



This is the 8th affidavit
of Thomas James Pappajohn in this case
and was made on 28/JUL/2026

No. S-258845
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*,
S.B.C. 2002 C. 57, AS AMENDED

AND

IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF 1061511 B.C.
LTD., JAMESON BROADWAY & BIRCH GENERAL PARTNER LTD., AND JAMESON
BROADWAY & BIRCH LIMITED PARTNERSHIP

PETITIONERS

AFFIDAVIT

I, **THOMAS JAMES PAPPAJOHN**, of 20th Floor, 250 Howe Street, Vancouver, British Columbia,
Developer, SWEAR THAT:

INTRODUCTION

1. I am a director of the petitioners: 1061511 B.C. Ltd. ("**106**") and Jameson Broadway & Birch General Partner Ltd. (the "**GP**"). The GP is the sole general partner of the petitioner Jameson Broadway & Birch Limited Partnership (the "**LP**" and together with 106 and the GP, the "**Petitioners**") and as such I have personal knowledge of the matters herein deposed to, except where such facts are stated to be based upon information and belief and where so stated I do verily believe the same to be true.
2. In addition, I am a director of James Holdings Ltd. ("**James Holdings**") and as such I have personal knowledge of the matters herein deposed to with respect to James Holdings, except where such facts are stated to be based upon information and belief and where so stated I do verily believe the same to be true.

3. My brothers, Anthony James Pappajohn and John George James Pappajohn, are the only other directors and/or officers of 106, GP, and James Holdings.

4. I make this affidavit further to my fifth affidavit made July 23, 2026 (the "**Fifth Affidavit**") and in respect of the notice of application of CMLS Financial Ltd. dated July 27, 2026 (the "**CMLS Application**"). Capitalized terms not otherwise defined in this affidavit have the meanings ascribed to them in the Fifth Affidavit.

5. I am advised by the Petitioners' counsel, Dentons Canada LLP ("**Dentons**"), that the following unfiled materials were delivered to the Service List (as defined in the ARIO) at approximately 10:38 a.m. on July 27, 2026:

(a) the CMLS Application; and

(b) Affidavit #1 of Jeffrey Burt made July 24, 2026 (the "**Burt Affidavit**").

6. I am further advised by the Petitioners' counsel, Dentons, that the following filed materials were delivered to the Service List at approximately 4:09 p.m. on July 27, 2026:

(a) the CMLS Application;

(b) the Burt Affidavit; and

(c) Affidavit #1 of Jess Reid made July 27, 2026 (the "**Reid Affidavit**", and collectively with the CMLS Application and the Burt Affidavit, the "**Application Materials**").

UPDATE ON REZONING APPLICATION

7. As discussed in the Fifth Affidavit at paragraphs 60 to 71, the Petitioners have been working to advance the Rezoning Application in respect of the Development Property to, among other things, permit the Hotel Use.

8. At paragraph 66 of the Fifth Affidavit, I set out that the Rezoning Application was referred to public hearing by Council and was part of the agenda for the City of Vancouver council meeting on July 23, 2026 (the "**Public Hearing**").

9. Immediately in advance of and during the Public Hearing, the directors of the Petitioners had to direct their full attention to the Rezoning Application and the Public Hearing.

10. On July 23, 2026, I attended Vancouver City Hall to present to Council and answer questions with respect to the Rezoning Application at the Public Hearing. However, due to a large number of speakers commenting on an unrelated project that was also part of the agenda, the Rezoning Application was adjourned to July 27, 2026. Attached hereto and marked as

Exhibit “A” is a copy of the City of Vancouver webpage showing the City of Vancouver council agenda was adjourned and scheduled to reconvene on July 27, 2026.

11. On July 27, 2026, I spent my morning and afternoon preparing for and attending the reconvened Public Hearing at Vancouver City Hall. At the Public Hearing, I spoke in support of the Rezoning Application, and after public comment, Council voted to approve the Rezoning Application, with no councilors voting in opposition (6 in favour, 2 abstains, 3 absents).

12. Attached hereto and marked as **Exhibit “B”** is a copy of the City of Vancouver webpage for the Rezoning Application showing that the Rezoning Application was approved. Attached hereto and marked as **Exhibit “C”** is a copy of Council’s voting results for the Rezoning Application.

NEED FOR AN ADJOURNMENT OF THE CMLS APPLICATION

13. Unfortunately, due to the work required to prepare for the Public Hearing and my attendance at the Public Hearing, I have been unable to review the Application Materials in detail. However, my initial review has identified a number of issues that require a response from the Petitioners and/or James Holdings.

