



NO. H220369  
VANCOUVER REGISTRY

**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.

RESPONDENTS

**NOTICE OF APPLICATION**

**Name of applicant:** Alvarez & Marsal Canada Inc., in its capacity as court appointed receiver and manager (the "Receiver")

To: the Service List

TAKE NOTICE that an application will be made by the Petitioner to Justice Blake at the courthouse at 800 Smithe Street, Vancouver, British Columbia on 8/SEPT/2023 at 9:00 a.m. for the orders set out in Part 1 below.

**Part 1: ORDER SOUGHT**

1. An Order approving the sale of certain lands and premises which is the subject of this receivership proceeding, and in particular, 505-5033 Cambie Street, Vancouver, BC, substantially in the form attached hereto as **Schedules "A"**.
2. An Order approving the sale of certain lands and premises which are the subject of this receivership proceeding, and in particular, 504-4963 Cambie Street, Vancouver, BC, substantially in the form attached hereto as **Schedule "B"**.

3. An Order approving the activities of the Receiver, as set out in the First Report, Second Report and Third Report of the Receiver, collectively the “**Reports**” and substantially in the form attached hereto as **Schedule “C”**.

## **Part 2: FACTUAL BASIS**

### **A. The Receivership**

1. On or about October 27, 2022, on application of PLW Investment Ltd. (the “**Secured Creditor**”), the Receiver was appointed as court-appointed receiver over twenty-one (21) parcels of land, and certain related personal property, of the Respondents pursuant to an order of this Court (as subsequently amended on November 7, 2022, the “**Receivership Order**”).
2. The Receivership Order was subsequently stayed in its entirety by consent of all parties, which stay expired on April 7, 2023. The Receiver’s appointment resumed on April 8, 2023. However, the stay in respect of two parcels of land was subsequently re-instated by a consent order made April 26, 2023.
3. In addition, since the stay of the Receivership Order expired, this Court has approved the sale of five parcels of land which were subject to the Receivership Order, two of which have completed and the remainder of which are scheduled to complete August 31, 2023.
4. As a result of the foregoing, and upon completion of the above noted sales, there are fourteen (14) parcels which remain subject to the Receivership Order. A consolidated list of the remaining lands which are subject to the Receivership Order is attached hereto as **Schedule “D”**.
5. The Secured Creditor advanced two loans to certain of the respondents, which were secured by various mortgages registered against the subject lands. The Secured Creditor holds the first priority mortgage on all but two of those lands.
6. Pursuant to the Receivership Order, the Secured Creditor was granted judgment against certain respondents, including judgments in excess of \$73,000,000 against the respondents Amy Washington, 1025332 B.C. Ltd., 1025334 B.C. Ltd., 1025336 B.C. Ltd., Chongye Developments Ltd., Washington Properties (Point Grey) Inc., and Edison Washington.
7. The Receiver brings this application to:
  - (a) approve the sale of two of the properties that are subject to the Receivership; and

- (b) have its activities to date, as set out in the all Reports to the Court, approved.

**B. Sale of 505-5033 Cambie Street**

8. The Receiver is seeking an order approving the sale of a residence located at the civic address #505-5033 Cambie Street, Vancouver, and legally described as

PID: 030-880-076

Strata Lot 116 Block 839 District Lot 526 Group 1 New Westminster District  
Strata Plan EPS4950

(the "**Unit 505**").

9. 1256306 B.C. Ltd ("**125**") is the registered owner of Unit 505 and is a Respondent in these receivership proceedings.
10. On or about July 10, 2023, Traci Chung and the Receiver entered into an contract of Purchase and Sale to purchase Unit 505 for \$1,480,000.00. The sale is set to close two weeks after court approval.
11. The following entities hold secured charges against Unit 505:
- (a) PLW Investment Ltd. (the "**Secured Creditor**") holds a first ranking mortgage and assignment of rents under charge numbers CA7037305 and CA7037306;
  - (b) the Secured Creditor holds a second ranking mortgage and assignment of rents under charge numbers CA7037322 and CA7037323;
  - (c) the Secured Creditor holds a third ranking mortgage and assignment of rents under charge numbers CA7787470 and CA7787471;
  - (d) the Secured Creditor holds a fourth ranking under charge number CA8202887;
  - (e) the Strata Owners under Plan EPS4950 (the "**Cambie Strata**") hold a subsequently registered *Strata Property Act* lien under charge number CB594859;
  - (f) the Cambie Strata holds a subsequently registered *Strata Property Act* lien under charge number CB672533; and

