this notice on him or her, then the truth of the facts and the authenticity of the documents will be deemed to be admitted.

Date: July 30, 2024



Signature of lawyer for parties serving
notice to admit
Craig Dennis, K.C.

The facts, the admission of which are requested, are set out below:

102 Kingsway Lease

1. From January 3, 2023 to July 31, 2023, a written lease agreement was in place for unit #102-3925 Kingsway, Burnaby, British Columbia (the "**102 Kingsway Lease**").
2. The 102 Kingsway Lease was listed as document LIQ000200 in the Amended List of Documents of the Owners, Strata Plan NW289 (the "**Strata Corporation**"), dated May 10, 2024 (the "**ALOD**").
3. The 102 Kingsway Lease was not disclosed by the Strata Corporation to the plaintiff prior to May 10, 2024.

107 Kingsway Lease

4. From April 1, 2023 to April 1, 2024, a written lease agreement was in place for unit #107-5715 Jersey Avenue, Burnaby, British Columbia (the "**107 Kingsway Lease**").
5. The 107 Kingsway Lease was listed as document LIQ000215 in the Strata Corporation's ALOD.
6. The 107 Kingsway Lease was not disclosed by the Strata Corporation to the plaintiff prior to May 10, 2024.
7. The Strata Corporation had not disclosed copies of any leases to the plaintiff prior to May 10, 2024.

September 29, 2022 Email from Robert Veerman

8. In the fall of 2022, Robert Veerman and Marshall MacLeod were real estate agents engaged by the Strata Corporation.
9. Ed Wilson of Lawson Lundell is a real estate solicitor engaged by the Strata Corporation.
10. On September 27, 2022, Steven Dong emailed Robert Veerman, Marshall MacLeod, Ed Wilson and others, requesting copies of all leases (see PLA000026, PLA000027, PLA000028).
11. Mr. Dong was not provided with copies of any leases.
12. On September 29, 2022, Mr. Veerman emailed Mr. Dong, attaching two Excel spreadsheets.
13. The Excel spreadsheet at PLA000027 indicated that units 102, 203, 209, 217, 301, 303, 308, 315, 316 and 317 of the building at 5715 Jersey Avenue (the "**Jersey Building**") were rented.
14. The Excel spreadsheet at PLA000027 indicated that units 103, 205 and 302 of the Jersey Building may be rented.
15. The Excel spreadsheet at PLA000028 indicated that units 107, 110, 119, 202, 210, 211, 212, 215, 304, 307, 310, 311, 314 and 317 of the building at 3925 Kingsway (the "**Kingsway Building**") were rented.
16. The Excel spreadsheet at PLA000028 indicated that units 303 and 309 of the Kingsway Building may be rented.
17. In total, PLA000027 and PLA000028 list 29 units.

November 12, 2022 Email from Ed Wilson

18. On November 12, 2022, Mr. Wilson emailed Jennifer Williams, the real estate solicitor for the plaintiff, and attached several documents (PLA000029 through PLA000038).
19. Derek Lai was copied on Mr. Wilson's email.
20. Included in the attachments to Mr. Wilson's email was a spreadsheet (PLA000038), which listed 21 units as rented.
21. Mr. Wilson did not provide Ms. Williams with copies of the leases.

October 10, 2023 Email from Marshall MacLeod

22. In October 2023, Marshall MacLeod was a real estate broker acting on behalf of the Strata Corporation.
23. On October 10, 2023, Mr. MacLeod emailed Kush Bhatia and attached an Excel spreadsheet titled "Rent_roll.xlsx" (PLA000288, PLA0000289).
24. Mr. MacLeod's spreadsheet indicated that unit 111 of the Jersey Building was rented.
25. Mr. MacLeod's spreadsheet indicated that unit 112 of the Jersey Building may be rented.
26. Mr. MacLeod's spreadsheet indicated that units 117 and 303 of the Kingsway Building were rented.
27. Neither the Strata Corporation nor its agents had previously disclosed to the plaintiff that the units 111 or 112 of the Jersey Building, or units 117 or 303 of the Kingsway Building, were rented.
28. Neither the Strata Corporation nor its agents have disclosed to the plaintiff copies of leases for units 111 or 112 of the Jersey Building, or for units 117 or 303 of the Kingsway Building.
29. Mr. MacLeod's cover email (PLA000288) stated that "Other Units rented out are done by individual Owners and are harder to obtain".
30. Mr. MacLeod's statement, referred to at paragraph 29, was true.
31. Units beyond those units listed in Mr. MacLeod's spreadsheet (PLA000289) were rented as of October 2023.
32. Units beyond those listed in Mr. MacLeod's spreadsheet were rented as of December 15, 2023.
33. The Strata Corporation has never told the plaintiff how many units are rented by individual owners.
34. The Strata Corporation did not, in the period prior to December 15, 2023, provide the plaintiff with copies of the leases for any units rented by individual owners.
35. Except for the 102 Kingsway Lease and the 107 Kingsway Lease, the Strata Corporation has never provided the plaintiff with copies of leases for any units rented by individual owners.

1352962 B.C. Ltd. Acquires Strata Lots

36. At the time of the order of Justice Milman entered June 17, 2022, 1352962 B.C. Ltd. did not own any of the strata lots within Strata Plan NW289.
37. In or about October 2022, 1352962 B.C. Ltd. acquired strata lots 55 and 69.
38. In or about April 2024, 1352962 B.C. Ltd. acquired strata lots 7, 10, 12, 29, 30, 37, 44, 47, 51, 52, 57, 58, 67 and 75.

The documents, the authenticity of which is requested, are:

1. Each of the documents set out below in Schedule "A".

SCHEDULE "A"

TAB	DOCUMENT
1.	Residential Tenancy Agreement re. #102-3925 Kingsway Avenue, Burnaby, British Columbia, dated January 3, 2023 (LIQ000200)
2.	Residential Tenancy Agreement re. #107-3925 Kingsway Avenue, Burnaby, British Columbia, dated April 1, 2023 (LIQ000215)
3.	Email from Robert Veerman to Steven Dong dated September 29, 2022 with attachments (PLA000026, PLA000027, PLA000028)
4.	Email from Ed Wilson to Jennifer Williams, copying Derek Lai, dated November 12, 2022 (PLA000029 through PLA000038)
5.	Email from Marshall MacLeod to Kush Bhatia dated October 10, 2023, with attachment (PLA000288 and PLA000289)
6.	Order of Justice Milman entered June 17, 2022 in SCBC Vancouver Registry Action No. S-223926
7.	Title Search – Strata Lot 55 dated July 30, 2024
8.	Title Search - Strata Lot 69 dated July 30, 2024
9.	REGISTERED Form 17 dated May 2, 2024 (CB1295765) (PLA000330)
10.	Title Search - Strata Lot 7 dated July 3, 2024
11.	Title Search - Strata Lot 10 dated July 3, 2024
12.	Title Search - Strata Lot 12 dated July 3, 2024
13.	Title Search - Strata Lot 29 dated July 3, 2024
14.	Title Search - Strata Lot 30 dated July 3, 2024
15.	Title Search - Strata Lot 37 dated July 3, 2024
16.	Title Search - Strata Lot 44 dated July 3, 2024
17.	Title Search - Strata Lot 47 dated July 3, 2024
18.	Title Search - Strata Lot 51 dated July 3, 2024
19.	Title Search - Strata Lot 52 dated July 3, 2024
20.	Title Search - Strata Lot 57 dated July 3, 2024
21.	Title Search - Strata Lot 58 dated July 3, 2024
22.	Title Search - Strata Lot 67 dated July 3, 2024
23.	Title Search - Strata Lot 75 dated July 3, 2024
24.	Corporate Summary - 1352962 B.C. Ltd. dated May 3, 2024 (PLA000344)
25.	Order of Master Harper entered January 13, 2022 in SCBC Vancouver Registry Action No. H-200382 (PLA000346)
26.	Petition to the Court filed August 12, 2020 in SCBC Vancouver Registry Action No. H-200382 (PLA000347)

