



FORCE FILED

No. H220369
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

PLW INVESTMENT LTD.

PETITIONER

AND:

1025332 B.C. LTD. and others

RESPONDENTS

NOTICE OF APPLICATION

Name of applicant: PLW Investment Ltd., the Petitioner (“**PLW**” or the “**Petitioner**”)

To: The persons on the Service List

TAKE NOTICE that an application will be made by the applicant to Justice Blake at the courthouse at 800 Smithe Street, Vancouver, B.C. on Wednesday, February 12, 2025 at 9:00 a.m. for the order set out in Part 1 below.

The applicant estimates that the application will take 15 minutes.

This matter is not within the jurisdiction of an associate judge. The Honourable Madam Justice Blake is seized of this matter and the hearing has been set by Supreme Court Scheduling.

Part 1 ORDER SOUGHT

1. An order (the “**Conduct Order**”), substantially in the form attached hereto as Schedule “A”, among other things:
 - (a) granting the Petitioner conduct of sale the Remaining Lands (as defined herein) which are the subject of this proceeding; and

- (b) authorizing the Petitioner, upon written notice delivered to the tenants and occupants thereof, to collect all rents payable in respect of the rent and occupation of the Remaining Lands.

Part 2 FACTUAL BASIS

Background

1. On October 27, 2022, on the application of the Petitioner, the Honourable Mr. Justice Giaschi granted an order (the “**Receivership Order**”), among other things, appointing Alvarez & Marsal Canada Inc. (the “**Receiver**”) as receiver and manager of certain lands and other assets, undertakings and property of the Respondents 1025332 B.C. Ltd., 1025334 B.C. Ltd., 1025336 B.C. Ltd., Chongye Developments Ltd., Washington Properties (Point Grey) Inc., Washington Properties (QEP) Inc., Lucky Five Investments Ltd., 1094321 B.C. Ltd., Prarda Developments Corporation, 1256306 B.C. Ltd., 1256319 B.C. Ltd., Amy Barsha Washington (a.k.a. Fengyun Shao), Edison Washington (a.k.a. Qiang Wang) and Linda Washington (collectively, the “**Debtors**”).
2. The Receiver has made efforts to market and sell the lands which are the subject of this receivership. To date, despite the Receiver’s efforts, the following lands remain unsold:
 - (a) PID: 009-467-904
Lot 8 Block 700 District Lot 526 Plan 6539
Civic Address: 4215 Cambie Street, Vancouver (“**4215**”);
 - (b) PID: 008-116-059
Lot 11 Block 740 District Lot 526 Plan 6539
Civic Address: 4491 Cambie Street, Vancouver (“**4491**”); and
 - (c) PID: 030-880-114
Strata Lot 120 Block 839 District Lot 526
Group 1 NWD Strata Plan EPS4950
Civic Address: 604 – 5033 Cambie Street, Vancouver;(collectively, the “**Remaining Lands**”).

3. By virtue of the Receivership Order, the Petitioner was granted judgment against a number of the Debtors, as follows:
 - (a) against Amy Barsha Washington, aka Fengun Shao, 1025332 B.C. Ltd., 1025334 B.C. Ltd., 1025336 B.C. Ltd., Chongye Developments Ltd. and Washington Properties (Point Grey) Inc., jointly and severally, in the amount of \$35,023,312.14;
 - (b) against Amy Barsha Washington, aka Fengyun Shao, 1025332 B.C. Ltd., 1025334 B.C. Ltd., 1025336 B.C. Ltd., Chongye Developments Ltd., Washington Properties (Point Grey) Inc., Washington Properties (QEP) Inc., Lucky Five Investments Ltd., 1094321 B.C. Ltd. and Prada Developments Corporation, jointly and severally, in the amount of \$38,714,573.58;
 - (c) against Edison Washington, aka Qiang Wang, in the amount of \$73,751,804.02; and
 - (d) against Linda Washington in the amount of \$8,216,986.55,(collectively, the “**Judgments**”).
4. The Petitioner wishes to obtain conduct of sale of the Remaining Lands in order to realize upon the balance remaining owing to it on the Judgments.
5. By order granted herein November 1, 2024, each of the known tenants occupying 4215 and 4491 were added as respondents to these proceedings and will be served with all materials filed in respect of the foregoing properties, including this application.

