



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 applicants: 1365361 B.C. Ltd. ("5361"), 1428218 B.C. Ltd. ("8218) and 1428221 B.C. Ltd. ("8221") (collectively, the "Applicants")**

To: the Service List attached hereto as **Schedule "A"**

TAKE NOTICE that an application will be made by the Applicants to the presiding judge or master at the courthouse at 800 Smithe Street, Vancouver, British Columbia on 28/AUG/2023 at 9:45 a.m. for the order set out in Part 1 below.

**Part 1: ORDER SOUGHT**

1. an Order amending the Order of Justice Ahmad made on July 20, 2023 in the form attached hereto as **Schedule "B"**.

**Part 2: FACTUAL BASIS**

2. On July 20, 2023, pursuant to an application made by the Receiver Manager, Alvarez & Marsal Canada Inc., Justice Ahmad made an order (the "**Order**"), *inter alia*, approving the sale of certain properties to the Applicants as follows:

"1 The sale of:

(a) the lands as 4883 Belmont Avenue, Vancouver, British Columbia, legally known and described as:

PID: 010-858-300

Lot 3 Block 1 District Lot 140 Plan 6583

**("4883 Belmont")**

to 1365361 B.C. Ltd. ("**5361**");

(b) the lands as 4889 Belmont Avenue, Vancouver, British Columbia, legally known and described as:

PID: 010-858-296

Lot 2 Block 1 District Lot 140 Plan 6583

**("4889 Belmont")**

to 1428218 B.C. Ltd. ("**8218**");

(c) the lands as 4899 Belmont Avenue, Vancouver, British Columbia, legally known and described as:

PID: 010-858-288

Lot 1, Except Part in Explanatory Plan 3376 Block 1 District Lot 140  
Plan 6583

**("4899 Belmont", and together with 4883 Belmont and 4889 Belmont, the  
"Lands")**

to 1428221 B.C. Ltd. ("**8221**", and together with 5361 and 8218, the  
"**Purchasers**");

for the purchase price of \$39,000,000 and on the other terms and conditions set out in the contract of purchase and sale dated July 20, 2023, as subsequently amended from time to time (collectively, the "**Contract**"), is hereby approved...

...

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:

- (a) 4883 Belmont be conveyed to and vest in 5361;
- (b) 4889 Belmont be conveyed to and vest in 8218; and
- (c) 4899 Belmont be conveyed to and vest in 8221,

*in each case 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."*

- 3. The Order further provides at paragraph 10: "The Parties hereto and the Purchasers 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."
- 4. The closing of the sale of the Lands as set out in paragraph 2 above is scheduled to complete on August 31, 2023.
- 5. On August 17, 2023, the Applicants incorporated three new entities and are now applying to this Honourable Court to have those corporate entities replace them as the purchasers of the Lands as follows:
  - (a) 1434000 B.C. LTD. is to replace 5361 as the purchaser of 4883 Belmont;
  - (b) 1434002 B.C. LTD. is to replace 8218 as the purchaser of 4889 Belmont; and
  - (c) 1434003 B.C. LTD. is to replace 8221 as the purchaser of 4899 Belmont.
- 6. The Assignment of Purchase Agreement was entered into between all relevant parties on August 22, 2023.

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

- 1. The Applicants will rely on:
  - (a) Rules 8-5 and 13-5 of the *Supreme Court Civil Rules*;
  - (b) Section 15 of the *Law and Equity Act*, R.S.B.C. 1996, c. 253; and
  - (c) the inherent jurisdiction of this Court.

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

1. Affidavit #1 of Arianne Bonavente, made August 24, 2023;
2. Order of Justice Ahmad made on July 20, 2023.

The applicant(s) estimate(s) that the application will take 10 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: 24/AUG/2023

"Suzan El-Khatib"

Signature of lawyer for filing parties  
Suzan El-Khatib

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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Signature of ☐ Judge ☐ 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**

**SERVICE LIST**

[Updated: August 23, 2023]