27.	Order of Associate Judge Bilawich entered August 11, 2024 in SCBC Vancouver Registry Action No. H-200382 (PLA000348)
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No. S238586
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA
(BEFORE THE EXAMINER)**

Vancouver, BC
May 22, 2024

BETWEEN:
1038573 B.C. LTD.
Plaintiff

AND:
THE OWNERS, STRATA PLAN NW 289, 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 LOUITIT and SARAH KINUKO LOUITIT, 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, CUI MING CHEN, YANKUI WANG and XIN TIAN, MARIA DA NATIVIDADE ALMEIDA, 1237765 B.C. LTD., JU-SHAN CHIANG and FLORA FU, 1884414 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 CHIEN 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 PATTERSON, YVONNE JO-ANNE ENGLAND, GRACE JOANNA LEVSEN, PING CHOR CHAN, SO FAN LEE AND TAK TAI LUI

Defendants



This is Exhibit " I " referred to in the
Affidavit of Tomomi Teohui
sworn (or affirmed) before me
this 1st day of August 2024.

[Signature]
A Commissioner/Notary Public for the
Province of British Columbia

AND:

1038573 B.C. LTD.

Defendant by Counterclaim

**EXAMINATION FOR DISCOVERY
OF
DEREK LAI
(By Cnsl C. Dennis)**

COPY

APPEARANCES

Counsel for the Plaintiff:

Craig Dennis, KC

Dennis James Aitken LLP
Email: cdennis@djacounsel.com

Counsel for the Defendant OSP NW289:

Peter J. Roberts, KC

Lawson Lundell LLP
Email: proberts@lawsonlundell.com

1 referring to on the final page under

2 "H: Adjournment"?

3 A Yes.

4 34 Q You weren't there, so I take it you can't confirm
5 the accuracy of that?

6 A I don't -- I don't recall being at this meeting.

7 35 Q And therefore you can't confirm the accuracy of
8 that?

9 A I can't confirm the accuracy of that.

10 36 Q Or anything in these minutes?

11 A Well, generally I was -- I don't recall being at
12 this meeting, so I can't confirm.

13 37 Q Just while you have it open, if I can direct you
14 back to your affidavit at paragraph 2. In the
15 first sentence of paragraph 2, you say:

16 "The special general meeting was held on
17 February 15th, 2022."

18 A That's correct, yeah.

19 38 Q How do you know that?

20 A Well, it's by these minutes, so I must have -- I
21 must have a copy on my system.

22 39 Q Okay. So the information you have about the
23 special general meeting comes from those minutes?

24 A To the best of my recollection.

25 40 Q So you don't have any personal knowledge about the

1 meeting?

2 A I don't recall being at this meeting.

3 41 Q Because if you go back to your affidavit,
4 paragraph 1, you said that you have personal
5 knowledge of all the facts and in matters deposed
6 to, save and except for stated upon information
7 and belief; correct? That's what you state?

8 A That is correct.

9 42 Q And you don't say in paragraph 2 that the
10 information about the special general meeting was
11 on information and belief.

12 CNSL P. ROBERTS: Well, the affidavit speaks for itself.

13 CNSL C. DENNIS:

14 43 Q Well, why didn't you say at paragraph 2 that your
15 information about the special general meeting was
16 on information and belief?

17 A I'll have to refer back and look at -- look at
18 this, but I did review my affidavit carefully in
19 detail before I swore it.

20 44 Q That wasn't my question. You say in paragraph 1
21 that you had personal knowledge unless stated on
22 information and belief. In paragraph 2, you refer
23 to the meeting, but you're now telling me you
24 don't have personal knowledge of the meeting, so
25 why didn't you make that clear in your affidavit?

1 CNSL P. ROBERTS: Well, he doesn't say he was at that meeting.

2 He's just saying that he was appointed.

3 CNSL C. DENNIS:

4 45 Q Why didn't you say at paragraph 2 that the
5 information you were stating about the meeting was
6 on information and belief?

7 A Again, I'll have to refer back to my notes and
8 take a look at my system to see what information I
9 had on this SGM.

10 46 Q I'm not sure how that answers my question. You've
11 sworn under oath in paragraph 1 that the
12 statements you're making in the affidavit are on
13 personal knowledge unless you say otherwise. Why
14 didn't you say otherwise in paragraph 2?

15 CNSL P. ROBERTS: Well, part of the problem with your question
16 is if he doesn't recall today, how he knows that.
17 And he said he has to go back and look at his
18 notes to see how has he learned that he was
19 appointed in that role.

20 CNSL C. DENNIS:

21 47 Q Well, you weren't at the meeting?

22 A I don't recall being at the meeting, but I have
23 been at several meetings, so, I don't know, I
24 would have to look through my notes.

25 48 Q You swore this affidavit on January 30th, 2024?

1 A M'mm-hmm.

2 49 Q Which is a few months ago.

3 A Yeah.

4 50 Q Is it possible you've forgotten something over the

5 past few months about how you know about this

6 meeting?

7 A It is possible, yes.

8 51 Q So what notes would you consult?

9 A I would have to find out -- pull up my

10 correspondence with Ed Wilson here on this SGM.

11 52 Q Well, have you not provided those to your counsel

12 already for purposes of discovery in this case?

13 A We've provided all the documents that we were able

14 to, yes.

15 53 Q All right. So you've already provided those notes

16 to your counsel?

17 A I will have to look through. I can't recall at

18 this time specifically.

19 54 Q Well, you just told me a moment ago you've

20 provided to your counsel all the documents you

21 were able to.

22 A Yeah.

23 55 Q So I would assume that would include your notes?

24 A Again, like, I'm going to have to go back and

25 look. I don't specifically recall the

1 communications I've had on this SGM.

2 56 Q Okay.

3 A I don't even recall right now at this moment if I
4 was even at this SGM.

5 57 Q Well, you told me earlier you don't think you
6 were.

7 A I don't believe I was.

8 58 Q But if you have notes, you've had the opportunity
9 to provide them already to your counsel?

10 A Yeah.

11 59 Q And you were asked to provide all documents as
12 part of the discovery process in this litigation;
13 yes?

14 A Yeah.

15 60 Q So any notes that you have, you already would have
16 provided to your counsel?

17 A Yeah. I believe so, yeah.

18 61 Q All right. And you need to review those to get a
19 better recollection of how you came to know about
20 what happened at the February 15th, 2022, meeting?

21 A That's correct.

22 CNSL C. DENNIS: All right. Well, I would ask that you do
23 that and also to the extent they've not already
24 been produced, produce those notes.

25 **REQUEST 2: Determine how Mr. Lai came to know of**

1 **the February 15, 2022, meeting and provide any**
2 **notes on the meeting if not already provided**

3 CNSL P. ROBERTS: Subject to privilege.

4 CNSL C. DENNIS: Subject to privilege.

5 62 Q But you think these are notes that you yourself
6 made?

7 A I didn't prepare these SGM notes.

8 63 Q I know. I'm talking about the notes you were
9 referring to. Are these notes you made?