- (g) the Secured Creditor holds a subsequently registered certificate of pending litigation under charge number CB2224804.
- 12. The sales agent retained by the Receiver has confirmed that the purchase price set out above is aligned with market rates for a property similar to Unit 505.
- 13. The Receiver therefore seeks approval of the sale of Unit 505 for \$1,480,000.

**C. Sale of 504-4963 Cambie Street**

- 14. The Receiver is seeking an order approving the sale of a residence located at the civic address #504-4963 Cambie Street, Vancouver, and legally described as

PID: 030-879-451

Strata Lot 54 Block 839 District Lot 526 Group 1 New Westminster District  
Strata Plan EPS4950

(**"Unit 504"**).

- 15. 125 is also the registered owner of Unit 504.
- 16. On or about August 7, 2023, Tao Cheng and Jee Yun Ha and the Receiver entered into an contract of Purchase and Sale to purchase Unit 504 for \$1,660,000.00. The sale is set to close 110 days after court approval.
- 17. The following entities hold secured charges against Unit 504:
  - (a) PLW Investment Ltd. (the **"Secured Creditor"**) holds a first ranking mortgage and assignment of rents under charge numbers CA7037305 and CA7037306;
  - (b) the Secured Creditor holds a second ranking mortgage and assignment of rents under charge numbers CA7037322 and CA7037323;
  - (c) the Secured Creditor holds a third ranking mortgage and assignment of rents under charge numbers CA7787470 and CA7787471;
  - (d) the Secured Creditor holds a fourth ranking under charge number CA8202887;
  - (e) the Strata Owners under Plan EPS4950 holds a subsequently registered *Strata Property Act* lien under charge number CA9094525; and

- (f) the Secured Creditor holds a subsequently registered certificate of pending litigation under charge number CB2224804.
- 18. The sales agent retained by the Receiver has confirmed that the purchase price set out above is aligned with market rates for a property similar to Unit 504.
- 19. The Receiver therefore seeks approval of the sale of Unit 504 for \$1,660,000.00.

**D. Receiver's Activities**

- 20. The Receiver seeks approval of its activities (the "**Activities**") as detailed in the Reports.
- 21. In the Reports, the Receiver details its Activities to date which, by way of summary, include the following:

**Possession, Preservation and Marketing of Properties:**

- (a) various meeting with the Debtors and secured creditors;
- (b) collecting and reviewing key documents related to the property insurance coverage, rental agreements, tenant contact information, and banking details;
- (c) securing possession and preparing an inventory of the Company's assets;
- (d) obtaining adequate insurance coverage over the subject properties;
- (e) reviewing marketing proposals by a number of potential listing agents and engaging two listing agents to market certain of the subject properties, as well as reviewing and approving costs related to preparing the properties for sale;
- (f) setting up the Receiver's website and updating it with pertinent information relating to the Receivership Proceedings;
- (g) advising known tenants and rental agents of the Receivership Proceedings and related matters;
- (h) attending to correspondence with active listing agents to understand the current situation of the actively listed properties and review offers received on certain of the subject properties as well as holding discussions with the mortgagees in regards to these listings;

