

Vancouver

24-Jan-12

REGISTRY

NO. S102316
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

VANCOUVER ORGANIZING COMMITTEE
OF THE 2010 OLYMPIC AND PARALYMPIC GAMES

PLAINTIFF

AND:

CANADA SINCERE INDUSTRY CO., LTD., SILAU HOLDINGS LTD.,
ED SYLVAN and TIE JUN YUAN

DEFENDANTS

NOTICE OF APPLICATION

Name(s) of applicant(s): VANCOUVER ORGANIZING COMMITTEE OF
THE 2010 OLYMPIC AND PARALYMPIC GAMES

To: ED SYLVAN

TAKE NOTICE that an application will be made by the Applicant(s) to the presiding judge or master at the courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia on February 10, 2012 at 9:45 a.m. for the order(s) set out in Part 1 below.

Part 1: ORDER(S) SOUGHT

1. Ed Sylvan attend an examination in aid of execution on February 27, 2012 at Coast Reporting Services 1101 – 800 Nelson Street, Vancouver, B.C., V6Z 2H2, bringing with him all documents in his possession and control and answer all questions concerning knowledge of the matters described in Rule 13-4 of the Supreme Court Civil Rules in relation to the judgment against him in this action filed December 2, 2011;
2. Costs of this application be paid by Ed Sylvan; and,
3. Such further and other order as may seem just to the Court.

Part 2:FACTUAL BASIS

1. On December 2, 2011, a Consent Order was filed in this action ordering that the Plaintiff be awarded judgment against the Defendants Silau Holdings Ltd. and Ed Sylvan jointly and severally in the amount of \$25,000.00.
2. On December 5, 2011, a Notice of Intention to Act in person was filed in this action (the “Notice”). The Notice lists Mr. Sylvan’s addresses for service as:
 - a) Street Address – 2472 Berton Place, North Vancouver, BC, V7H 2W8 (the “North Vancouver Address”); and,
 - b) E-mail – edwardsylvan@gmail.com.
3. On December 5, 2011, JML served Mr. Sylvan by e-mail with copies of the filed Consent Order, and an Appointment for Examination in Aid of Execution, set for December 21, 2011 at the office of Coast Reporting Services, 1101 – 808 Nelson Street, Vancouver, BC (the “Appointment Notice”).
4. On or about December 5, 2011, Mr. Sylvan was served at the North Vancouver Address with the Consent Order, the Appointment Notice, and a cheque for necessary travel fees.
5. Mr. Sylvan failed to attend at Coast Reporting Services.

Part 3:LEGAL BASIS

1. *Supreme Court Civil Rules*, Rules 7-2(14) and 13-4 (2), (9), (10), and (11).

Part 4:MATERIAL TO BE RELIED ON

1. Affidavit #2 of Florence Tamoto, made January 23, 2012.
2. Affidavit #1 of David Mckenzie, made January 23, 2012

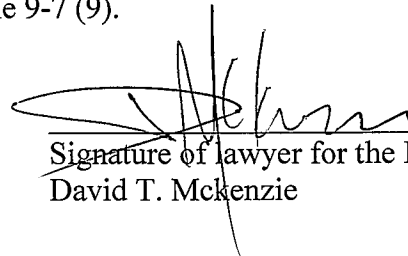
The Applicant estimates that the application will take 5 minutes.

- 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 the 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).

Date: January 24, 2012



Signature of lawyer for the Plaintiff
David T. Mckenzie

To be completed by the court only:

Order made

in the terms requested in paragraphs [*specify*] 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

ENDORSEMENT PURSUANT TO BC SUPREME COURT RULE 13-1(4)

ORDER MADE in the terms of this Notice of Application this __ day of February, 2012.
Order endorsed pursuant to Rule 13-1(4).