10 A They would very likely, I would suspect, be, like,
11 email correspondence with Lawson Lundell.

12 64 Q I see. Let's continue with the minutes at tab 84.
13 You see item D on the first page?

14 A Item B?

15 65 Q D as in Donald.

16 A Yes.

17 66 Q It says "Notice of the meeting was filed"; do you
18 see that?

19 A Yeah.

20 67 Q Have you seen that notice?

21 A Off the top of my head, no, I don't recall.

22 68 Q I take it from this that some form of notice of
23 this special general meeting was sent to strata
24 owners in advance; would that be your
25 understanding?

1 Zoom calls and phone calls, again, was it your
2 practice to make notes of those?

3 A We would generally have an email at some point to
4 summarize our discussion, generally speaking.

5 112 Q And who writes the email? You?

6 A It might not have been me. It could have been
7 someone on my team.

8 113 Q And is the email then sent to the attendees at the
9 meetings, or is it an internal email?

10 A Off the top of my head, I don't know for certain,
11 but generally speaking, it's communications with
12 the owners, the strata council members.

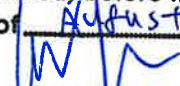
13 CNSL C. DENNIS: All right. Well, as I say, I've seen some of
14 the updates, and we'll come to those shortly. To
15 the extent there are other written communications
16 you've had with owners, I would ask that they --
17 you check and they be produced in whatever form.

18 **REQUEST 6: Provide any communications not already**
19 **provided between Mr. Lai and the strata owners**
20 **(**TAKEN UNDER ADVISEMENT**)**

21 CNSL P. ROBERTS: Subject to claims of privilege.

22 CNSL C. DENNIS: Of course.

23 CNSL P. ROBERTS: And relevance. I don't see how
24 communications over a building condition issue are
25 relevant to this litigation, for example.

This is Exhibit "J" referred to in the
Affidavit of Tomomi Gohji
sworn (or affirmed) before me
this 1st day of August 2024.

A Commissioner/Notary Public for the
Province of British Columbia

1 CNSL C. DENNIS: I don't know what they are, so I can't --

2 I'll have to trust to you make that assessment.

3 I'm not sure how communications between Mr. Lai
4 and owners would be privileged, but perhaps there
5 would be a difference --

6 CNSL P. ROBERTS: There's two kinds of --

7 CNSL C. DENNIS: Yeah.

8 CNSL P. ROBERTS: There's communications between Mr. Lai and
9 the strata council members, which I say are
10 privileged. And then there's general
11 communications to the ownership providing updates,
12 which are what you've been referring to. And --

13 CNSL C. DENNIS: Again, I don't want to take up a lot of time,
14 but with respect to the former, communications
15 with strata council, what would be the basis of
16 privilege there?

17 CNSL P. ROBERTS: They're clients. Council to the strata.

18 CNSL C. DENNIS: Okay. Counsel s-e-l, not c-i-l?

19 CNSL P. ROBERTS: Yeah.

20 CNSL C. DENNIS: All right. Fair enough.

21 CNSL P. ROBERTS: C-i-l, not s-e-l.

22 CNSL C. DENNIS: Okay. So communications between Mr. Lai and
23 members of the strata council, c-i-l?

24 CNSL P. ROBERTS: Yeah.

25 CNSL C. DENNIS: You're saying that's privileged?

1 CNSL P. ROBERTS: I am.

2 CNSL C. DENNIS: On what basis?

3 CNSL P. ROBERTS: Solicitor-client.

4 CNSL C. DENNIS:

5 114 Q Are you a lawyer, Mr. Lai?

6 A I am not a lawyer.

7 CNSL P. ROBERTS: It's internal communications regarding the

8 litigation that is the strata windup.

9 CNSL C. DENNIS: So that would be litigation privilege

10 since --

11 CNSL P. ROBERTS: Yeah.

12 CNSL C. DENNIS: All right. I wasn't -- I'm not trying to be

13 pedantic. I just want to understand.

14 CNSL P. ROBERTS: Yeah.

15 CNSL C. DENNIS:

16 115 Q So in your role as liquidator currently, are you

17 dealing with the strata council?

18 A I do, yes.

19 116 Q Do you, in effect, take instructions from the

20 strata council?

21 A I seek their input before making decisions.

22 117 Q And so in your role as liquidator, you make

23 decisions and carry out acts on behalf of the

24 strata corporation?

25 A Yes, I do.

1 118 Q With input from the strata council?

2 A With input from the council and generally some
3 owners, maybe, too.

4 119 Q Okay. So let me just -- because we were talking
5 about the written updates, let me look at those or
6 some of those. So in the same volume 3, where the
7 minutes are, just if you can move to tab 74. I'm
8 just -- I didn't do it with tab 84, so I'm just
9 going to do it for the record just because it
10 could be helpful sometimes when we're looking at
11 the transcript. Tab 84 is liquidator 175, and I
12 have now moved to tab 74, which is liquidator 191,
13 and you should have there correspondence on Crowe
14 letterhead dated October 7th, 2022?

15 A Yes.

16 120 Q That's your signature on the second page?

17 A It is, yes.

18 121 Q And this is a letter from you to strata owners?

19 A That's correct.

20 122 Q You wrote the letter?

21 A Either myself or someone on the team.

22 123 Q Who else is on the team?

23 A I have managers, senior associates, administrative
24 staff, estate accountants, estate administrators.

25 124 Q Well, who from your team has worked on this

1 202 Q All right. If I can again direct you to
2 resolution 2, which begins on page 2. And now I'd
3 like to look at item 5. Item 5 says:

4 "Pursuant to section 277 of the *Strata*
5 *Property Act*, the owners approved the
6 interest schedule provided for in section 278
7 of the *Strata Property Act*, the copy of which
8 is attached to schedule A hereto."

9 Do you see where I've read?

10 A I do, yeah.

11 203 Q What is an interest schedule, if you know?

12 A The interest schedule is what forms the basis of
13 how -- from my understanding -- again, I'm not a
14 lawyer, but it forms the basis of how the funds
15 are to be distributed to the owners.

16 204 Q The basis of how funds are distributed to the
17 strata owners?

18 A Their entitlement, yes.

19 CNSL C. DENNIS: And as I read, it says a copy of that is
20 attached to schedule A hereto, but I don't have an
21 attachment, so if I could leave that as a request.

22 **REQUEST 14: Provide the attachment referred to in**
23 **schedule A of liquidator 175**

24 CNSL C. DENNIS:

25 205 Q Were you involved in the preparation of the

This is Exhibit "K" referred to in the
Affidavit of Tamomi Gohji
sworn (or affirmed) before me
this 1st day of August 2024.

1 interest schedule, to your recollection?

2 A To my recollection, no.

3 206 Q Do you know who prepared it?

4 CNSL P. ROBERTS: The interest schedule is generally a strata
5 plan. It's part of the strata plan.

6 CNSL C. DENNIS: I'm just asking a question.

7 207 Q Do you know who prepared it?

8 A I don't know who prepared it.

9 208 Q Sorry?

10 A I don't know who prepared it.

11 209 Q Okay. Do you know when it was prepared?

12 CNSL P. ROBERTS: Why is this relevant?

13 CNSL C. DENNIS: It hasn't been produced, and hopefully it
14 will become apparent how it's relevant as we move
15 forward.

16 210 Q But do you know when it was prepared?

17 A Again, I think, like Peter said, I believe it
18 forms part of the strata plan, so ...

19 211 Q Have you ever seen the interest schedule?

