



FORM 32 (RULE 8-1(4))

No. H 200039
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

PEOPLES TRUST COMPANY

Petitioner

AND:

CENSORIO GROUP (HASTINGS & CARLETON)
HOLDINGS LTD. ET AL

Respondents

NOTICE OF APPLICATION

Name of applicant: D. Manning and Associates Inc., the Court appointed Receiver and Manager of Censorio Group (Hastings & Carleton) Holdings Ltd.

To: Without notice

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or master at the courthouse at the Vancouver Law Courts, 800 Smithe Street, Vancouver, British Columbia, V6Z 2E1 on Friday, February 5, 2021, at 9:45 a.m. by Microsoft Teams for the order(s) set out in Part 1 below.

Part 1: ORDER(S) SOUGHT

1. An Order in the form attached as Schedule "A" hereto directing that the SL9 Lands (as defined below) be conveyed to and vest in the purchaser "Catherine Alison Ga-Lin Loo", notwithstanding that the Vesting Order with respect to the SL9 Lands filed in this action directs the SL9 Lands be conveyed to and vest in the purchaser "Cathrine Loo".
2. An Order in the form attached as Schedule "B" hereto, directing that the SL3 Lands (as defined below) be conveyed to and vest in the purchasers Ryan Paul Lasaleta and Melissa

Sophie Lasaleta with Ryan Paul Lasaleta having a 999/1000 interest in the SL3 Lands and Melissa Sophie Lasaleta having a 1/1000 interest in the SL3 Lands, notwithstanding that the Vesting Order with respect to the SL3 Lands filed in this action directs the SL3 Lands to be conveyed to and vest in Ryan Paul Lasaleta and Melissa Sophie Lasaleta as “joint tenants”.

Part 2: FACTUAL BASIS

1. D. Manning & Associates Inc. was appointed Receiver and Manager (the “**Receiver**”) in respect of the assets, undertakings and property of Censorio Group (Hastings & Carleton) Holdings Ltd. (the “**Company**”) relating to the Property, pursuant to the Order of Mr. Justice Crerar pronounced February 5, 2020 (the “**Receivership Order**”).
2. The Receivership Order authorizes the Receiver to, *inter alia*, market and sell the Company’s Property and to apply for any orders necessary to convey the Company’s Property of any part or parts thereof to a purchaser, free and clear of any liens or encumbrances.
3. As of the Receivership date, there were 13 residential presale contracts for 14 of the residential units (one contract for 2 units contemplated combining 2 strata lots as one residential space) and one Pre-Sale contract for the commercial unit (the “**Pre-Sale Contracts**”).
4. The Receiver was of the view that the Pre-Sale Contracts were at prices under market value and that the proceeds of realization would be substantially increased if the Pre-Sales Contracts were disclaimed and the units sold on the open market.
5. By way of an order granted by the Honourable Madam Justice Fitzpatrick on July 6, 2020 with written reasons for that order issued on July 7, 2020 the Receiver was authorized to, *inter alia*, disclaim the remaining 11 Pre-Sales Contracts and market and sell those units (the “**July 6 Order**”).
6. The July 6 Order also directed the Receiver to offer the 10 residential units that were previously under Pre-Sale Contracts to the pre-sale purchasers at 92.5% of the price

recommended by Rennie Developer Services & Advisory, being a real estate services company retained by the Receiver to assist with marketing and selling the units (“**Rennie**”).

7. In accordance with the July 6 Order the Receiver offered the remaining pre-sale units for sale to the pre-sale purchasers at the court directed prices. However the pre-sale purchasers declined to purchase the Units at those prices.
8. On November 20, 2020 the Receiver obtained an Order pre-approving minimum sales prices of 24 of the units in the Development on the basis of valuations of those units by Rennie (the “**Preapproval Order**”).
9. The strata title plan was registered at the Land Title Office on October 30, 2020, so titles have now been issued.
10. On December 30, 2020 and pursuant to the Preapproval Order, six (6) Vesting Orders were filed by way of desktop, directing that six (6) of the units be conveyed to and vest in the respective purchasers.
11. Two (2) of those six (6) Vesting Orders related to the following properties, legally described as:

City of Burnaby
 Parcel Identifier: 031-227-708
 Strata Lot 9 District Lot 121 Group 1 NWD Strata Plan EPS5728

(the “**SL9 Lands**”)

and

City of Burnaby
 Parcel Identifier: 031-227-643
 Strata Lot 3 District Lot 121 Group 1 NWD Strata Plan EPS5728

(the “**SL3 Lands**”).

12. The Vesting Order issued with respect to the SL9 Lands directed that the SL9 Lands be conveyed to and vest in “Cathrine Loo” whereas the Vesting Order with respect to the SL9 Lands ought to have directed that the SL9 Lands be conveyed to and vest in “Catherine Alison Ga-Lin Loo”. This was the result of a clerical error only and the change will simply correct the name of the purchaser.
13. The Vesting Order issued with respect to the SL3 Lands directed that the SL3 lands be conveyed to and vest in Ryan Paul Lasaleta and Melissa Sophie Lasaleta “as joint tenants” whereas the Vesting Order with respect to SL3 ought to have directed that a 999/1000 interest in the SL3 Lands be conveyed to and vest in Ryan Paul Lasaleta and a 1/1000 interest in the SL3 Lands be conveyed to and vest in Melissa Sophie Lasaleta.