- (i) retaining Dentons Canada LLP ("**Dentons**") as the Receiver's independent legal counsel and instructing Dentons to assist with various matters including, but not limited to, the request for various information from the Debtors, reviewing the offers on certain of the Properties and drafting addendums in respect of various offers;
- (j) reviewing, negotiating and finalizing offers on subject properties from time to time, in consultation with the Petitioner and listing agent and directing Dentons to advance the offers;
- (k) reviewing appraiser proposals and engaging an appraiser to provide valuations of the subject properties;
- (l) engaging a property manager to manage the affairs of the subject properties including, among other things, responding to tenant requests, coordinating tradespeople for repairs, providing access to the Washington Properties for realtors, potential buyers, and an appraiser;
- (m) collecting rents and depositing same into the trust account of the Receiver as well as corresponding with various tenants regarding rent matters and issuing a notice to end tenancy to one tenant due to non-payment of rents pursuant to the *Residential Tenancy Act* (British Columbia); and
- (n) reviewing draft Court application materials and providing comments to the Receiver's legal counsel, Dentons, and attending various Court hearings;

#### **Stakeholder Communications**

- (o) attending to various discussions with the Petitioner and their legal counsel, Debtors and their legal counsel, and other stakeholders, all in relation to various matters including the initial receivership appointment, status of the sales and marketing efforts of the subject properties, tenancy, insurance and rental matters, among other things;

#### **Statutory Duties**

- (p) preparing the Receiver's Reports;
- (q) preparing and reviewing payments as well as reconciling cash receipts and disbursements;
- (r) attending to various statutory notices pursuant to the *Bankruptcy and Insolvency Act* and *Personal Property Security Act* (British Columbia)

including mailing a Notice and Statement of Receiver to creditors, posting a copy on the Receiver's Website and publishing the Notice of Appointment of Receiver of Property in the Vancouver Sun on April 15, 2023; and

- (s) attending to government reporting matters including reviewing status of declarations related to the Vacancy Homes Tax, B.C. Speculation Tax, and attending to correspondence with the Canada Revenue Agency regarding deemed trust claims.

### **Part 3: LEGAL BASIS**

1. The Receiver will rely on:

- (a) Receivership Order;
- (b) Section 243 of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3;
- (c) Rule 13-5 of the *Supreme Court Civil Rules*; and
- (d) Section 15 of the *Law and Equity Act*, R.S.B.C. 1996, c. 253.

### Sale of Subject Properties

2. Pursuant to paragraphs 2(l)(ii) and 2(m) of the Receivership Order, the Receiver was granted the power to sell, *inter alia*, Unit 504 and Unit 505 (collectively, the "**Lands**"), subject to approval of this Court, and to apply for a vesting order in connection with the same.
3. *Royal Bank v. Soundair Corp.* is the leading authority on the factors a court may consider when approving a sale proposed by a receiver, which are:
  - (a) whether the receiver has made a sufficient effort to get the best price and has not acted improvidently;
  - (b) the interests of all parties;
  - (c) the efficacy and integrity of the process by which offers are obtained; and
  - (d) whether there has been unfairness in the working out of the process.

*Royal Bank v. Soundair Corp.*, 1991  
CarswellOnt 205 (Ont. C.A.) ("*Soundair*")  
at para. 16.

4. In this case the Receiver submits all of the *Soundair* factors have been met and the Court should approve the sales proposed herein. The Receiver submits that an order approving the sale of the Lands to the relevant purchasers is appropriate for the following reasons:
  - (a) the Receiver and the sales agent have made a sufficient effort to get the best price for the Lands and have not acted improvidently, as the Receiver engaged a realtor with a specialty in luxury real estate and the purchase price reflects the fair market value for the Lands;
  - (b) the process used to market and sell the land has efficacy and integrity; the Receiver and sales agent subjected the Lands to a reasonable exposure to market, as part of an overall strategy to market and sell multiple units in the same building; and
  - (c) the process used to market and sell the Lands was fair and reasonable.



### **Approval of Activities**

5. Under its inherent jurisdictions, this court may approve the activities of a court-appointed receiver, provided that receiver has acted reasonably, prudently, and not arbitrarily.