20 A I've seen a lot of schedules. I can't
21 specifically at this very moment recall if I've
22 seen this one.

23 CNSL P. ROBERTS: Do you have the strata plan in this
24 document, in these binders?

25 CNSL C. DENNIS: I don't think so.

1 212 Q So, again, so I'm clear, you don't recall if
2 you've seen the interest schedule that was
3 apparently attached as a schedule to these
4 minutes?

5 CNSL P. ROBERTS: You're talking about the version of the
6 schedule that was drafted for these minutes as
7 opposed to the original of the interest schedule?
8 Because it's legislatively mandated what it is.

9 CNSL C. DENNIS: Right.

10 CNSL P. ROBERTS: It's not -- it's not something that gets
11 created from scratch by anybody.

12 CNSL C. DENNIS: I'm asking about schedule A to the document
13 at tab 84, which hasn't been produced.

14 CNSL P. ROBERTS: Well, it's part of the strata plan.

15 CNSL C. DENNIS: Has the strata plan been produced?

16 CNSL P. ROBERTS: I think so. Yeah, I think I saw it.

17 CNSL C. DENNIS: I'll just leave it as a request, then, if you
18 can identify in your production the interest
19 schedule.

20 **REQUEST 15: Identify the interest schedule in the**
21 **document production if already provided; also**
22 **determine if the interest schedule was the**
23 **attachment in request 14**

24 CNSL C. DENNIS: And I'll leave as a request, then, if that
25 document that's part of the strata plan is

1 schedule A, was the schedule A to these minutes.

2 213 Q But as you sit here today, you don't know if
3 you've ever seen it?

4 A Again, I've seen a lot of schedules. At this very
5 moment, I can't recall if I specifically recall
6 seeing this.

7 214 Q But you have no reason to doubt, as you sit here
8 today, that there was an interest schedule
9 attached as schedule A to these minutes?

10 A Yeah. I don't have any reason to doubt that.

11 215 Q And among other things, the interest schedule must
12 list the name and postal address of each owner; is
13 that your understanding?

14 A The postal address and the -- sorry, what was
15 that?

16 216 Q The name and postal address of each owner.

17 A Just trying to think here. I know the names are
18 on there; the units are on there. I can't
19 specifically recall if postal addresses are on
20 there, off my recollection.

21 217 Q Sorry?

22 A Off my recollection.

23 218 Q But you do recall that the names of each owner are
24 on there?

25 A On this schedule, I don't recall specifically on

1 CNSL C. DENNIS: He's here on behalf of the strata
2 corporation, so he can make inquiries.

3 283 Q If there are any sale agreements, you haven't seen
4 them; is that fair?

5 CNSL P. ROBERTS: You're talking about sale agreements of
6 individual strata lots?

7 CNSL C. DENNIS:

8 284 Q Yes.

9 A I don't recall seeing any sale agreements.

10 285 Q And you don't have any knowledge of their terms,
11 if there are any?

12 A Yeah. Like, I don't recall, yeah.

13 286 Q We were looking at the Milman order at 16B. If I
14 can just direct you back to paragraph 4.

15 Paragraph 4 reads:

16 "Upon the filing of a certified copy of this
17 order in the land title office, the interest
18 of each of the petitioner and the respondent
19 set out on appendix A to this order in (a)
20 the Cameray Gardens lands and (b) the strata
21 personal property shall be and is hereby
22 surrendered to and vests in the liquidator
23 subject to the mortgages, assignments of rent
24 plan, used contracts, and other charges
25 registered on title to strata lots 1 to 101

1 and the common property of the Cameray
2 Gardens lands."

3 I've read that correctly?

4 A Yes.

5 287 Q And I take it you've read this order previously?

6 A I have.

7 288 Q And so just referring to the first part of
8 paragraph 4, it says:

9 "Upon the filing of a certified copy of this
10 order in the land title office."

11 Has a certified copy of this order been filed in
12 the land title office?

13 A No.

14 289 Q Why not?

15 A Well, generally we do that at or around the time
16 of closing.

17 290 Q Who's "we"?

18 A So Lawson Lundell and the liquidator.

19 291 Q You're the liquidator.

20 A Yeah. I like to refer to myself in third person
21 for some reason. It's a bad habit. It's the same
22 thing with "trustee" and "receiver," all that.

23 292 Q All right. So "we" means Lawson Lundell and you?

24 A Yeah.

25 293 Q And you say generally. What do you mean

1 generally?

2 A It was just something that gets done at or around
3 the time of closing, from my understanding.

4 294 Q How many of these have you closed?

5 CNSL P. ROBERTS: How many strata windup sales has he
6 completed?

7 CNSL C. DENNIS:

8 295 Q Yes.

9 A Off the top of my head, I can't -- I can't count
10 it right now, but there were quite a few.

11 296 Q What does "quite a few" mean?

12 A Like, if you'd like, I can send you a list of the
13 strata windups I've been involved in. You can
14 look at my CV.

15 297 Q Sure. I'll take up your invitation, but for
16 today, are we talking double figures? More than
17 10?

18 A That I've been involved in, likely, but that have
19 closed?

20 298 Q Yeah.

21 A I would say it's probably less.

22 299 Q So fewer than 10 have closed?

23 A From the best of my recollection.

24 300 Q And is it your evidence that all of the ones that
25 closed, the court order was filed in the land

1 title office at or about the time of closing?

2 A Yes.

3 301 Q Is there anything preventing you from filing the
4 order sooner than that, as far as you know?

5 CNSL P. ROBERTS: You mean legally?

6 CNSL C. DENNIS: I'm sorry?

7 CNSL P. ROBERTS: You lean legally or practically, or ...?

8 CNSL C. DENNIS:

9 302 Q Any reason you're aware of that prevents you from
10 filing the order in the land title office.

11 A Well, again, like, from my understanding, the best
12 of my knowledge, it's -- once it's filed in land
13 title, it get consolidated to one lot, gets
14 de-stratified. So we generally don't want to do
15 that until some time around closing.

16 303 Q And so then just tracking the wording of this
17 paragraph 4, is it correct to say that because a
18 certified copy of this order has not been filed in
19 the land title office, the interest of each of the
20 owners listed in appendix A has not been
21 surrendered to and vested in you as the
22 liquidator?

23 CNSL P. ROBERTS: That's really a legal question.

24 THE WITNESS: Yeah. I think that's -- like, I'm not a lawyer.

25 I think you can probably interpret it in different

1 ways, but I can't say that there -- the strata
2 lots are still the strata lots right now.

3 CNSL C. DENNIS:

4 304 Q Well --

5 A Like, I'm not on title. Like, I haven't
6 consolidated the lots into one, if that's what
7 you're asking.

8 305 Q Yeah. I'm asking your understanding, and this is
9 the order that confirms your appointment, so it's
10 an important document in terms of your role;
11 correct?

12 A Yeah.

13 306 Q And so is it your understanding that because a
14 certified copy of the order hasn't been filed in
15 the land title office, the interest of each of the
16 strata owners has not been surrendered to and
17 vested in you as liquidator? Is that your
18 understanding?

19 A I'm of the view that the liquidator does have an
20 interest in the strata lots. It just hasn't
21 been -- the court order just hasn't been filed, so
22 they haven't been consolidated onto one and put
23 into the name of the liquidator.

24 307 Q And, again, I appreciate we're at the perhaps
25 margins of what is legal and what is your

1 understanding, but where does the liquidator's
2 interest derive from, to your understanding?

3 A By this court order.

4 308 Q Well, let me move to paragraph 5 of this order.

5 It reads:

6 "It is hereby declared that upon the surrender
7 to and vesting in the liquidator of title to
8 the Cameray Gardens lands, it has been proven
9 to the satisfaction of the court on
10 investigation that the liquidator has good,
11 safe holding and marketable title to the
12 Cameray Gardens lands."