Receiver's Website: <https://www.alvarezandmarsal.com/washingtonproperties>

<b><u>NAME OF COUNSEL:</u></b>	<b><u>PARTY(IES):</u></b>
Dentons Canada LLP Barristers & Solicitors 20 <sup>th</sup> Floor – 250 Howe Street Vancouver, BC V6C 3R8  Attention: Jordan Schultz / Valerie Cross  Tel: (604) 691-6452  Email: jordan.schultz@dentons.com; valerie.cross@dentons.com; avic.arenas@dentons.com emma.newbery@dentons.com	<i>Counsel for Court-appointed Receiver (Alvarez &amp; Marsal Canada Inc.)</i>

NAME OF COUNSEL:	PARTY(IES):
<p>Fasken Martineau DuMoulin LLP Barristers &amp; Solicitors 2900 – 550 Burrard Street Vancouver, BC V6C 1A3</p> <p>Attention: Kibben Jackson / Mishaal Gill</p> <p>Tel: (604) 631-3131</p> <p>Email: kjackson@fasken.com; mgill@fasken.com; eluke@fasken.com; svolkow@fasken.com</p>	<p><i>Counsel for the Petitioners</i></p>
<p>Alvarez &amp; Marsal Canada Inc. Cathedral Place Building 925 West Georgia Street, Suite 902 Vancouver, BC V6C 3L2</p> <p>Attention: Anthony Tillman / Pinky Law</p> <p>Tel : (604) 639-0849</p> <p>Email: atillman@alvarezandmarsal.com; pinky.law@alvarezandmarsal.com; nvirmani@alvarezandmarsal.com; Marianna.lee@alvarezandmarsal.com</p>	<p><i>Court-appointed Receiver</i></p>
<p>Kornfeld LLP 1100 One Bentall Centre 505 Burrard Street, Box 11 Vancouver, BC V7X 1M5</p> <p>Attention: Daniel S. Parlow / Neil Kornfeld</p> <p>Tel: (604) 683-0570</p> <p>Email: dparlow@kornfeldllp.com; nkornfeld@kornfeldllp.com; tleung@kornfeldllp.com; tdundass@kornfeldllp.com; dlucas@kornfeldllp.com</p>	<p><i>Counsel for: 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., Prada 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 and 35 Park Parking Inc.</i></p>
<p>Dentons Canada LLP Barristers &amp; Solicitors 20<sup>th</sup> Floor – 250 Howe Street Vancouver, BC V6C 3R8</p> <p>Attention: Eamonn Watson</p> <p>Tel: (604) 629-4997</p> <p>Email: eamonn.watson@dentons.com; chelsea.denton@dentons.com</p>	<p><i>Counsel for Earlston Mortgage Corp.</i></p>



<b><u>NAME OF COUNSEL:</u></b>	<b><u>PARTY(IES):</u></b>
<p>Clark Wilson 900-885 West Georgia Street Vancouver, BC V6C 3H</p> <p>Attention: Juan Pablo Mendez Campos Maria Di Paolo</p> <p>Tel: (604) 643-3912</p> <p>Emails: JPMendezCampos@cwilson.com; mdipaolo@cwilson.com</p>	<p><i>Counsel for The Owners, Strata Plan EPS 4950</i></p>
<p>Bleay Both Uppal LLP 1700 - 1185 W. Georgia Street Vancouver B.C. V6E 4E6</p> <p>Attention: Kathrine Uppal</p> <p>Emails: kuppal@bbulaw.ca; vsorensen@bbulaw.ca; claw@bbulaw.ca</p> <p>ON NOTICE TO: Ms. Bunny Porteous of FirstService Residential as agent for Strata Plan LMS3057</p> <p>Email: Bunny.Porteous@fsresidential.com</p>	<p><i>Counsel for The Owners, Strata Plan LMS 3057</i></p>
<p>Owen Bird Law Corporation 2900 – 733 Seymour Street, P.O. Box 1 Vancouver, B.C. V6B 0S6</p> <p>Attention: Alan Frydenlund, K.C.</p> <p>Tel: (604) 691-7511</p> <p>Emails: afrydenlund@owenbird.com hfrydenlund@owenbird.com</p>	<p><i>Counsel for Pacifica Mortgage Investment Corporation</i></p>
<p>Department of Justice Canada 900 - 840 Howe Street Vancouver, B.C. V6Z 2S9</p> <p>Attention: Christine Matthews</p> <p>Tel: (604) 666-5891</p> <p>Email: Christine.Matthews@justice.gc.ca</p>	<p><i>Counsel for His Majesty the King in right of Canada, as represented by the Minister of National Revenue (CRA)</i></p>

