



This is the 1st affidavit
of Karen Buquet in this case
and was made on January 8, 2026, 2026

No. H-251466
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

DOMAIN MORTGAGE CORP., as mortgage administrator and bare trustee
for Capstone Mortgage Pool and
Capstone Mortgage Opportunities Fund LP

PETITIONER

AND:

1119356 B.C. LTD.
CENTRA LIMITED PARTNERSHIP
1138624 B.C. LTD.
1877725 ALBERTA LTD.
ZAFIR RASHID
HARPREET (HARIS) THIARA
SATPREET THIARA
FRANCISCO IGNACIO
TRISURA GUARANTEE INSURANCE COMPANY
JB SOLUTIONS ULC
1299881 BC LTD.
TANDEM MECHANICAL SYSTEMS LTD.
METRO-CAN CONSTRUCTION (OT) LTD.
B&B EXCAVATION AND SHORING LTD.
RPMC INVESTMENT INC.
541823 B.C. LTD.
ALL TENTANTS AND/OR OCCUPIERS OF THE
SUBJECT LANDS AND PREMISES

RESPONDENTS

AFFIDAVIT

FORM 109 (RULE 22-2(2) AND (7))

I, Karen Buquet, of 3200 – 650 West Georgia Street, in the City of Vancouver, Province of British Columbia, AFFIRM THAT:

1. I am a legal administrative assistant with Harper Grey LLP, solicitors for the Respondent, Metro-Can Construction (OT) Ltd., herein, and as such I have personal knowledge of the



Application

Document Fees: \$0.00

Harper Grey LLP Barristers and Solicitors
 3200 - 650 West Georgia Street
 Vancouver BC V6B 4P7
 6046870411

160495

I, **Norm Streu** of **3200 - 650 West Georgia Street, Vancouver BC V6B 4P7**, agent of the lien claimant state that:

1. **Metro-Can Construction (OT) Ltd. , Inc No BC1180144**

of **520 - 10470 - 152nd Street, Surrey BC V3R 0Y3** claims a lien against the following land:

| PID/Plan Number | Legal Description |
|-----------------|---|
| 026-731-134 | PARCEL A SECTION 26 BLOCK 5 NORTH RANGE 2 WEST NEW WESTMINSTER DISTRICT PLAN BCP24667 |

2. A general description of the work done or material supplied, or to be done or supplied, or both, is as follows:

General contracting construction supply and installation services.

3. The person who engaged the lien claimant, or to whom the lien claimant supplied material, and who is or will become indebted to the lien claimant is:

1138624 B.C. Ltd.

4. The sum of **\$9,598,108.58** is or will become due and owing to **Metro-Can Construction (OT) Ltd.** on **2024-11-12**

5. The lien claimant's address for service is:

3200 - 650 West Georgia Street, Vancouver BC V6B 4P7

Signature

Date (YYYY-MM-DD)

X

2024-11-12

Note: Section 45 of the *Builders Lien Act* provides as follows:

45 (1) A person who knowingly files or causes an agent to file claim of lien containing a false statement commits an offence.

(2) A person who commits an offence under subsection (1) is liable to a fine not exceeding the greater of \$2,000 and the amount by which the stated claim exceeds the actual claim.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

**Angelina
 Korotchenko
 ZMY796**

Digitally signed by
Angelina Korotchenko
ZMY796
 Date: 2024-11-13
 15:25:20 -08:00

This is Exhibit "A" referred to in the
 Affidavit of Karen Buquet
 sworn (or affirmed) before me at
Vancouver, B.C.
 this 8th day of January, 2026


 A Commissioner for Taking Affidavits
 within British Columbia



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Application

Document Fees: \$0.00

Harper Grey LLP Barristers and Solicitors
 3200 - 650 West Georgia Street
 Vancouver BC V6B 4P7
 6046870411

160495

I, **Robert Horvath** of **520 - 10470 - 152nd Street, Surrey BC V3R 0Y3**, state that:

1. **Metro-Can Construction (OT) Ltd., Inc No BC1180144**
 of **520 - 10470 - 152nd Street, Surrey BC V3R 0Y3** claims a lien against the following land:

| PID/Plan Number | Legal Description |
|-----------------|---|
| 026-731-134 | PARCEL A SECTION 26 BLOCK 5 NORTH RANGE 2 WEST NEW WESTMINSTER DISTRICT PLAN BCP24667 |

2. A general description of the work done or material supplied, or to be done or supplied, or both, is as follows:

General contracting construction supply and installation services.