13 Do you see where I've read from?

14 A Yeah.

15 309 Q And good, safe holding and marketable title,
16 you've seen that phrase before?

17 A In this court order, yes.

18 310 Q Outside of this court order, or only in this court
19 order?

20 A I've seen, like, typical, like, similar language
21 to that outside of this, yes.

22 311 Q And what I read paragraph 5 as saying is that when
23 the surrender and vesting referred to in
24 paragraph 4 happens, you as liquidator will have
25 good, safe holding and marketable title; is that

1 your understanding?

2 A Yeah.

3 312 Q But as liquidator, you won't have good, safe
4 holding and marketable title until the surrender
5 and vesting in paragraph 4 happens?

6 CNSL P. ROBERTS: I don't know. I mean, that's really a legal
7 conclusion. I'm not sure it's fair to draw that
8 from --

9 CNSL C. DENNIS: Well, I'm asking Mr. Lai's understanding.

10 CNSL P. ROBERTS: I'm not sure how his understanding is
11 relevant, though.

12 CNSL C. DENNIS:

13 313 Q Well, You're the liquidator; right?

14 A Yeah. But this is -- this is definitely in that
15 area of legal. I'm not a lawyer.

16 314 Q So you don't have an understanding one way or the
17 other?

18 A Well, can you repeat the question again.

19 315 Q Yes. As liquidator, you won't have good, safe
20 holding and marketable title until the surrender
21 and vesting referred to in paragraph 4 happens; is
22 that your understanding?

23 A Yeah, see I can interpret it so many different
24 ways, but the liquidator does have marketable --
25 like, we have conduct over the strata corporation

1 to market this property for sale, right, and,
2 like, I guess -- yeah, I'm not really sure how to
3 answer your question there. That's --

4 316 Q Well, is the answer to my question that you just
5 don't have an understanding one way or the other?

6 CNSL P. ROBERTS: That's not a fair question. He does have an
7 understanding, part of which he's given you.

8 THE WITNESS: I think we do have good, safe holding and
9 marketable title.

10 CNSL C. DENNIS:

11 317 Q And what's the basis of that belief?

12 A This court order; right?

13 318 Q Nothing else?

14 A Yeah. Because generally we would file this in
15 land title, and that does -- that does consolidate
16 lots into the liquidator's name, and then we
17 transfer it over to the buyer. So just because we
18 haven't filed it in land title, I don't think I
19 feel comfortable saying we don't have safe holding
20 and marketable title of the property because we do
21 that generally at the time of closing.

22 319 Q And my question is, what's the basis for your
23 thinking that, and you've said the court order.
24 And I take it that's the basis of your thinking?

25 A Yeah. It's, like, something that I would

1 generally lean on legal advice for.

2 320 Q Anything else contribute to your thinking on that?

3 A Well, at this very moment, nothing else comes to
4 my mind.

5 321 Q All right. Let me take you back to appendix A.
6 And this is the list of owners of the strata lots,
7 same document, just a couple of pages further
8 along. It begins at page 46, using the numbering
9 at the top right; are you there?

10 A Yeah.

11 322 Q And recalling the date of the 103 purchase and
12 sale agreement, remember it was dated, for
13 reference, December 7th, 2022?

14 A Okay.

15 323 Q Do you want to check that? It's tab A under 16,
16 so just the immediately preceding tab.

17 A Yes.

18 324 Q All right. So back to where we were, on
19 December 7th, 2022, did you as the liquidator own
20 any of the strata lots listed in appendix A?

21 A There's -- there's one unit owned by the strata.

22 325 Q Yes. Number 66 on page 47.

23 A Sorry, these numbers are all disorganized.

24 326 Q It's number 38, sorry, on the numbering on the
25 left.

1 the liquidator, like, authority to market and sell
2 the property and enter into these type of
3 contracts, so that's what I'm referring to.

4 CNSL C. DENNIS:

5 435 Q But, again, we've established that the Milman
6 order had not been filed with the land title
7 office in December 2022; correct?

8 A Yeah. It generally gets filed at or around the
9 time of closing.

10 436 Q And so even today, the interest of the vendor in
11 the property is defined here as it was in
12 December 2022?

13 CNSL P. ROBERTS: Sorry, say that again.

14 CNSL C. DENNIS:


15 437 Q Even today, the interest of the vendor in the
16 property as it's defined here is the same as it
17 was in December 2022?

18 CNSL P. ROBERTS: Well, that's a legal conclusion. I don't
19 think you can draw those because in the interim,
20 there was an SGM approving that, the agreement
21 under section 272 of the *Strata Property Act*.

22 CNSL C. DENNIS: You're saying in the interim?

23 CNSL P. ROBERTS: Well, between the date of this signing and
24 today.

25 CNSL C. DENNIS: Well, I'll ask you, then, to produce the

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1 means any of such leases."

2 Have I read that correctly?

3 A Yeah.

4 460 Q Yes?

5 A Yes.

6 461 Q So back to schedule A, the first component of that
7 sentence I read is "Leases (existing)." Do you
8 see that?

9 A I do.

10 462 Q And what were the existing leases as of
11 December 7th, 2022?

12 A I can't say off the top of my head.

13 463 Q Did you know at the time?

14 A From the best of my recollection, there was a
15 request made by our listing brokers for
16 information on the leases which we went and got
17 and provided to them.

18 464 Q Provided to who?

19 A Provided to the brokers.

20 CNSL C. DENNIS: So break that down again, or maybe we can
21 just read that back because I'm not sure who you
22 mean by who.

23 (REPORTER READ BACK)

24 CNSL C. DENNIS:

25 465 Q So a request made by the listing brokers?

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Affidavit of Tomomi Gohji
sworn (or affirmed) before me
this 15th day of August 2024.

- 1 A Yeah. The brokers who assisted us with the sale.
- 2 466 Q Okay. Who made the request to them?
- 3 A I'm just going off my recollection, but I vaguely
- 4 recall the purchaser's agent had sent a request
- 5 over to them.
- 6 467 Q Okay.
- 7 A To our listing brokers. In terms of dates, I'm
- 8 not sure if that was -- maybe I'm confusing it,
- 9 but in -- I'm not sure if that was in relation to
- 10 the Bellmont deal or the 103 deal. Or whatever
- 11 request we received from our listing brokers, we
- 12 would have addressed it.
- 13 468 Q Who's "we"?
- 14 A The liquidator.
- 15 469 Q Meaning you?
- 16 A Yeah. And its counsel, Lawson Lundell.
- 17 470 Q Okay. So if the listing broker asked you for
- 18 leases, either you or Lawson Lundell provided
- 19 those to the listing broker?
- 20 A I can't specifically recall exactly what was
- 21 provided, but we would have provided to the extent
- 22 that we were able to.
- 23 471 Q With the intention that it be provided to the
- 24 purchaser?
- 25 A Yeah.

1 472 Q And so did there exist a list of existing leases
2 as at December 7th, 2022?

3 A Like, this request would have been made -- like, I
4 would have asked my team members to help me with
5 that. So generally when it comes to gathering
6 documents and information like this, I try to keep
7 my costs down by involving more junior-level
8 staff. So I can't say for earn certain if -- what
9 exactly was provided, but I do recall seeing an
10 email exchange.

11 473 Q All right. And so you know there were leases in
12 existence as of December 7th, 2022?

13 A Yes. I was aware of that.

14 474 Q Do you know how many?