14. Over the last two weeks, the Petitioners and its directors, which are the same directors as James Holdings, have been particularly focused on (i) the Rezoning Application, as that is critical to maximizing value for stakeholders in these CCAA proceedings, (ii) advancing the SISP and related court materials and (iii) completing constructions of the Development.

15. I will be in attendance at the court hearing scheduled for today (July 28) and tomorrow (July 29) (the **“Court Hearing”**) where the Petitioners are seeking, among other reliefs, a stay extension and approval of the SISP, which is critical to the next steps for the Petitioners and these CCAA proceedings. In addition to the Rezoning Application, I and the other directors have been involved in preparing for the Court Hearing. When combined with the matters related to completion of construction, and the other responsibilities associated with their business, the Petitioners and their directors have been left with no time to respond to the Application Materials.

16. The Petitioners and their directors have also been intensively focused on undertaking work and making decisions with respect to the critically sensitive next steps in these CCAA proceedings. In particular, the period up to October 15, 2026 (being the LOI Deadline as defined in the SISP), will be an extremely busy and critically sensitive time for the Petitioners, as the Petitioners will putting their efforts to:

- (a) ensuring the construction of the Development is completed;
- (b) addressing deficiencies;

- (c) transitioning care and maintenance of the Development from Metro-Can to the Petitioners;
- (d) compiling, supporting and responding to due diligence requests; and
- (e) assisting the Monitor up to the LOI Deadline under the SISP.

17. The Petitioners have no employees. As a result, the directors of each of the Petitioners will be principally responsible for ensuring that these tasks are completed on a timely and thorough basis in line with the timelines specified in the SISP. This work is to be undertaken by the Petitioners' directors in addition to the directors' roles with the Development Manager, James Holdings, and the responsibilities that come with them.

18. Simply put, the Petitioners and their directors are presently fully engaged on maintaining the stability of the Petitioners' business while advancing the Petitioners' restructuring efforts for the benefit of stakeholders. In the circumstances, the Petitioners have not had the capacity to fully engage with and respond to the CMLS Application on what is in effect less than a business day of notice. Similarly, any proposed receivership application concerning James Holdings and its assets during the critically sensitive time period from now to the LOI Deadline would unduly strain the Petitioners' resources and in my view be a significant distraction from the Petitioners' restructuring efforts to the potential detriment of the Petitioners' stakeholders.

CONCLUSION

19. In light of the above, the Petitioners request an adjournment of the CMLS Application to a later date to give the Petitioners adequate time to prepare a thorough response to the CMLS Application while continuing to advance these CCAA proceedings through the current critically sensitive stage. I swear this affidavit in support of such relief.

SWORN BEFORE ME at the City of
Vancouver, British Columbia, on
28/JUL/2026.



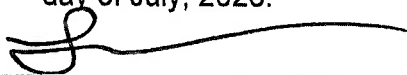
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British Columbia



THOMAS JAMES PAPPAJOHNS

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This is **Exhibit "A"** referred to in the
Affidavit of
Thomas James Pappajohn sworn this 28th
day of July, 2026.



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Council meetings, agendas, minutes, and decisions

Public Hearing July 23 and 27, 2026

Updated: July 27, 2026

Date and location

July 23, 2026

6 pm

Reconvening on Monday, July 27, 2026, at 9:30 am

In person:

Council Chamber
Third Floor, City Hall
453 West 12th Ave

Online:

Watch meeting live

Access AI-assisted live transcription

(Currently in trial phase; may experience interruptions)

On July 23, 2026, Council heard the staff presentation, the applicant presentation, asked opening questions to staff and the applicant, completed hearing from speakers, and closed the speakers list and receipt of public comments for Item 4. Council will reconvene on Monday, July 27, 2026, at 9:30 am, starting with closing comments from staff and the applicant, followed by debate and decision on Item 4, and the remainder of the business on the agenda.

Get involved and stay informed

- Read the minutes 📄 (usually ready two business days after the meeting)
- Watch the videos:
 - July 23, 2026 📺
 - July 27, 2026 📺

- Download the voting record (usually ready one week after)

Questions about this agenda?

- Email speaker.request@vancouver.ca
- Phone 604-829-4238

Feedback on live transcription?

- Complete this form

NOTE: This public hearing will be held both in person and electronically, as authorized by Section 559.03 of the *Vancouver Charter*.