Part 3 LEGAL BASIS

1. The Petitioner relies on:
 - (a) the *Supreme Court Civil Rules*, B.C. Reg. 241/2010, as amended (the “**SCCR**”);
 - (b) the inherent and equitable jurisdiction of this Honourable Court; and
 - (c) such further and other legal bases and authorities as counsel may advise and this Honourable Court may permit.

2. The Petitioner submits that the Conduct Order be granted, including for the following reasons:
 - (a) the Receiver consents to the order being sought;
 - (b) the Receiver has marketed the Remaining Lands for a significant period of time and has not received offers commensurate with their respective values;
 - (c) the Petitioner and the Receiver are both of the view that 4215 and 4491 may take longer to sell given their nature as development properties, which would necessitate the Receiver's continued administration of these receivership proceedings;
 - (d) the Remaining Lands can be sold without the involvement of the Receiver and it is not cost effective to continue its mandate of trying to sell the Remaining Lands when the associated costs would be borne by the estate and, ultimately, the Petitioner;
 - (e) the Receiver has substantially completed its mandate and is applying for its discharge; and
 - (f) there is no prejudice to any stakeholders by the Petitioner obtaining conduct of sale to protect its security.
3. The Receiver has been collecting rent payments from the tenants of the Remaining Lands and, given that it will be seeking its discharge, the Petitioner seeks authorization to collect those rents directly in accordance with its security.


Part 4 MATERIAL TO BE RELIED ON

1. Receiver's Tenth Report, dated February 5, 2025;
2. Order of Justice Blake, made November 1, 2024;
3. all pleadings had and taken herein; and
4. such further and other material as counsel may advise and this Honourable Court deems admissible.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this Notice of Application, you must, within 5 business days after service of this Notice of Application or, if this application is brought under Rule 9-7, within 8 business days after service of this Notice of Application,

- (a) file an Application Response in Form 33,
- (b) file the original of every affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this application, and
 - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i) a copy of the filed Application Response;
 - (ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - (iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Dated: 06-Feb-2025



Signature of Lawyer for Applicant
Mishaal Gill

To be completed by the court only:

Order made

☐ in the terms requested in paragraphs of Part 1 of
this Notice of Application

☐ with the following variations and additional terms:

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.....
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Date:

.....
Signature of ☐ Judge ☐ Master

The Solicitors for the Petitioners are Fasken Martineau DuMoulin LLP, whose office address and address for delivery is 550 Burrard Street, Suite 2900, Vancouver, BC V6C 0A3 Telephone: +1 604 631 3131 Facsimile: +1 604 631 3232. (Reference: Mishaal Gill/313022.00006)

APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

- ☐ discovery: comply with demand for documents
- ☐ discovery: production of additional documents
- ☐ other matters concerning document discovery
- ☐ extend oral discovery
- ☐ other matter concerning oral discovery
- ☐ amend pleadings
- ☐ add/change parties
- ☐ summary judgment
- ☐ summary trial
- ☐ service
- ☐ mediation
- ☐ adjournments
- ☐ proceedings at trial
- ☐ case plan orders: amend
- ☐ case plan orders: other
- ☐ experts
- X OTHER

SCHEDULE A
DRAFT ORDER

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

PLW INVESTMENT LTD.

PETITIONER

AND:

1025332 B.C. LTD., 1025334 B.C. LTD., 1025336 B.C. LTD.,
CHONGYE DEVELOPMENTS LTD., WASHINGTON
PROPERTIES (POINT GREY) INC., WASHINGTON
PROPERTIES (QEP) INC., LUCKY FIVE INVESTMENTS
LTD., 1094321 B.C. LTD., PRARDA DEVELOPMENTS
CORPORATION, 1256306 B.C. LTD., 1256319 B.C. LTD.,
AMY BARSHA WASHINGTON (a.k.a. FENGYUN SHAO),
EDISON WASHINGTON (a.k.a. QIANG WANG), LINDA
WASHINGTON, 35 PARK PARKING INC. and EARLSTON
MORTGAGE CORP., WASHINGTON PROPERTIES (WEST
27TH) INC., WASHINGTON PROPERTIES (WEST 29TH) INC.,
ALIX ABELA, THANH TRAN, HIKARI YASUHARA,
MEREANI VAILEBA, PAOLO BIANCHIN, GELAREH
HASHEMISHAYAN, CHARLIE GOODCHILD, JENNY
GOODCHILD and NICOLAS BINON