15 A Off the top of my head, no.

16 475 Q Okay. But you did know at the time that you did
17 know in December 2022?

18 A Again, I'm not sure if it was exactly on this
19 date, but it was at or around the time the request
20 was made.

21 476 Q And there are some documents that I'll take you to
22 you in a moment that may assist with this or may
23 not, but the other concept here in schedule A at
24 that passage I read earlier is,

25 "Replacement leases entered into by strata lot

1 owners on similar terms."

2 Do you see that?

3 A Yes.

4 477 Q And, to your knowledge, what replacement leases
5 have been entered into by strata lot owners on
6 similar terms since December 7th, 2022?

7 A Like, I -- personally I don't have much knowledge
8 of that, of the leases.

9 478 Q I'm sorry?

10 A I don't have -- like, personally I don't have much
11 knowledge about what leases were entered into
12 afterwards.

13 479 Q What knowledge do you have?

14 A Well, I -- like, I think that was part of the
15 documents we produced. Like, it was email
16 exchanges between my staff and brokers.

17 480 Q And that's the extent of your knowledge?

18 A Personally, yes. But I can't say it's the same
19 for my team members.

20 CNSL C. DENNIS: I'll ask you, then, to make inquiries, and
21 I'll leave that as a request.

22 CNSL P. ROBERTS: Sorry, what is he making inquiries about,
23 exactly?

24 CNSL C. DENNIS: What replacement leases as described in
25 schedule A have been entered into by strata lot

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this 1st day of August 2024.

1 owners since December 7th, 2022.

2 **REQUEST 24: Determine what replacement leases, a**
3 **described in schedule A, were entered into by**
4 **strata owners since December 7, 2022, and provide**
5 **any if so**

6 CNSL C. DENNIS:

7 481 Q As you sit here today, are you able to say that
8 you do know there have been leases entered into by
9 strata lot owners since December 7th, 2022, or you
10 just don't know one way or the other?

11 A I don't know, yeah.

12 CNSL C. DENNIS: I'll leave that as request, then, if you can
13 confirm, and to the extent that there are such
14 leases, I would ask you to produce copies of them.

15 CNSL P. ROBERTS: If he has them.

16 CNSL C. DENNIS: If they are within your power.

17 482 Q When owners lease units, to your understanding,
18 does the property manager get a copy of the leases
19 in the normal course?

20 A I'm not a property manager. Like, I do have units
21 that I rent out, and I don't give my property
22 manager copies of leases. I think I just sign a
23 form K.

24 483 Q At any time since December 7th, 2022, have you
25 provided any guidance to strata owners concerning

1 A This -- these are discussions that we would have
 2 had with Lawson sometime at or around during that
 3 time frame this contract was signed. So we
 4 would -- again, like, the legal interpretation
 5 aspect, we would have gotten guidance from legal.

6 542 Q All right. I'll direct you back to your response
 7 at paragraph 19. It says:

8 "As of the date the PSA was signed on
 9 December 7, 2022, a number of the strata lots
 10 of Cameray Gardens were rented to residential
 11 tenants by individual strata lot owners."

12 You see that?

13 A Yes.

14 543 Q And that's true?

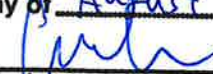
15 A To the best of my knowledge, yes.

16 CNSL C. DENNIS: All right. And I've asked you for a list of
 17 what those existing residential tenancies were.

18 To the extent I haven't, I'll repeat the request.

19 544 Q And then I'll direct you to paragraph 20. It
 20 says:

21 "Between December 7, 2022, and the completion
 22 date as amended, a number of individual
 23 strata owners entered into additional
 24 month-to-month residential tenancy agreements
 25 with tenants for their individual units."

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 sworn (or affirmed) before me
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1 Is that true?

2 A Again, the knowledge I have on these leases is
3 very limited, but my general understanding is
4 that's correct.

5 CNSL C. DENNIS: All right. And, again, to the extent I
6 haven't, I'll make a request for a list of those
7 additional tenancies as it's defined there.

8 **REQUEST 27: Provide a list of additional**
9 **month-to-month tenancies after December 7, 2022**

10 CNSL C. DENNIS:

11 545 Q And then I'll just ask you to turn to page 8.
12 Paragraph 42, I'm just going to read the second
13 sentence:

14 "The existence of the Community Fire claim and
15 the additional residential tenancies do not
16 constitute breaches of the PSA."

17 Do you see where I've read from?

18 A Yes, I do see that.

19 546 Q And for the purpose of my question, let's ignore
20 the Community Fire claim reference, and I'm just
21 going to focus on the assertion that the existence
22 of the additional residential tenancies do not
23 constitute breaches of the PSA; are you with me?

24 A I am with you.

25 547 Q And I'm going to suggest to you that -- and I'm

1 A I do.

2 571 Q So let's go back to tab 12 and pick up
3 paragraph 3.

4 A Paragraph 3?

5 572 Q Yes. So paragraph 3 says:

6 "Prior to December 7, 2022, the strata
7 corporation disclosed to 573" --

8 A Sorry, who's 573? Oh, that's 103.

9 573 Q It's 103, yeah, "...that 29 of the strata lots
10 were leased." And you say you don't have any
11 knowledge of that.

12 A I don't have any knowledge of that.

13 574 Q Do you have any reason to dispute that?

14 A Again, this is something -- we're talking about
15 going into territory of leases. Like, my
16 knowledge of leases are very limited.


17 575 Q My question was, do you have any reason to dispute
18 it?

19 A Right now for me personally, I wouldn't know the
20 answer to that, so I can't say whether I accept or
21 dispute it. I don't know.

22 576 Q I'm asking if you have any reason sitting here
23 today to dispute it.

24 A Right now, no.

25 577 Q And then item 4 says:

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1 "As of October 2023, there were strata lots
2 other than the 29 originally disclosed which
3 were tenanted."

4 And I take it you don't know?

5 A I don't know.

6 578 Q I have left a request for all of the leases that
7 existed, and so hopefully that request will --
8 will assist you on this point. Paragraph 5 says:

9 "As of today, there are strata lots other than
10 the 29 originally disclosed which are
11 tenanted."

12 And do you know if that's true or not?

13 A I don't know.

14 CNSL C. DENNIS: Well, again, to the extent that's not
15 captured by a previous request, I'll ask you to
16 make inquiries to see what you can determine.

17 **REQUEST 29: Determine if paragraph 5 of the**
18 **notice to admit is true**

19 **(**TAKEN UNDER ADVISEMENT**)**

20 CNSL P. ROBERTS: He's not here to do research on behalf of
21 the petitioner.

22 CNSL C. DENNIS: Well, he's here in the capacity he's here,
23 and so I've made the request.

24 579 Q What -- on receiving this notice to admit and
25 before responding, what efforts did you make to

1 inquire into the points that I've referred to at
2 paragraphs 3, 4, and 5?

3 A I certainly would have had some discussions with
4 the team at Lawson Lundell. I can't recall if
5 I've spoken to my team members or not about this,
6 but I believe I probably did.

7 580 Q What discussions did you have with your team
8 members?

9 A Off the top of my head, I can't recall, but I
10 think it was really just gathering -- just trying
11 to find out, like, what information was provided
12 on the leases, and that's how I found out about
13 that, the email, the email exchange with the
14 brokers.

15 581 Q Okay. So what steps did you take to find out what
16 information was provided in -- between
17 February 21st, 2024, and March 13th, 2024?

18 A Between February and March?

19 582 Q Between February 21st, 2024, and March 13th, 2024,
20 what steps did you take?