**Public comments are presented as submitted and may include multiple or duplicate entries.*

ROLL CALL

1. Vancouver ODP Amendment 6333 Yukon Street and CD-1 Rezoning: 6333-6369 Yukon Street

Registered speakers as of 8:30 am, July 27, 2026: 42

- Summary and Recommendations 📎
- Referral Report dated May 19, 2026 📎
- Draft By-law to amend Vancouver Official Development Plan By-law No. 14660 📎
- Draft By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 📎
- Yellow Memorandum from the General Manager of Planning, Urban Design and Sustainability dated July 10, 2026 📎
- Renderings 📎
- Staff Presentation 📎
- Video Clip 📎

CORRESPONDENCE

Date of Distribution	Support	Oppose	Other
July 20, 2026, up to 5 pm	1 📎	3 📎	0
July 22, 2026, up to 9:30 am	0	0	0
July 22, 2026, up to 3:15 pm	0	1 📎	0
July 23, 2026, up to 1:30 pm	0	0	0
July 23, 2026, up to 5 pm	0	0	0
July 27, 2026, up to 8:30 am	0	0	0
TOTAL	1	4	0

2. Vancouver ODP Amendment and CD-1 Rezoning: 6525-6577 Oak Street

Registered speakers as of 8:30 am, July 27, 2026: 38

- Summary and Recommendations 📄
- Referral Report dated June 23, 2026 📄
- Draft By-law to amend Vancouver Official Development Plan By-law No. 14660 📄
- Draft By-law to amend Sign By-law No. 11879 📄
- Renderings 📄
- Staff Presentation 📄
- Video Clip 📄

CORRESPONDENCE

Date of Distribution	Support	Oppose	Other
July 20, 2026, up to 5 pm	2 📄	4 📄	0
July 22, 2026, up to 9:30 am	2 📄	1 📄	0
July 22, 2026, up to 3:15 pm	11 📄	0	0
July 23, 2026, up to 1:30 pm	5 📄	0	0
July 23, 2026, up to 5 pm	1 📄	0	0
July 27, 2026, up to 8:30 am	0	0	0
TOTAL	20	5	0

3. Vancouver ODP Amendment and CD-1 Rezoning: 2516 Commercial Drive and 1704 East Broadway

Registered speakers as of 8:30 am, July 27, 2026: 40

- Summary and Recommendations 📄
- Referral Report dated June 30, 2026 📄
- Draft By-law to amend Vancouver Official Development Plan By-law No. 14660 📄
- Draft By-law to amend Zoning and Development By-law No. 3575 to rezone an area to CD-1 📄
- Renderings 📄
- Staff Presentation 📄
- Video Clip 📄

CORRESPONDENCE

Date of Distribution	Support	Oppose	Other
July 20, 2026, up to 5 pm	2 📄	4 📄	0
July 22, 2026, up to 9:30 am	0	0	0
July 22, 2026, up to 3:15 pm	0	1 📄	0
July 23, 2026, up to 1:30 pm	0	0	0
July 23, 2026, up to 5 pm	0	0	0

7/28/26, 7:55 AM

Public Hearing - July 23, 2026

July 27, 2026, up to 8:30 am	1	0	0
TOTAL	3	5	0

4. Vancouver ODP Amendment: (i) 500 Dunsmuir Street, 619-655 Richards Street, 501-565 West Georgia Street and (ii) 388 Abbott Street and CD-1 Rezoning: (i) 500 Dunsmuir Street, 623-655 Richards Street, 501-595 West Georgia Street and 620-698 Seymour Street and (ii) 388 Abbott Street

Registered speakers as of 5 pm, July 23, 2026: 326

- Summary and Recommendations
- Referral Report dated June 30, 2026
- Draft By-law to enact two CD-1 by-laws
- Draft By-law to designate certain real property as protected heritage property
- Draft By-law to amend Vancouver Official Development Plan By-law No. 14660
- Draft By-law to amend Sign By-law No. 11879
- Draft By-law to amend Heritage By-law No. 4837 regarding miscellaneous amendments
- Draft By-law to repeal CD-1 (732) By-law No. 12497
- Renderings
- Yellow Memorandum from the General Manager of Planning, Urban Design and Sustainability dated July 22, 2026
- Staff Presentation
- Applicant Presentation
- Video Clip - July 23, 2026
- Video Clip - July 27, 2026