***Leslie & Irene Dube Foundation Inc. v. P218 Enterprises Ltd., 2014 BCSC 1855 at para 54***

6. The Receiver carried out all activities in good faith and has acted reasonably, prudently, and not arbitrarily in the circumstances. The approval of the Receiver's activities is also appropriate in the circumstances because such approval will:

- (a) Allow the Receiver and other stakeholders to move forward with next steps in this proceeding;
- (b) Bring the Receiver's activities in issue before this Court, providing an opportunity for the concerns of this Court and the Debtors' stakeholders to be addressed, and any problems to be rectified in a timely way;
- (c) Enable this Court, tasked with supervising this proceeding, to satisfy itself that the Receiver's court-mandated activities have been conducted in a prudent and diligent manner;
- (d) Provide protection for the Receiver, not otherwise provided by statute; and
- (e) Protect creditors from delay that would be caused by:
  - (i) Re-litigation of steps taken to-date; and
  - (ii) Potentially indemnity claims by the Receiver.

***Target Canada Co (Re), 2015 ONSC 7574 at para 23***

***Hanfeng Evergreen Inc. (Re), 2017 ONSC 7161***

7. The approval sought by the Receiver is not a general approval of its activities to date. Instead, it is the approval of the specific activities taken by the Receiver as specifically detailed in the Receiver's Reports and summarized above.

**Part 4: MATERIAL TO BE RELIED ON**

1. Receivership Order made October 27, 2022;
2. Order (Slip Rule) Amending Receivership Order, made November 7, 2022;
3. Orders made October 27, 2022; November 7, 2022; December 7, 2022; February 7, 2023, and April 26, 2023;
4. Receiver's First Report to the Court dated April 26, 2023;
5. Receiver's Second Report to the Court dated June 14, 2023;
6. Receiver's Third Report to the Court dated July 4, 2023
7. Receiver's Fourth Report to the Court, to be filed; and
8. Affidavit #3 of Avic Arenas, made 29/AUG/2023; and

The applicant(s) estimate(s) that the application will take 30 minutes.

- ☐ This matter is within the jurisdiction of a master.
- ☒ This matter is not within the jurisdiction of a master.

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 of 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).

Date: 29/AUG/2023

\_\_\_\_\_  
Signature of lawyer for filing party

To be completed by the court only:	
Order made	
<input type="checkbox"/>	in the terms requested in paragraphs _____ of Part 1 of this Notice of Application
<input type="checkbox"/>	with the following variations and additional terms:
 _____ _____ _____	
Date:	
Signature of <input type="checkbox"/> Judge <input type="checkbox"/> Master	

## 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

SCHEDULE "A"

NO. H220369  
VANCOUVER REGISTRY

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.

RESPONDENTS

**ORDER MADE AFTER APPLICATION**

)	)	
BEFORE )	JUSTICE BLAKE )	08/SEPT/2023
)	)	

ON THE APPLICATION of the Alvarez & Marsal Canada Inc., in its capacity as court appointed receiver and manager (the "**Receiver**"), coming on for hearing at Vancouver, British Columbia on this day, and on hearing Jordan Schultz, counsel for the Receiver, and those other counsel listed on Schedule "A" hereto, and no one else appearing, although duly served;

THIS COURT ORDERS AND DECLARES THAT:

1. The sale of the lands at 505 – 5033 Cambie Street, Vancouver, British Columbia, legally known and described as:

Parcel Identifier: 030-880-076

Strata Lot 116 Block 839 District Lot 526 Group 1 New Westminster District  
Strata Plan EPS4950

(the "**Lands**")

to Traci Chung, (the "**Purchaser**"), for the purchase price of \$1,480,000.00 and on the other terms and conditions set out in the contract of purchase and sale dated July 10, 2023, as subsequently amended from time to time (collectively, the "**Contract**"), is hereby approved.

2. The sale transaction (the "**Transaction**") contemplated by the Contract is hereby approved, and the Sale Agreement is commercially reasonable. The execution of the Sale Agreement by the Receiver is hereby authorized and approved, and the Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the Transaction and for the conveyance to the Purchaser of the assets described in the Sale Agreement (the "**Purchased Assets**").