3. The person who engaged the lien claimant, or to whom the lien claimant supplied material, and who is or will become indebted to the lien claimant is:
1138624 B.C. Ltd.

4. The sum of **\$1,881,995.21** is or will become due and owing to **Metro-Can Construction (OT) Ltd.** on **2025-10-28**

5. The lien claimant's address for service is:
520 - 10470 - 152nd Street, Surrey BC V3R 0Y3

Signature

Date (YYYY-MM-DD)

X

2025-10-28

Note: Section 45 of the *Builders Lien Act* provides as follows:

45 (1) A person who knowingly files or causes an agent to file claim of lien containing a false statement commits an offence.

(2) A person who commits an offence under subsection (1) is liable to a fine not exceeding the greater of \$2,000 and the amount by which the stated claim exceeds the actual claim.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

Angelina Korotchenko
ZMY796

Digitally signed by
 Angelina Korotchenko
 ZMY796
 Date: 2025-10-29
 14:11:46 -07:00

This is Exhibit "B" referred to in the
 Affidavit of Karen Buquet
 sworn (or affirmed) before me at
Vancouver, B.C.
 this 24 day of January, 2026


 A Commissioner for Taking Affidavits
 within British Columbia

**This is Exhibit "C" referred to in the AFFIDAVIT No. 1 of,
Karen Buquet affirmed before me at Vancouver, B.C.
this 8th day of January 2026.**



**A Commissioner for Taking Affidavits within
British Columbia**



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No. S 258214
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

METRO-CAN CONSTRUCTION (OT) LTD.

PLAINTIFF

AND

1138624 B.C. LTD. and 1119356 B.C. LTD.

DEFENDANT

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

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(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

1. The Plaintiff, Metro-Can Construction (OT) Ltd. ("MCC") is a construction company duly incorporated under the laws of British Columbia and has a registered and records office at 25th Floor, 666 Burrard Street, Vancouver, BC V6C 2X8.
2. The Defendant, 1138624 B.C. Ltd. ("113 BC") is a company duly incorporated pursuant to the laws of British Columbia with a registered and records office at 901, 1199 West Hastings Street, Vancouver, B.C. V6E 3T5.
3. The Defendant, 1119356 B.C. Ltd. ("111 BC") is a company duly incorporated pursuant to the laws of British Columbia with a registered and records office at Suite 2300 – Bentall 5, 550 Burrard Street, Vancouver, B.C. V6C 2B5. 111 BC is the registered owner of a property located in the City of Surrey, in the Province of British Columbia and legally described as:

PID: 026-731-134
 Parcel A Section 26 Block 5 North Range 2
 West New Westminster District Plan
 BCP24667

(the "Lands")

4. On or about December 23, 2020, MCC entered into a CCDC 2 stipulated price contract with 113 BC (the "GC Contract") whereby MCC agreed to provide general contracting services and/or materials for the construction of an improvement known as the Centra condominium project (the "Improvement").
5. In accordance with the terms of the GC Contract, MCC supplied general contracting services and materials to the Improvement being constructed on the Lands and invoiced 113 BC.
6. In breach of the GC Contract, 113 BC has refused or neglected to make payment for the general contracting services and materials provided by MCC. There remains due and owing to MCC from 113 BC for work performed and/or material supplied and delivered to the Improvement being constructed on the Lands the sum of \$ 11,480,103.79, plus interest.
7. It is a term of the GC Contract that interest applies on unpaid amounts, at the following rates:
 - (a) 2% per annum above the prime rate for the first 60 days;
 - (b) 4% per annum above the prime rate after the first 60 days;

compounded on a monthly basis. The prime rate is the rate of interest quoted by the Royal Bank of Canada.