CORRESPONDENCE

Date of Distribution	Support	Oppose	Other
July 20, 2026, up to 5 pm	26	62 (A petition with approximately 8,000 signatures attached in batches)	0
July 22, 2026, up to 9:30 am	7	72	2
July 22, 2026, up to 3:15 pm	13	8	0
July 23, 2026, up to 1:30 pm	30	12 (A petition with approximately 250 signatures)	1
July 23, 2026, up to 5 pm	25	7	0
July 23, 2026, up to 11:35 pm	3	3	0
Speaker #115 Presentation			

TOTAL**104****164****3**

5. CD-1 (708) Text Amendment: 2538-2550 Birch Street and 1290-1298 West Broadway

Registered speakers as of 8:30 am, July 27, 2026: 34

- Summary and Recommendations 
- Referral Report dated June 30, 2026 
- Draft By-law to amend CD-1 (708) By-law No. 12179 
- Renderings 
- Staff Presentation 
- Video Clip 

CORRESPONDENCE

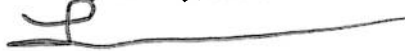
Date of Distribution	Support	Oppose	Other
July 20, 2026, up to 5 pm	2 	13 	0
July 22, 2026, up to 9:30 am	1 	7 	0
July 22, 2026, up to 3:15 pm	2 	6 	0
July 23, 2026, up to 1:30 pm	7 	13 	0
July 23, 2026, up to 5 pm	3 	0	0
July 27, 2026, up to 8:30 am	1 	4 	0
TOTAL	16	43	0

6. CD-1 Rezoning: 111 East 5th Avenue and 2060 Quebec Street - *REFERRED BACK TO STAFF*

At the *Council* meeting of July 21, 2026 (reconvening from July 14 and 16, 2026), Council referred the referral report back to staff.

Download the agenda 

This is **Exhibit "B"** referred to in the
Affidavit of
Thomas James Pappajohn sworn this 28th
day of July, 2026.



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2538 Birch Street (formerly 1296 West Broadway)



This application was approved by Council following the Public Hearings on July 23 and July 27, 2026.



Revised Application (April 27, 2026)

The City of Vancouver has received a revised rezoning application to amend the CD-1 (708) (Comprehensive Development) District By-law, which allows for the development of a 28-storey mixed-use building. The revised amendment includes:

- Adding 202 hotel units;
- Removing 200 market rental housing units;
- Providing 56 Moderate Income Rental Housing Units;
- Adding a childcare facility; and
- A decrease in retail area.

Key changes in the revised application include:

- Changing the land use for the originally proposed 200 Temporary Accommodation for Medical Care units to 202 Hotel units; and
- Proposing 56 Moderate Income Rental Housing Units (two less from original application), while maintaining the same total floor area for the Moderate Income Rental Housing Units.

The building is currently under construction. No changes to the form of development are proposed.

This application is considered under the [Broadway Plan](#).

The previously approved application is linked here: [Rezoning Application, 2538 Birch Street](#)

Application drawings and statistics are posted as-submitted to the City. Following staff review, the final project statistics are documented within the referral report.

Original Application (November 20, 2025)

The City of Vancouver has received an application to amend the CD-1 (708) (Comprehensive Development) District By-law, which allows for the development of a 28-storey mixed-use building. The amendment includes:

- Adding 200 Temporary Accommodation for Medical Care units;
- Removing 200 market rental housing units;
- Adding a childcare facility;
- An increase in amenity area; and
- A decrease of approximately 27.9 sq. m (300 sq. ft.) in retail area.

Temporary Accommodation for Medical Care units provide temporary accommodation for out-of-town individuals seeking medical care at local health facilities. The building will continue to provide 58 Moderate Income Rental Housing Units. No changes to the form of development, including height and density, are proposed.

The application is being considered under the [Broadway Plan](#).

The previously approved application is linked here: [Rezoning Application, 2538 Birch Street](#)

Application drawings and statistics are posted as-submitted to the City. Following staff review, the final project statistics are documented within the referral report.

SEND YOU...

ASK A QUE...

The comment form is now closed. Please contact the Planner directly for any further feedback. Thank you for participating.

2538 Birch St rezoning application comments

Now that you've reviewed the application, it's time to submit your feedback. What are your initial thoughts on the proposal?

You may want to consider:

- How the proposal affects the immediate surroundings
- The proposal's fit with the City's goals and priorities
- Any changes you feel are needed to address your concerns

We expect everyone will refrain from using language or acting in a way that is discriminating, threatening, abusive, racist or otherwise disrespectful. Discrimination or abusive language of any kind will not be tolerated.

Key dates

Application received
November 20 2025

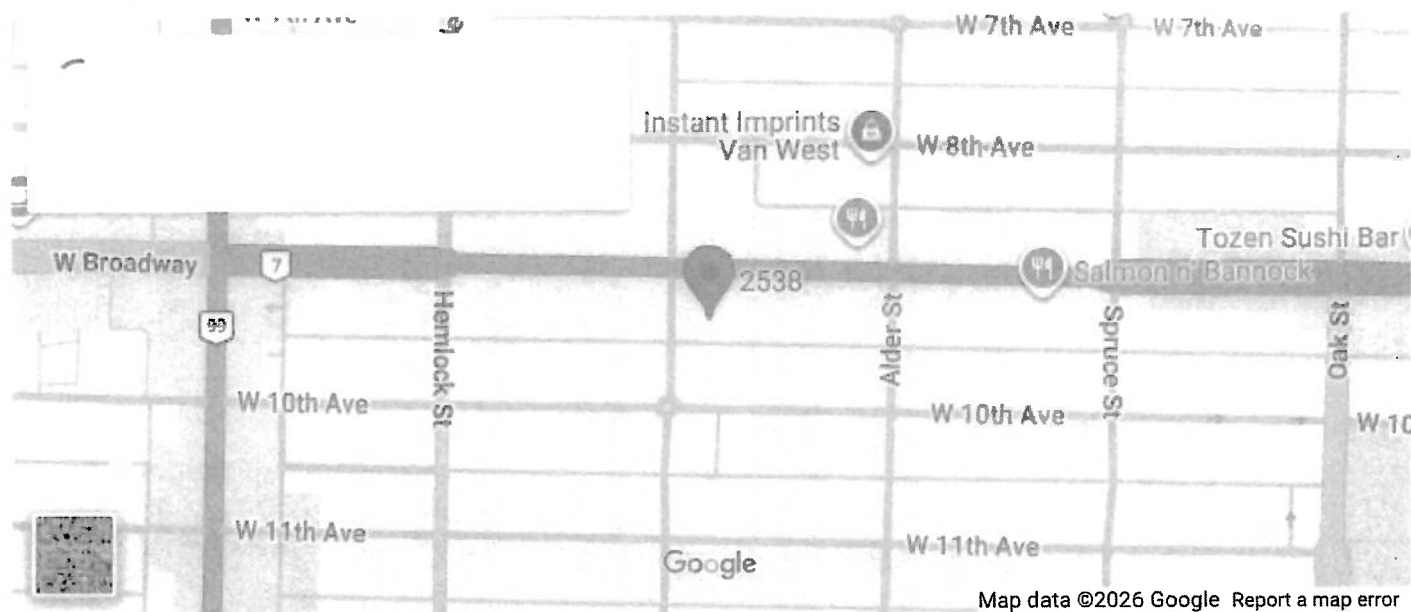
Q&A period
December 03 → December 09 2025

Revised submission received
April 27 2026

Referral to Public Hearing

July 14 2026

Public Hearing

July 23 2026**Location****Public hearing**[Referral report](#)[Agenda](#)**Applicable plans and policies**[Broadway Plan](#)[CD-1 \(708\) by-law](#)**About rezoning**[Learn about rezoning](#)

 Rezoning applications and procedures

 Apply for rezoning

Contact applicant

Tony Wai

Project Lead

Arcadis Architects (Canada) Inc.

Phone 604 683 8797

Email tony.wai@arcadis.com

Contact us

Allison Smith

Rezoning Planner

City of Vancouver

Phone 604-873-7583

Email allison.smith@vancouver.ca

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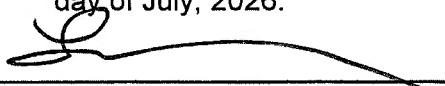
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This is **Exhibit "C"** referred to in the
Affidavit of
Thomas James Pappajohn sworn this 28th
day of July, 2026.



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Item 5.CD-1 (708) Text Amendment: 2538-2550 Birch Street and 1290-1298 West Broadway

Name	In Favour	In Opposition	Declared Conflict	Abstain	Ineligible	Absent
Councillor Klassen						
Councillor Kirby-Yung						
Councillor Dominato						
Councillor Bligh						
Councillor Fry						
Councillor Montague						
Mayor Sim						
Councillor Meiszner						
Councillor Zhou						
Councillor Orr						
Councillor Maloney						
VOTE No. 11883	06	00	00	02	00	03
TOTAL						