21 A Off the top of my head, I don't know. I don't
22 recall.

23 583 Q You don't recall?

24 A I don't recall.

25 584 Q Do you recall doing anything?

1 A I -- honestly, at this very moment, I'm drawing a
2 blank. I don't know.

3 585 Q So as you sit here today, you don't recall doing
4 anything?

5 A I recall speaking with the team at Lawson about
6 this. I do recall that. In terms of looking into
7 this, like, I don't know -- I can't specifically
8 recall what steps I've taken.

9 586 Q Okay. Well, do you recall any steps you took
10 other than speaking to counsel?

11 A In terms of the leases?

12 587 Q In terms of inquiring into the facts in
13 paragraphs 3, 4, and 5.

14 A Like, off the top of my head, to the best of my
15 recollection, like, we -- I would have had
16 discussions with the team at Lawson, my team
17 members, who, like -- I can't recall if I spoke to
18 the realtors about it personally. My team may
19 have. Like ...

20 588 Q Did you instruct someone on your team to speak to
21 the realtors?

22 A Well, I think when we got this -- like, our team
23 works pretty much in tandem. We work towards that
24 same kind of goal, and I think -- again, I don't
25 recall if I specifically instructed them, but I do

1 know that they were involved in looking into this.

2 589 Q And what did they do?

3 A Off the top of my head, I don't know.

4 590 Q So as you sit here today, you're not aware of
5 anything you did, and you're not aware of anything
6 your team did, other than you spoke to counsel?

7 A Yeah. The full details, I don't know.

8 CNSL C. DENNIS: All right. I'll leave it as a request then,
9 you can make inquiries of your team and see what
10 they say.

11 **REQUEST 30: Determine what steps the Crowe MacKay**
12 **team took to gather information in response to the**
13 **notice to admit**

14 CNSL C. DENNIS:

15 591 Q Paragraph 6 says:

16 "The strata corporation has not disclosed to
17 573 the number of these additional
18 tenancies."

19 Do you know anything about that?

20 A I don't know anything about that.

21 592 Q I'll just -- paragraph 7:

22 "The strata corporation has not disclosed to
23 573 the strata lots which are subject to
24 these additional tenancies."

25 And paragraph 8:

1 CNSL C. DENNIS:

2 596 Q Paragraph 9 says:

3 "Some of these additional tenancies are
4 subject to a written lease agreement."

5 And do you know anything about that?

6 A No, I don't.

7 597 Q And when you received this notice to admit in
8 February, did you instruct anyone on your team to
9 try to obtain copies of written lease agreements?

10 A Again, like, I don't think I've specifically
11 asked, but I know they were looking into it.

12 598 Q How do you know they were looking into it?

13 A Because we -- before submitting this notice to
14 admit or the response, like, we wanted to make
15 sure that, like, this didn't happen or whatever it
16 is; right? Like, we wanted to look into it.

17 599 Q And so who specifically looked into it?

18 A Off the top of my head, I think it may have been a
19 manager of mine.

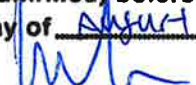
20 600 Q Okay. And who's that?

21 A It could have been Tetsu or Nelson.

22 601 Q All right. And did you instruct them to do that,
23 or ...?

24 A I honestly don't remember.

25 CNSL C. DENNIS: Well, I'll leave as a request, then, that you

This is Exhibit "R" referred to in the
Affidavit of Tomomi Gohji
sworn (or affirmed) before me
this 1st day of August 2024.

A Commissioner/Notary Public for the
Province of British Columbia

1 make inquiries of those individuals or any others
2 on your team as to what specifically they did and
3 what the results of that were.

4 **REQUEST 32: Determine what steps the Crowe MacKay**
5 **team took to obtain lease agreements before**
6 **preparing the notice to admit response**

7 THE WITNESS: Sure.

8 CNSL C. DENNIS:

9 602 Q Let me ask you to turn back to tab 20, same
10 binder. And this is your affidavit, and we looked
11 at some of this earlier.

12 A Okay.

13 603 Q So let me move now to paragraph 8, and I'll just
14 read the first sentence there at paragraph 8. It
15 says:

16 "At all material times and particularly in the
17 weeks leading up" --

18 I think it should be "to" --

19 "...the completion date, the liquidator or its
20 legal counsel at Lawson Lundell LLP at my
21 instruction took all steps necessary to
22 effect the completion of the PSA as
23 scheduled."

24 Do you see where I've read from?

25 A I do.

1 Do I take it, then, that you personally, when you
2 said that, you weren't meaning things that you
3 personally did, necessarily?

4 A I would have done a lot, but it wouldn't have just
5 been me. It would have been me and the team and
6 Lawson Lundell.

7 617 Q Okay. I'm just focusing at Crowe MacKay, then.
8 So some of the steps that you're referring to in
9 that sentence are steps taken by others at Crowe
10 MacKay?

11 A Others and Lawson Lundell, yes.

12 618 Q And for the purpose of -- I said leave the
13 brackets out for the moment. By others at Crowe
14 MacKay?

15 A Yeah.

16 619 Q And how do you know who did what, which others at
17 Crowe MacKay did things and what they did?

18 A We talk.

19 620 Q So they told you?

20 A Yeah. We talk regularly.

21 621 Q But coming back to paragraph 1 of your affidavit,
22 you swore under oath that you have personal
23 knowledge of the facts and matters deposed to,
24 except where stated to be on information and
25 belief.

This is Exhibit "J" referred to in the
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Province of British Columbia

1 A Yes.

2 622 Q And so now you're telling me that in paragraph 8,
3 there are things that you personally didn't do and
4 only know of because others told you?

5 A Well, it would have been -- like, even if my team
6 worked on things, like, I would have been copied
7 on a lot of that. I would have seen everything
8 being done.

9 623 Q You say you would have --

10 A Obviously, like, phone calls, I wouldn't -- I
11 wouldn't necessarily be on all the phone calls,
12 but I would see that things are being done.

13 624 Q So your knowledge comes from what others have told
14 you?

15 A Well, if you want to go through specifically if I
16 personally did things, I can do that, but I'm
17 not -- I can't say whether or not I'm going off my
18 knowledge of what people have told me unless I
19 know what you're referring to.

20 625 Q Well, but you said in your affidavit in
21 paragraph 1 that it was based on your personal
22 knowledge unless you said otherwise. And in
23 paragraph 8, you didn't say otherwise, did you?

24 A Well, let me -- do you mind if I read through the
25 paragraph 8 just to see if I had personal

1 knowledge of this or not?

2 CNSL C. DENNIS: Please do.

3 (PROCEEDINGS RECESSED AT 12:09 P.M.)

4 (PROCEEDINGS RECONVENED AT 12:15 P.M.)

5 CNSL C. DENNIS:

6 626 Q So, Mr. Lai, you've had an opportunity to read
7 paragraph 8?

8 A Yes.

9 627 Q And you were asking to do that in order to address
10 my question about what you did versus what others
11 on your team did. And do you have any more to say
12 on that, having reviewed paragraph 8?

13 A I've had a look at it, and I had personal
14 involvement in this.

15 628 Q I'm sorry?

16 A I had personal involvement in this, or like, some
17 of them were addressed by Lawson Lundell.

18 629 Q Okay.

19 A But the items that the liquidator did, I have
20 personal knowledge of it.

21 630 Q Okay. Let's pick up subparagraph (a), then, which
22 says:

23 "Requesting property tax certificates from the
24 purchaser's counsel, MLT Aikins --

25 And then I'll skip the brackets --

1 "And providing input on the form A freehold
2 transfer."