- 8. 113 BC was obligated by s. 4 of the *British Columbia Builders Lien Act* to retain a holdback for the benefit of MCC and contractors who performed work or provided materials in relation to the improvements erected on the Lands.
- 9. MCC is a person engaged in connection with the Improvement by or under the person from whom the holdback was retained or was required to be retained by 113 BC, and so the holdback retained or required to be retained (the "Holdback") by 113 BC is charged with payment of the amount of \$11,480,103.79.

Claims of Builder Lien

- 10. On or about November 12, 2024, MCC by its authorized representative made a claim of lien pursuant to the *British Columbia Builders Lien Act*, alleging that the sum of \$9,598,108.58 was due and owing, by causing said claim of lien to be filed against the Lands at the Land Title Office in the City of New Westminster, in the Province of British Columbia. The said claim of lien was registered under number CB1708860 (the "First Lien Claim").
- 11. On or about October 2025, 2025, MCC by its authorized representative made a subsequent claim of lien pursuant to the *British Columbia Builders Lien Act*, alleging that the sum of \$1,881,995.21 was due and owing, by causing said claim of lien to be filed against the Lands at the Land Title Office in the City of New Westminster, in the Province of British Columbia. The said claim of lien was registered under number CB2423171 (the "Second Lien Claim").
- 12. MCC has complied with the provisions of the *British Columbia Builders Lien Act* and is entitled to its claims of lien on the Lands.

Claim of Lien Against Holdback

- 13. By virtue of the services and materials supplied by MCC to the Lands, pursuant to the provisions of the *British Columbia Builders Lien Act*, MCC is entitled to a lien in the amount of \$11,480,103.79 against the Holdback retained or required to be retained by 113 BC.

Breach of Contract

- 14. In breach of the GC Contract, and despite repeated demand, 113 BC has refused or neglected to make payment of the following amount due to MCC under the GC Contract:
 - (a) The sum of \$11,480,103.79 made up of the amounts in the First Lien Claim and the Second Lien Claim; and
 - (b) Contract interest pursuant to the GC Contract.

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Unjust Enrichment and Quantum Meruit

15. Further, or in the alternative, as a result of the services and/or materials provided by MCC, to the benefit of 111 BC and 113 BC and each of them, MCC says that each of them has been unjustly enriched and MCC has suffered corresponding deprivation, and there is no juridical reason for the said unjust enrichment and corresponding deprivation.
16. In the further alternative, MCC says 111 BC and 1113 BC, and each of them, have benefitted from the services and/or material provided by MCC to the Project and as such, are liable to MCC based on *quantum meruit*.

Part 2: RELIEF SOUGHT

1. Judgement in debt against 113 BC for \$11,480,103.79;
2. Contract interest, or in the alternative, interest pursuant to the *Court Order Interest Act*;
3. A declaration that MCC is entitled to claims of lien pursuant to the British Columbia *Builders Lien Act* for the following amounts:
 - (a) \$9,598,108.58; and
 - (b) \$1,881,995.2

against the Lands, the Improvement, the interest of the Defendants in the Improvement, the material delivered to or placed on the Lands and any security posted or funds paid into Court in substitution of the Lands.