RESPONDENTS

ORDER MADE AFTER APPLICATION

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BEFORE))	FEBRUARY 12, 2025
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THE HONOURABLE
MADAM JUSTICE BLAKE

ON THE APPLICATION OF PLW Investment Ltd. (the “**Petitioner**” or “**PLW**”) coming on for hearing at Vancouver, British Columbia on February 12, 2025, and on hearing Mishaal Gill, counsel for the Petitioner, Jordan Schultz, counsel for the Receiver, and those other counsel listed on Schedule “A”, and no one else appearing although duly served, and upon reading the material filed, including the Receiver’s Tenth report to court dated February 5, 2025;

THIS COURT DECLARES AND ORDERS that:

1. Effective February 12, 2025, the Petitioner is hereby granted the right to sell certain lands and premises which are the subject matter of this proceeding, being those certain parcels of land and premises situate in the in the Province of British Columbia, and being more particularly described as:
 - (a) PID: 009-467-904
Lot 8 Block 700 District Lot 526 Plan 6539
Civic Address: 4215 Cambie Street, Vancouver;
 - (b) PID: 008-116-059
Lot 11 Block 740 District Lot 526 Plan 6539
Civic Address: 4491 Cambie Street, Vancouver; and
 - (c) PID: 030-880-114
Strata Lot 120 Block 839 District Lot 526
Group 1 NWD Strata Plan EPS4950
Civic Address: 604 – 5033 Cambie Street, Vancouver;

(collectively, the “**Lands**”),

by offering them for sale by private sale free and clear of all right, title and interest of the Petitioner and the Respondents but subject to the provisos, reservations and conditions contained in the original Crown grant with respect to the Lands, the price and terms of such sale and the distribution of the proceeds thereof to be subject to the approval of this Court at a further application on notice to the Respondents and unless approved by all parties of record to this proceeding.
2. The Petitioner have exclusive conduct of the sale of the Lands and be at liberty to list them for sale as aforesaid by multiple, exclusive or general listing agreement with one or more licensed real estate agents or firms until further Order of this Honourable Court, and be at liberty to pay any licensed real estate agent or firm who may arrange a sale of the Lands a commission not to exceed 7 percent of the first \$100,000 of the gross selling price and 2.5 percent of the balance of the gross selling price, plus GST, that commission to be paid from the proceeds of the sale.
3. The Respondents and all persons claiming by, through or under them, including any person or persons in possession of the Lands, permit, on reasonable advance notice to person(s) in

possession of the Lands, any real estate agent, salesperson, employee or other person authorized by the Petitioner to inspect, appraise and show the Lands and the interior of any building thereon to prospective purchasers between the hours of 9:00 a.m. and 7:00 p.m. on any day of the week except Sundays and holidays, together with the right to post signs on the Lands stating that the Lands are offered for sale.

4. Upon written notice delivered to the tenants and occupants thereof, the Petitioner is hereby authorized to collect all rents payable in respect of the rent and occupation of the Lands.
5. Endorsement of this Order by counsel appearing on this application other than the Petitioner is dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

Mishaal Gill
Lawyer for the Petitioner

BY THE COURT

REGISTRAR

Schedule A

LIST OF COUNSEL

Name of Party	Counsel Name
1025332 B.C. Ltd., 1025334 B.C. Ltd., 1025336 B.C. Ltd., Chongye Developments Ltd., Washington Properties (Point Grey) Inc., 1094321 B.C. Ltd., Prarda Developments Corporation, Amy Washington, Edison Washington, Linda Washington and 35 Park Parking Inc.	Devin Lucas