<u>NAME OF COUNSEL:</u>	<u>PARTY(IES):</u>
Foundation Law Corporation 830 - 8477 Bridgeport Road Richmond, BC V6X 0S8  Attention: Jerry Liu  Tel: 604-242-2819  Email: jliu@foundationlawyers.com; jwang@foundationlawyers.com kjin@foundationlawyers.com	<i>Counsel for 1419788 B.C. Ltd.</i>

**EMAIL SERVICE LIST:**

jordan.schultz@dentons.com; valerie.cross@dentons.com; emma.newbery@dentons.com;  
avic.arenas@dentons.com; kjackson@fasken.com; mgill@fasken.com; svolkow@fasken.com;  
eluke@fasken.com ; atillman@alvarezandmarsal.com; pinky.law@alvarezandmarsal.com;  
nvirmani@alvarezandmarsal.com; marianna.lee@alvarezandmarsal.com;  
dparlow@kornfeldllp.com; nkornfeld@kornfeldllp.com; tleung@kornfeldllp.com;  
tdundass@kornfeldllp.com; eamonn.watson@dentons.com; chelsea.denton@dentons.com;  
JPMendezCampos@cwilson.com; mdipaolo@cwilson.com; kuppal@bbulaw.ca;  
vsorensen@bbulaw.ca; claw@bbulaw.ca; Bunny.Porteous@fsresidential.com;  
afrydenlund@owenbird.com; hfrydenlund@owenbird.com; Christine.Matthews@justice.gc.ca;  
jliu@foundationlawyers.com; jwang@foundationlawyers.com; kjin@foundationlawyers.com;  
dlucas@kornfeldllp.com

**SCHEDULE "B"**

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 ) )  
 ) ) \_\_\_\_/\_\_\_\_/2023  
 ) )

ON THE APPLICATION of 1365361 B.C. Ltd., 1428218 B.C. Ltd. and 1428221 B.C. Ltd.  
(collectively, the "**Applicants**"), coming on for hearing at Vancouver, British Columbia on  
this day, and on hearing Sean Beesla, counsel for the Applicants, and no one else  
appearing, although duly served;

THIS COURT ORDERS AND DECLARES THAT:

1. Paragraph 1 of the Order of Justice Ahmad made on July 20, 2023 be deleted and replaced as follows:

The sale of:

- (a) the lands as 4883 Belmont Avenue, Vancouver, British Columbia, legally known and described as:

PID: 010-858-300  
Lot 3 Block 1 District Lot 140 Plan 6583

**("4883 Belmont")**

to 1434000 B.C. LTD. (**"4000"**);

- (b) the lands as 4889 Belmont Avenue, Vancouver, British Columbia, legally known and described as:

PID: 010-858-296  
Lot 2 Block 1 District Lot 140 Plan 6583

**("4889 Belmont")**

to 1434002 B.C. LTD. (**"4002"**);

- (c) the lands as 4899 Belmont Avenue, Vancouver, British Columbia, legally known and described as:

PID: 010-858-288  
Lot 1, Except Part in Explanatory Plan 3376 Block 1 District Lot 140  
Plan 6583

**("4899 Belmont", and together with 4883 Belmont and 4889 Belmont, the "Lands")**

to 1434003 B.C. LTD. (**"4003"**, and together with and , the **"Purchasers"**);

for the purchase price of \$39,000,000 and on the other terms and conditions set out in the contract of purchase and sale dated July 20, 2023, as subsequently amended from time to time (collectively, the **"Contract"**), is hereby approved:

2. Paragraph 4 of the Order of Justice Ahmad made on July 20, 2023 be deleted and replaced as follows:

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:

- (a) 4883 Belmont be conveyed to and vest in 4000;
- (b) 4889 Belmont be conveyed to and vest in 4002; and
- (c) 4899 Belmont be conveyed to and vest in 4003,

in each case 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.

3. All other paragraphs in the Order of Justice Ahmad made on July 20, 2023 shall remain in force and effect.

4. Endorsement of this Order by counsel appearing on this application other than counsel for the Applicants 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 Sean Beesla  
Lawyer for the Applicants

By the Court.

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Registrar