3. Upon delivery by the Receiver to the Purchaser of a certificate confirming the Transaction has completed to the satisfaction of the Receiver (the "**Receiver's Certificate**"), all of the right, title and interest of 1256306 B.C. Ltd. (the "**Debtor**") in and to the Purchased Assets described in the Sale Agreement shall vest absolutely in the Purchaser in fee simple, free and clear of and from any and all security interests (whether contractual, statutory, or otherwise), hypothecs, mortgages, trusts or deemed trusts (whether contractual, statutory, or otherwise), liens, executions, levies, charges, or other financial or monetary claims, whether or not they have attached or been perfected, registered or filed and whether secured, unsecured or otherwise (collectively, the "**Claims**") including, without limiting the generality of the foregoing: (i) any encumbrances or charges created by the Order of this Court dated October 27, 2022; and (ii) all charges, security interests or claims evidenced by registrations pursuant to the *Personal Property Security Act* of British Columbia or any other personal property registry system (all of which are collectively referred to as the "**Encumbrances**") and, for greater certainty, this Court orders that all of the Encumbrances affecting or relating to the Purchased Assets are hereby expunged and discharged as against the Purchased Assets.

4. On filing a certified copy of this Order in the Vancouver Land Title Office together with a letter from the Receiver's solicitor authorizing the filing, the Lands be conveyed to and vest in the Purchaser as registered owners in fee simple, free and clear of any estate, right, title, interest, equity of redemption and other claims of the parties, together with any other charges, liens, encumbrances caveats, or certificates of pending litigation registered against the Lands subsequent to the Petitioner's Certificate of Pending Litigation, but subject to the reservations, provisos, exceptions, and conditions express in the original grants thereof from the Crown.

5. For the purposes of determining the nature and priority of Claims, the net proceeds from the sale of the Purchased Assets shall stand in the place and stead of the Purchased Assets, and from and after the delivery of the Receiver's Certificate all Claims shall attach to the net proceeds from the sale of the Purchased Assets with the same priority as they had with respect to the Purchased Assets immediately prior to the sale, as if the Purchased

Assets had not been sold and remained in the possession or control of the person having had possession or control immediately prior to the sale.

6. All persons claiming possession of the Lands, or any portion thereof, shall deliver vacant possession of the Lands to the Purchaser, or their agents, successors or assigns, on the Possession Date, as defined in the Contract (herein, the "**Possession Date**").

7. If any person fails to deliver vacant possession of the Lands to the Purchaser at the Possession Date, then the Receiver shall be at liberty to apply to the Registrar for a Writ of Possession, under Rule 13-2(13) and without further Order of the Court.

8. The net sale proceeds after adjustments shall be paid to Dentons Canada LLP, in trust, or otherwise in accordance with the written direction of Dentons Canada LLP, and then disbursed in accordance with the following priorities without further Order:

- (a) first, payment of water and sewer rates, property taxes, arrears of property taxes, interest and penalties on arrears of property taxes, owing in respect of the Lands;
- a. second, payment of unpaid strata charges, if any, on account of the Lands having statutory priority over the Petitioner's mortgage registered against title to the Lands under No. CA7037305;
- (b) third, in payment of real estate commission in an amount not exceeding 7% of the first \$100,000 of the gross selling price and 2.5% of the remainder, plus applicable taxes thereon;
- (c) fourth, to The Owners, Strata Plan EPS4950, or its solicitors, the amount required to pay the outstanding balance of its lien Nos. CA9094532 and CB135108; and
- (d) fifth, the balance to the Receiver to be held pending further Order of this Honourable Court.



9. For the purpose of issuing title and in respect of the Lands, the following charges, liens, encumbrances, caveats, mortgages, and certificates of pending litigation be cancelled insofar as they apply to the Lands:

	<b>Party</b>	<b>Nature of Charge</b>	<b>Registration No.</b>
(a)	PLW Ltd.	Investment Mortgage	CA7037305
(b)	PLW Ltd.	Investment Assignment of Rents	CA7037306
(c)	PLW Ltd.	Investment Mortgage	CA7037322
(d)	PLW Ltd.	Investment Assignment of Rents	CA7037323
(e)	35 Park Parking Inc.	Option to Lease	CA7614154
(f)	PLW Ltd.	Investment Mortgage	CA7787470
(g)	PLW Ltd.	Investment Assignment of Rents	CA7787471
(h)	PLW Ltd.	Investment Mortgage	CA8202887
(i)	The Owners, Strata Plan EPS4950	Strata Property Act Lien	CB672533
(j)	The Owners, Strata Plan EPS4950	Strata Property Act Lien	CB594859
(k)	PLW Ltd.	Investment Certificate of Pending Litigation	CB224804

together with any other charges, liens, encumbrances, caveats, or certificates of pending litigation registered against the Lands subsequent to the Petitioner's Certificate of Pending Litigation.

