

SEAL
27-May-20

Vancouver
REGISTRY



No. H 200039
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

PEOPLES TRUST COMPANY

Petitioner

AND:

CENSORIO GROUP (HASTINGS & CARLETON)
HOLDINGS LTD.
PETER CENSORIO also known as PETER ANTHONY CENSORIO
and PETER ANTHONY CENSORIO
STRADA 39 TRUST
BANCORP GROWTH MORTGAGE FUND II LTD.
BANCORP BALANCED MORTGAGE FUND II LTD.
BANCORP FINANCIAL SERVICES INC.
PK CAPITAL LTD.
ALL CANADIAN INVESTMENT CORPORATION
FBM CANADA GSD, INC.
MEDINA CONCRETE SERVICES LTD.
TUCUVAN CONSTRUCTION LTD.
OMNI DRYWALL LTD.
1223293 B.C. LTD.
RAHUL GLASS LTD.
SERIN INVESTMENTS LTD.
CLARION PROPERTY CORPORATION
G. I. H. PROPERTIES LTD.
BARRY CHARLES HOLDINGS LTD.
BECISON HOLDING CORPORATION
SANDRA CHAPPELL
CREST CAPITAL CORPORATION
DURHAM CAPITAL MANAGEMENT INC.
YORK VENTURES LTD.
HI-GROVE HOLDINGS (1995) LTD.
DIANE RAUCH
JEFFREY RAUCH
GERHARD RAUCH
HELGA RAUCH
PAVILION INVESTMENTS INC.
RODNEY GRANT KENYON
ALAN LONG
MANDATE MANAGEMENT CORPORATION

Respondents

**IN THE MATTER OF THE RECEIVERSHIP OF
CENSORIO GROUP (HASTINGS & CARLETON) HOLDINGS LTD.**

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE)
)
MADAM JUSTICE FITZPATRICK) MONDAY, THE 25TH DAY OF MAY, 2020
)

ON THE APPLICATION of the Receiver and Manager, D. MANNING & ASSOCIATES INC., (“**Receiver**”) coming on for hearing this day by teleconference, at Vancouver, British Columbia.

AND ON READING the Affidavit #1 of Alex En Hwa Ng sworn May 20, 2020 and considering the First Report of the Receiver dated April 16, 2020 (“**First Receiver’s Report**”) and the pleadings filed herein; AND ON HEARING Alan A. Frydenlund QC, Counsel for the Receiver and other counsel as listed on Schedule A hereto, and no one else appearing, although duly served.

THIS COURT ORDERS AND DECLARES that:

RECEIVER’S POWERS

1. Pursuant to the Order of Mr. Justice Crerar pronounced February 5, 2020, appointing the Receiver herein (“**Initial Receivership Order**”) that the Receiver’s powers are hereby enhanced to increase the advances that the Receiver may receive from the Petitioner from \$1,500,000, as provided for in the Initial Receivership Order, to \$4,350,000 (which amount may also be further increased be either by the agreement of the parties hereto or further Order of this Court) which advances will remain in full priority to all Respondents and all Claims of Builders’ Lien, pursuant to s. 32(5) of the *Builders’ Lien Act* S.B.C. 1997 c.45.

RECEIVER’S DIRECTIONS

2. The Receiver is hereby directed to pay any Negotiated Payables, as defined in the First Receiver’s Report, as the Receiver may determine as necessary.

PRE-SALE CONTRACTS

3. The determination of the enforceability of any Pre-Sale Contracts, as against the Receiver, be heard by this Court Tuesday June 23rd, 2020 at 9am which is to proceed as follows;
 - (a) the Receiver shall file and serve the Notice of Application on or before June 9, 2020;
 - (b) Responses shall be filed and served on or before June 16, 2020; and
 - (c) Any further Reply Responses shall be served and filed on or before June 19, 2020.

GENERAL

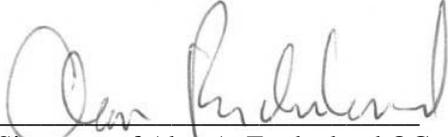
4. The Receiver’s application to sell units at preapproved prices be adjourned generally.

5. The Receiver's application to seal Affidavit #1 of Alex En Hwa Ng be, and the same is, hereby dismissed.
6. Endorsement of this Order by Counsel appearing on this application other than the Receiver is dispensed with.

**Digitally signed by
Fitzpatrick, J**

APPROVED BY:

BY THE COURT



Signature of Alan A. Frydenlund QC
lawyer for Receiver and Manager

REGISTRAR

Schedule A

Counsel Appearing

William Roberts, Counsel for Bancorp Growth Mortgage Fund II Ltd., Bancorp Balanced Mortgage Fund II Ltd. Bancorp Financial Services Inc.

Vicki Tickle, Counsel for PK Capital Ltd.

Douglas Hyndman, Counsel for the Monitor of All Canadian Investment Corporation

Wes McMillan, Counsel for Pre-Sale Purchasers, Luigi Garcia and Cheryl Senaglio

Desmond MacMillan, Counsel for Pre-Sale Purchasers Jeffery Winters, Patrick Hunter, Nader Vatanchi and Sandra Lorenzo Iameo

Layne Hellrung, Counsel for Timeline Floors

No. H-200039
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

PEOPLES TRUST COMPANY

Petitioner

AND:

CENSORIO GROUP (HASTINGS & CARLETON)
HOLDINGS LTD., PETER CENSORIO also known as PETER
ANTHONEY CENSORIO and PETER ANTHONY CENSORIO,
STRADA 39 TRUST, BANCORP GROWTH MORTGAGE FUND II
LTD., BANCORP BALANCED MORTGAGE FUND II LTD.,
BANCORP FINANCIAL SERVICES INC., PK CAPITAL LTD., ALL
CANADIAN INVESTMENT CORPORATION, FBM CANADA GSD,
INC., MEDINA CONCRETE SERVICES LTD., TUCUVAN
CONSTRUCTION LTD., OMNI DRYWALL LTD., 1223293 B.C.
LTD., RAHUL GLASS LTD., SERIN INVESTMENTS LTD.,
CLARION PROPERTY CORPORATION, G. I. H. PROPERTIES
LTD., BARRY CHARLES HOLDINGS LTD., BECISON HOLDING
CORPORATION, SANDRA CHAPPELL, CREST CAPITAL
CORPORATION, DURHAM CAPITAL MANAGEMENT INC.,
YORK VENTURES LTD., HI-GROVE HOLDINGS (1995) LTD.,
DIANE RAUCH, JEFFREY RAUCH, GERHARD RAUCH, HELGA
RAUCH, PAVILION INVESTMENTS INC., RODNEY GRANT
KENYON, ALAN LONG and MANDATE MANAGEMENT
CORPORATION

RECEIVERSHIP ORDER SUPPLEMENTAL #1

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