4. A declaration that MCC is entitled to a lien pursuant to the British Columbia *Builders Lien Act* in the amount of \$11,480,103.79 or such other amount as this Court orders, against the Holdback retained or required to be retained by 113 BC pursuant to s.4 of the British Columbia *Builders Lien Act* and the GC Contract.
5. A declaration that the claims of lien (the First Lien Claim and the Second Lien Claim) are first charges, liens or encumbrances against the Lands and the Holdback in preference or priority to all of the right, title, and interest of the Defendants and each of them;
6. An order that in default of payment of the sum of \$11,480,103.79, or such other amounts as this Court orders, and costs, the Lands, the improvements erected on the Lands, the buildings and materials charged by MCC's claims of lien be sold or any security paid or posted in court in substitution for the Lands, including the Holdback be realized for the purposes of realizing the amount of MCC's liens and costs pursuant to the provisions of the *Builders Lien Act* and that the proceeds of such sale be applied in payment of MCC's liens and costs.
7. For the purposes aforesaid, an order that all proper and necessary direction, accounts, inquiry and references be taken;

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- 8. A Certificate of Pending Litigation;
- 9. Costs of this action, including reasonable costs for drawing and registering the First Lien and the Second Lien.
- 10. Such further and other relief as the Court may determine.

Part 3:LEGAL BASIS

- 1. By virtue of the work supplied by MCC in relation to the Lands and pursuant to the provisions of the British Columbia *Builders Lien Act*, which MCC has duly complied with, MCC is entitled to and does claim a builders lien against the Lands, the improvements erected on the Lands, the Holdback and the materials delivered to or placed on the Lands for the cost of the work MCC supplied in relation to the Lands and improvements erected thereupon.
- 2. MCC is entitled to a lien against the Holdback retained by 113 BC pursuant to the British Columbia *Builders Lien Act*, including ss.2, 3 and 4 and the decision of the *Shimco Metal Erectors Ltd. v. Design Steel Constructors Ltd.* 2002 BCSC 238 aff'd 2003 BCCA 193.
- 3. MCC is entitled to judgement for the unpaid amounts due and owing under the GC Contract and to a lien pursuant to the British Columbia Builders Lien Act, S.B.C. 1997, c. 45.
- 4. MCC also relies on the law of unjust enrichment and/or quantum meruit.

Plaintiff's address for service: GREG J. PRATCH LAW CORPORATION
3701 Brown Road, West Kelowna, BC
V4T 1K5 Attention: Greg J. Pratch

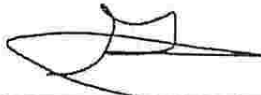
Fax number address for service (if any): None.

E-mail address for service (if any): pratch@gjpratchlaw.com.

Place of trial: Vancouver, British Columbia

The address of the registry is: 800 Smithe Street
Vancouver, BC V6Z 2E1

Dated: October 30, 2025



Greg J. Pratch
Lawyer for Metro-Can Construction (OT) Ltd.

Rule 7-1(J) 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
 - (a) serve the list on all parties of record.

Appendix

Part 1: CONCISE SUMMARY OF NATURE OF CLAIM:

A claim for breach of contract and to enforce builders' lien claims.

Part 2: THIS CLAIM ARISES FROM THE FOLLOWING:

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: THIS CLAIM INVOLVES:

[Check all boxes below 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:

Builders Lien Act, SBC 1997, c. 45

File Number VLC-S-S-258214

This is Exhibit "D" referred to in the Affidavit of Robert Bruce sworn (or affirmed) before me at Vancouver, B.C. this 8th day of January 2026.

[Signature]
 A Commissioner for Taking Affidavits
 with: British Columbia

File Options:

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- Case Basics
- Parties
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| Initiating Document | Amended Document | # Document | Description | Date Filed | Document Claim Amount | Document Request |
|-------------------------------------|------------------|------------|---------------------------------------|------------|-----------------------|--------------------------------|
| <input checked="" type="checkbox"/> | | 1 | Notice of Civil Claim | 31Oct2025 | | View (English) |
| | | 2 | Certificate of Pending Litigation | 31Oct2025 | | View (English) |
| | | 3 | Notice of Application | 07Jan2026 | | View (English) |
| | | 4 | Affidavit | 07Jan2026 | | Request |
| | | 5 | Electronic Filing Statement - Supreme | 07Jan2026 | | Request |
| | | 6 | Requisition - Short Notice | 08Jan2026 | | View (English) |