Part 3: LEGAL BASIS

1. Rule 13-1(17) provides that “[t]he court may at any time correct a clerical mistake in an order or an error arising in an order from an accidental slip or omission, or may amend an order to provide for any matter that should have been but was not adjudicated on.”

Rule 13-1(17).

2. Rule 1-3(1) provides that “[t]he object of these Supreme Court Civil Rules is to secure the just, speedy and inexpensive determination of every proceeding on its merits”.

Rule 1-3(1).

3. Rule 8-5(6) provides that “[t]he court may make an order without notice in the case of urgency”.

Rule 8-5(6).

Part 4: MATERIAL TO BE RELIED ON

1. The Receivership Order, pronounced February 5, 2020;
2. The Preapproval Order, pronounced November 20, 2020; and
3. Affidavit #1 of Margaret Kwan, sworn February 3, 2021.

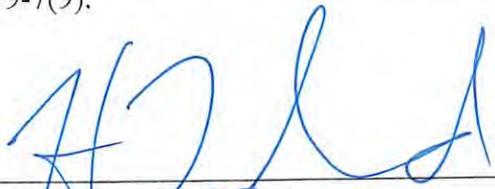
The applicant estimates that the application will take 5 minutes.

This matter is 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 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 proceedings, 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: February 3, 2021



Heather A. Frydenlund
Signature of lawyer for applicant, Receiver and
Manager, D. MANNING & ASSOCIATES INC.

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"

Form 35 (Rules 8-4(1), 13-1(3), 17-1(2), and 25-9(2))

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BETWEEN:

PEOPLES TRUST COMPANY

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AND:

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HOLDINGS LTD. ET AL

Respondents

ORDER MADE AFTER APPLICATION

BEFORE) MASTER) _____, THE ___ DAY
)) OF FEBRUARY, 2021
))

ON THE APPLICATION of D. MANNING & ASSOCIATES INC. (the "Receiver") coming on for hearing on this day at Vancouver, British Columbia, and on hearing HEATHER A. FRYDENLUND, counsel for the Receiver, by Microsoft Teams, brought without notice, and on reading the materials filed herein:

THIS COURT ORDERS THAT:

1. The Order entered in this action on December 30, 2020 be amended by changing the name "Cathrine Loo" to "Catherine Alison Ga-Lin Loo" in paragraphs 1 and 2 therein.

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:

APPROVED BY:

BY THE COURT

Signature of Heather A. Frydenlund
lawyer for Receiver and Manager,
D. MANNING & ASSOCIATES INC.

REGISTRAR

No. H-200039
Vancouver Registry

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AND:

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ORDER MADE AFTER APPLICATION

OWEN BIRD LAW CORPORATION
P.O. Box 49130
Three Bentall Centre
2900 - 595 Burrard Street
Vancouver, BC V7X 1J5
Attention: Heather A. Frydenlund
File No. 23024-0093

SCHEDULE "B"

Form 35 (Rules 8-4(1), 13-1(3), 17-1(2), and 25-9(2))

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BEFORE) MASTER) _____, THE ___ DAY
)) OF FEBRUARY, 2021
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ON THE APPLICATION of D. MANNING & ASSOCIATES INC. (the "Receiver") coming on for hearing on this day at Vancouver, British Columbia, and on hearing HEATHER A. FRYDENLUND, counsel for the Receiver, by Microsoft Teams, brought without notice, and on reading the materials filed herein:

THIS COURT ORDERS THAT:

1. The Vesting Order entered in this action on December 30, 2020 in respect of the lands legally described as City of Burnaby, Parcel Identifier: 031-227-643, Strata Lot 3 District Lot 121 Group 1 NWD Strata Plan EPS5728, be amended by changing the wording in paragraph 2 therein to read:

“Upon filing a certified copy of this Order in the New Westminster Land Title Office together with a letter from the Receiver’s solicitor authorizing such registration and subject to the terms of this Order, the Lands be conveyed to and vest in the purchasers, Ryan Paul Lasaleta and Melissa Sophie Lasaleta in the following manner: a 999/1000 interest in the Lands be conveyed to and vest in Ryan Paul Lasaleta and a 1/1000 interest in the Lands be conveyed to and vest in Melissa Sophie Lasaleta, free and clear of any estate, right, title, interest, equity of redemption, and other claims of the parties, except the reservations, provisos, exceptions, and conditions expressed in the original grant(s) thereof from the Crown.”

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:

APPROVED BY:

BY THE COURT

Signature of Heather A. Frydenlund
lawyer for Receiver and Manager,
D. MANNING & ASSOCIATES INC.

REGISTRAR

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File No. 23024-0093