10. The Parties hereto and the Purchaser be at liberty to apply for such further and other direction as may be necessary to carry out the full purport and effect of this Order.



11. Endorsement of this Order by counsel appearing on this application other than counsel for the Receiver 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:

---

Signature of Jordan Schultz  
Lawyer for the Receiver

By the Court.

---

Registrar

**SCHEDULE "A"**  
**LIST OF COUNSEL**

Name	Appearing for

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

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PETITIONER

AND:

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RESPONDENTS

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**ORDER MADE AFTER APPLICATION  
[APPROVAL OF SALE AND VESTING OF TITLE ORDER]**

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DENTONS CANADA LLP  
BARRISTERS & SOLICITORS  
250 Howe Street, 20<sup>th</sup> Floor  
Vancouver, BC V6C 3R8  
Phone No.: (604) 687-4460  
Attention: Jordan Schultz

File No. 529227-23

SCHEDULE "B"

NO. H220369  
VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

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PARKING INC. AND EARLSTON MORTGAGE CORP.

RESPONDENTS

**ORDER MADE AFTER APPLICATION**

	)		)	
BEFORE	)	JUSTICE BLAKE	)	08/SEPT/2023
	)		)	

ON THE APPLICATION of the Alvarez & Marsal Canada Inc., in its capacity as court appointed receiver and manager (the "**Receiver**"), coming on for hearing at Vancouver, British Columbia on this day, and on hearing Jordan Schultz, counsel for the Receiver, and those other counsel listed on Schedule "A" hereto, and no one else appearing, although duly served;

THIS COURT ORDERS AND DECLARES THAT:

1. The sale of the lands at 504 - 4963 Cambie Street, Vancouver, British Columbia, legally known and described as:

Parcel Identifier: 030-879-451

Strata Lot 54 Block 839 District Lot 526 Group 1 New Westminster District  
Strata Plan EPS4950

(the "**Lands**")

to Tao Cheng and Jee Yun Ha (the "**Purchasers**"), for the purchase price of \$1,660,000.00 and on the other terms and conditions set out in the contract of purchase and sale dated August 7, 2023, as subsequently amended from time to time (collectively, the "**Contract**"), is hereby approved.

2. The sale transaction (the "**Transaction**") contemplated by the Contract is hereby approved, and the Sale Agreement is commercially reasonable. The execution of the Sale Agreement by the Receiver is hereby authorized and approved, and the Receiver is hereby authorized and directed to take such additional steps and execute such additional documents as may be necessary or desirable for the completion of the Transaction and for the conveyance to the Purchaser of the assets described in the Sale Agreement (the "**Purchased Assets**").

3. Upon delivery by the Receiver to the Purchaser of a certificate confirming the Transaction has completed to the satisfaction of the Receiver (the "**Receiver's Certificate**"), all of the right, title and interest of 1256306 B.C. Ltd. (the "**Debtor**") in and to the Purchased Assets described in the Sale Agreement shall vest absolutely in the Purchaser in fee simple, free and clear of and from any and all security interests (whether contractual, statutory, or otherwise), hypothecs, mortgages, trusts or deemed trusts (whether contractual, statutory, or otherwise), liens, executions, levies, charges, or other financial or monetary claims, whether or not they have attached or been perfected, registered or filed and whether secured, unsecured or otherwise (collectively, the "**Claims**") including, without limiting the generality of the foregoing: (i) any encumbrances or charges created by the Order of this Court dated October 27, 2022; and (ii) all charges, security interests or claims evidenced by registrations pursuant to the *Personal Property Security Act* of British Columbia or any other personal property registry system (all of which are collectively referred to as the "**Encumbrances**") and, for greater certainty, this Court orders that all of the Encumbrances affecting or relating to the Purchased Assets are hereby expunged and discharged as against the Purchased Assets.

4. On filing a certified copy of this Order in the Vancouver Land Title Office together with a letter from the Receiver's solicitor authorizing the filing, the Lands be conveyed to and vest in the Purchaser as registered owners in fee simple, free and clear of any estate, right, title, interest, equity of redemption and other claims of the parties, together with any other charges, liens, encumbrances caveats, or certificates of pending litigation registered against the Lands subsequent to the Petitioner's Certificate of Pending Litigation, but subject to the reservations, provisos, exceptions, and conditions express in the original grants thereof from the Crown.

5. For the purposes of determining the nature and priority of Claims, the net proceeds from the sale of the Purchased Assets shall stand in the place and stead of the Purchased Assets, and from and after the delivery of the Receiver's Certificate all Claims shall attach to the net proceeds from the sale of the Purchased Assets with the same priority as they had with respect to the Purchased Assets immediately prior to the sale, as if the Purchased

Assets had not been sold and remained in the possession or control of the person having had possession or control immediately prior to the sale.

6. All persons claiming possession of the Lands, or any portion thereof, shall deliver vacant possession of the Lands to the Purchaser, or their agents, successors or assigns, on the Possession Date, as defined in the Contract (herein, the "**Possession Date**").

7. If any person fails to deliver vacant possession of the Lands to the Purchaser at the Possession Date, then the Receiver shall be at liberty to apply to the Registrar for a Writ of Possession, under Rule 13-2(13) and without further Order of the Court.

8. The net sale proceeds after adjustments shall be paid to Dentons Canada LLP, in trust, or otherwise in accordance with the written direction of Dentons Canada LLP, and then disbursed in accordance with the following priorities without further Order:

- (a) first, payment of water and sewer rates, property taxes, arrears of property taxes, interest and penalties on arrears of property taxes, owing in respect of the Lands;
- a. second, payment of unpaid strata charges, if any, on account of the Lands having statutory priority over the Petitioner's mortgage and assignment of rents registered against title to the Lands under Nos. CA7037305 and CA7037306;
- (b) third, in payment of real estate commission in an amount not exceeding 7% of the first \$100,000 of the gross selling price and 2.5% of the remainder, plus applicable taxes thereon;
- (c) fourth, to The Owners, Strata Plan EPS4950, or its solicitors, the amount required to pay the outstanding balance of its lien No. CA9094525; and
- (d) fifth, the balance to the Receiver to be held pending further Order of this Honourable Court.

9. For the purpose of issuing title and in respect of the Lands, the following charges, liens, encumbrances, caveats, mortgages, and certificates of pending litigation be cancelled insofar as they apply to the Lands:

	<b>Party</b>	<b>Nature of Charge</b>	<b>Registration No.</b>
(a)	PLW Ltd.	Investment Mortgage	CA7037305
(b)	PLW Ltd.	Investment Assignment of Rents	CA7037306
(c)	PLW Ltd.	Investment Mortgage	CA7037322
(d)	PLW Ltd.	Investment Assignment of Rents	CA7037323
(e)	35 Park Parking Inc.	Option to Lease	CA7614154
(f)	PLW Ltd.	Investment Mortgage	CA7787470
(g)	PLW Ltd.	Investment Assignment of Rents	CA7787471
(h)	PLW Ltd.	Investment Mortgage	CA8202887
(i)	The Owners, Strata Plan EPS4950	Strata Property Act Lien	CA9094525
(j)	PLW Ltd.	Investment Certificate of Pending Litigation	CB224804

together with any other charges, liens, encumbrances, caveats, or certificates of pending litigation registered against the Lands subsequent to the Petitioner's Certificate of Pending Litigation.

10. The Parties hereto and the Purchaser be at liberty to apply for such further and other direction as may be necessary to carry out the full purport and effect of this Order.

11. Endorsement of this Order by counsel appearing on this application other than counsel for the Receiver 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:

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Signature of Jordan Schultz  
Lawyer for the Receiver

By the Court.

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Registrar



**SCHEDULE "A"**  
**LIST OF COUNSEL**

Name	Appearing for

**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.

RESPONDENTS

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**ORDER MADE AFTER APPLICATION  
[APPROVAL OF SALE AND VESTING OF TITLE ORDER]**

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DENTONS CANADA LLP  
BARRISTERS & SOLICITORS  
250 Howe Street, 20<sup>th</sup> Floor  
Vancouver, BC V6C 3R8  
Phone No.: (604) 687-4460  
Attention: Jordan Schultz

File No. 529227-23

SCHEDULE "C"

NO. H220369  
VANCOUVER REGISTRY

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.

RESPONDENTS

**ORDER MADE AFTER APPLICATION**

	)		)	
BEFORE	)	JUSTICE BLAKE	)	08/SEPT/2023
	)		)	

ON THE APPLICATION of the Alvarez & Marsal Canada Inc., in its capacity as court appointed receiver and manager (the "**Receiver**"), coming on for hearing at Vancouver, British Columbia on this day, and on hearing Jordan Schultz, counsel for the Receiver, and those other counsel listed on Schedule "A" hereto, and no one else appearing, although duly served;

THIS COURT ORDERS AND DECLARES THAT:

1. The activities of the Receiver, as set out in the following reports:
  - (a) Receiver's First Report to the Court dated April 26, 2023;
  - (b) Receiver's Second Report to the Court dated June 14, 2023;
  - (c) Receiver's Third Report to the Court dated July 4, 2023; and

(d) Receiver's Fourth Report to the Court, dated August 29, 2023,

are hereby approved.

2. Endorsement of this Order by counsel appearing on this application other than counsel for the Receiver 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:

---

Signature of Jordan Schultz  
Lawyer for the Receiver

By the Court.

---

Registrar

**SCHEDULE "A"**  
**LIST OF COUNSEL**

<b>Name</b>	<b>Appearing for</b>

**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.

RESPONDENTS

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**ORDER MADE AFTER APPLICATION  
[APPROVAL OF RECEIVER'S ACTIVITIES]**

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DENTONS CANADA LLP  
BARRISTERS & SOLICITORS  
250 Howe Street, 20<sup>th</sup> Floor  
Vancouver, BC V6C 3R8  
Phone No.: (604) 687-4460  
Attention: Jordan Schultz

File No. 529227-23

### Schedule "D"

Remaining Lands which are subject to the Receivership Order

<u>CIVIC ADDRESS</u>	<u>PID</u>	<u>REGISTERED OWNER</u>
4215 Cambie Street, Vancouver	009-467-904	Edison Washington
4491 Cambie Street, Vancouver	008-116-059	Amy Barsha Washington
4403 W 3 <sup>rd</sup> Avenue, Vancouver	013-255-495	Amy Barsha Washington
504 – 4963 Cambie Street, Vancouver	030-879-451	1256306 B.C. Ltd.
505 – 4963 Cambie Street, Vancouver	030-879-469	1256306 B.C. Ltd.
501 – 5033 Cambie Street, Vancouver	030-880-033	1256306 B.C. Ltd.
504 – 5033 Cambie Street, Vancouver	030-880-068	1256306 B.C. Ltd.
505 – 5033 Cambie Street, Vancouver	030-880-076	1256306 B.C. Ltd.
601 – 5033 Cambie Street, Vancouver	030-880-084	1256306 B.C. Ltd.
604 – 5033 Cambie Street, Vancouver	030-880-114	1256306 B.C. Ltd.
501 – 5077 Cambie Street, Vancouver	030-880-696	1256306 B.C. Ltd.
502 – 5077 Cambie Street, Vancouver	030-880-645	1256306 B.C. Ltd.
602 – 5077 Cambie Street, Vancouver	030-880-700	1256306 B.C. Ltd.
1203 – 535 Nicola Street, Vancouver	024-010-499	Linda Gi Washington