3 Do you see where I've read from?

4 A Yes.

5 631 Q And so what was your personal involvement in that?

6 A That was coordinated by Lawson Lundell.

7 632 Q So you instructed Lawson Lundell to do that?

8 A Like, we -- I think this would have been at or
9 around the time of closing. You don't have any
10 appendices here.

11 CNSL P. ROBERTS: Yeah, the exhibits are there.

12 THE WITNESS: We would have had some discussions amongst the
13 legal team on steps to close, so I -- like,
14 specifically I can't say if I -- I don't recall if
15 I specifically instructed him to do that, but,
16 like, it would have been part of a discussion
17 about closing.

18 CNSL C. DENNIS:

19 633 Q Okay. Well, so what was your personal involvement
20 in the step set out at subparagraph (a)?

21 A This is the form A?

22 CNSL P. ROBERTS: The property check certificates.

23 THE WITNESS: So I vaguely recall having discussions with the
24 team at Lawson's about the form A transfers.

25 CNSL P. ROBERTS: Which we won't be getting into.

1 THE WITNESS: And just getting everything -- getting
2 everything in order for the closing. So this
3 would have been part of that.

4 CNSL C. DENNIS:

5 634 Q Okay. Let's maybe do it this way. The second
6 sentence of subparagraph (a) says:

7 "Attached hereto and marked as Exhibit E are
8 true copies of emails from Jillian" --

9 I don't know how to pronounce --

10 CNSL P. ROBERTS: Sych.

11 CNSL C. DENNIS:

12 635 Q "...Sych of Lawson Lundell to MLT Aikins."

13 And so if we go to Exhibit E --

14 A Yeah, I see it.

15 636 Q You have some emails there. You're at Exhibit E?

16 A Yeah.

17 637 Q And it doesn't look like you were a recipient of
18 these emails?

19 A Yeah. I wasn't copied in here.

20 638 Q So how do you know they're true copies of what
21 they purport to be?

22 A Well, I was forwarded these emails, I believe, to
23 the best of my recollection.

24 639 Q When?

25 A But -- I don't recall.

1 640 Q But you're -- sitting here under oath, you're sure
2 that it was forwarded to you?

3 A Well, again, to the best of my recollection. It's
4 in my affidavit, so -- yeah, I can't recall, but I
5 do see I wasn't copied in these emails.

6 641 Q All right. But you say you had personal knowledge
7 that they're true copies?

8 A Yeah. Besides getting these emails, I don't know
9 what else to say.

10 642 Q So sitting here today, you don't know whether
11 they're true copies or not?

12 A Can you just define what a true copy is. Like --

13 643 Q Well, you tell me what you meant when you said
14 "true copies."

15 A Like, these are actual email exchanges.

16 644 Q And do you know that to be the case sitting here
17 today?

18 A To the best of my knowledge, yes. I think these
19 are email exchanges between the law firms.

20 645 Q And how do you know that? Just because they
21 exist?

22 A Yeah. Like, I -- yeah, I don't know what else to
23 say. Like, these are just email exchanges that
24 I've seen. So maybe "true copy," maybe it should
25 say -- I don't know. Like, I'm not -- I don't

1 have any reason to doubt that these emails don't
2 exist.

3 646 Q Okay. Let's move on. Paragraph --
4 subparagraph (d).

5 CNSL P. ROBERTS: Sorry, (d)?

6 CNSL C. DENNIS: (D).

7 647 Q It says:

8 "Preparing a notice of appointment of
9 liquidator, a true copy of which is attached
10 hereto and marked as Exhibit H. I signed
11 this document on the completion date."

12 Do you see that?

13 A Yeah.

14 648 Q And by completion date, you mean December 15th,
15 2023?

16 A That's correct.

17 649 Q So if we go to Exhibit H, then, on page 26. And
18 there's a box H at the bottom of the page; do you
19 see that?

20 A Yes.

21 650 Q And your name is printed at the bottom left?

22 A Yes.

23 651 Q And then that's your signature to the right?

24 A Yes.

25 652 Q And to the right of your signature, the date is

1 have any reason to doubt that these emails don't
2 exist.

3 646 Q Okay. Let's move on. Paragraph --
4 subparagraph (d).

5 CNSL P. ROBERTS: Sorry, (d)?

6 CNSL C. DENNIS: (D).

7 647 Q It says:

8 "Preparing a notice of appointment of
9 liquidator, a true copy of which is attached
10 hereto and marked as Exhibit H. I signed
11 this document on the completion date."

12 Do you see that?

13 A Yeah.

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15 2023?

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18 there's a box H at the bottom of the page; do you
19 see that?

20 A Yes.

21 650 Q And your name is printed at the bottom left?

22 A Yes.

23 651 Q And then that's your signature to the right?

24 A Yes.

25 652 Q And to the right of your signature, the date is

1 handwritten in?

2 A Sorry, to the right of my signature? Where?

3 653 Q To the right of your signature, the date is
4 handwritten in?

5 A I don't see my -- oh, the date, yeah, sorry. I
6 thought you said my name. Yeah, the date -- the
7 day is handwritten on.

8 654 Q Is that your handwriting?

9 A Yes.

10 655 Q And am I reading it right, 2023/12/15?

11 A That's correct.

12 656 Q And what it says in box H above the line we just
13 looked at is,

14 "I have read this form and found it to be
15 correct."

16 So you see box H, the heading is "Certified
17 correct," and then it says:

18 "I have read this form and found it to be
19 correct."

20 A Sorry, where am I looking at?

21 657 Q Just above your signature.

22 A Oh, yes, yes.

23 658 Q And so when you signed this form, you understood
24 that you were certifying the correctness of what's
25 stated in it?

1 A Yes.

2 659 Q And up to box C, it says "Full name of
3 liquidator," and then it shows your name and then
4 below that, the firm name, Crowe MacKay?

5 A That's correct.

6 660 Q And then box E says "Date of appointment of
7 liquidator"; do you see box E?

8 A Yes.

9 661 Q And the date there is 2023/12/15; do you see that?

10 A I do.

11 662 Q And that's not correct, is it?

12 A Yeah. I think the -- I'm not sure why it says --
13 the date appointment was the date the order was
14 pronounced. Sorry, I didn't -- I actually didn't
15 even notice that.

16 663 Q So the information you certified to be correct in
17 this form was not correct?

18 A I'm trying to think of a reason why.

19 664 Q I'm not asking for a reason right now. I'm just
20 saying the information you've signed and certified
21 to be correct --

22 A Yeah, the date of the liquidator's appointment
23 should have been the date the order was pronounced
24 by Milman.

25 665 Q And so what you signed and certified to be correct

1 was incorrect?

2 A Yeah. It was an oversight on my part.

3 666 Q It was incorrect?

4 A Now I see it's incorrect, yes.

5 667 Q Box F says:

6 "Check the box next to the applicable method
7 of appointment."

8 And then you see the options are "liquidator was
9 appointed by the company," or "liquidator was
10 appointed by court order."

11 A Yes.

12 668 Q And did you place the checkmark we see in box F?

13 A I can't recall if it was me or the team at Lawson.

14 669 Q As between the two options, "appointed by company"
15 and "appointed by court order," do you know why
16 the court order box is checked?

17 A Because the liquidator's appointment was by way of
18 a court order.

19 670 Q If we go back to paragraph 2 of your affidavit,
20 the body of the affidavit, what you said there is,

21 "Crowe MacKay, represented by me, was
22 appointed by the liquidator of the owners by
23 way of a resolution passed at a special
24 general meeting held on February 15, 2022."

25 And you then go on to say: