



FORM 109 (RULE 22-2 (2) AND (7))

This is the 1<sup>st</sup> Affidavit  
of Sheila Lum in this case  
and was made on May 6, 2025

No. S253365  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

PEOPLES TRUST COMPANY/COMPAGNIE DE FIDUCIE  
PEOPLES

Petitioner

and

PEAK DEVELOPMENTS CORP., PEAK DEVELOPMENTS  
LIMITED PARTNERSHIP, WESTCASTLE HOLDINGS LTD.,  
WESTCASTLE LAND DEVELOPMENTS CORP.,  
BOULEVARD CONSTRUCTION CORPORATION,  
RIVERVIEW CUSTOM HOMES LTD., PHIL SALGADO, also  
known as PHILIP SALGADO, CHRIS YORK, also known as  
CHRISTOPHER YORK, MACKAY CONTRACTING LTD.,  
KULKON CONSTRUCTION CORP., 1111053 B.C. LTD.  
DOING BUSINESS AS JJ MECHANICAL, GAUER POWER  
LTD., IKA BUILDERS INC., 689048 ALBERTA LIMITED,  
STEVEN DOUGLAS HOWG, also known as STEVEN  
DOUGLAS HOWG doing business as STP PAINTING,  
JOHN DOE AND ALL TENANTS OR OCCUPIERS OF THE  
SUBJECT LANDS AND PREMISES

Respondents

**AFFIDAVIT**

I, SHEILA LUM, of 2900 – 733 Seymour Street, the City of Vancouver, in the Province  
of British Columbia, AFFIRM THAT:

1. I am a legal assistant of Owen Bird Law Corporation, solicitors for the petitioner,  
People Trust Corp., and as such have personal knowledge of the matters hereinafter  
deposed to, save and except where the same are stated to be based upon information  
and belief, and where so stated I verily believe the same to be true.



This is Exhibit "A" referred to in the affidavit of  
Sheila Lum sworn before me at Vancouver, B.C.  
this 6<sup>th</sup> day of May, 2025.

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a small flourish.

*A Commissioner for taking Affidavits within British  
Columbia*

## Jonathan Williams

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**From:** William Choo <wc@manning-trustee.com>  
**Sent:** Friday, May 2, 2025 1:37 PM  
**To:** Jonathan Williams  
**Subject:** Peak Developments Corp. and Peak Developments Limited Partnership ("the Debtors")

### [External Email – Use Caution]

Hi Jonathan:

We recommend an advance limit under Peoples Trust Company's Mortgage of \$750,000 if there is any push back on the advance limit of \$3,000,000 which would cover the estimated costs to June 20, 2025 summarized as follows:

Receiver and Manager's fees and disbursements plus GST \$200,000  
 Kimberley Crossing estimate of costs \$490,751  
 Contingency \$59,249  
 Total \$750,000

The Receiver and Manager's work during this period will include the following:

Preliminary work to May 5, 2025 include reviewing materials, preliminary financial information received from Peoples Trust Company and their legal counsel and provide our comments, dealings with the Debtors and information provided to us by Tribus, attending videoconferencing with Peoples legal counsel, the Debtor's legal counsel, and all other requests for information from Peoples and their legal counsel.

Once Court appointed Receiver and Manager we will do the following:

Review the Court Order pronounced and carry out our duties

Maintain and preserve the Debtors property and discussions and meeting with the Debtors and site attendances

Deal with insurance coverage and onsite security

Discussions with suppliers, consultants, architect, and engineers to advise them of the Court appointment and set up accounts in the Receiver and Manager's name.

Set up utility accounts in the Receiver and Manager's name

Obtain information from the Debtors to prepare and file all statutory notices and notify the known creditors

Dealing with calls and correspondence from and discussions with some creditors

Reviewing invoices to be paid and pay these invoices after we receive advances from Peoples Trust Company

Obtain advances from Peoples Trust Company under their mortgage and set up Receiver and Manager's trust account and provide details to Peoples Trust Company on expenses to be paid

## Dealing with GST

Discussions and meetings with the Debtors and third parties to obtain more information about the current status of the Project, conduct investigations, request and review information from the Debtors and third parties, which includes budgets, critical payables, dealing with Consultants, Architect, Engineers, dealing with the City of Kimberley, estimated costs to complete, inspection reports to-date, and other valuable information available relating to the Project and the receivership.

Provide information and prepare a Report.

Our role during this period is gathering information, investigative work, and reporting to the stakeholders.

Regards,

William Choo CPA, CGA  
D. Manning & Associates Inc.  
Licensed Insolvency Trustee  
520-625 Howe Street  
Vancouver, BC V6C 2T6  
Tel: (604) 683-8030  
Fax: (604) 683-8327  
E-mail: [wc@manning-trustee.com](mailto:wc@manning-trustee.com)  
[www-manning-Trustee.com](http://www-manning-Trustee.com)

This is Exhibit "B" referred to in the affidavit of Sheila Lum sworn before me at Vancouver, B.C. this 6<sup>th</sup> day of May, 2025.



*A Commissioner for taking Affidavits within British Columbia*

### Kimberley Crossing: 49 day Estimate of Costs

## Tribus Developments

**prepared: May 2 ,2025**

for the week ending:			9-May-25	16-May-25	23-May-25	30-May-25	6-Jun-25	13-Jun-25	20-Jun-25	Period Total
<b>Site Preservation Costs</b>	<b>Notes</b>									
Video Monitoring	2 piz monitored <a href="https://zedcor.com/">https://zedcor.com/</a>	\$3,500 - one time set-up fee; \$4,000 monthly	\$	7,500				\$	4,000	
Site Insurance (includes COC)	Continuation of the Magna-issued insurance policy	Allow \$78,000 / year	\$	6,500				\$	6,500	
Security	Interim site security - 24 hrs per day @ \$50/hr for the first 2 weeks, reducing to 12 hours (overnight) for the next 4 weeks	\$50	\$	8,400	\$	8,400	\$	4,200	\$	4,200
Fencing	some fencing on site - installed \$1500/month		\$	1,500				\$	1,500	
<b>Sub-Total:</b>			\$	23,900	\$	8,400	\$	4,200	\$	4,200
							\$	16,200	\$	4,200
								\$	4,200	\$65,360

Construction Analysis	Notes															
Cost Estimate	New clean sheet cost estimate to determine current construction costs and quantify VWIP and CTC	\$	8,000													
Code Consultant	Review current building code issues raised by municipal inspector	\$	5,000													
Building Envelope Review	<a href="https://www.ecovest.ca/building-streetwise-curbsideview/">https://www.ecovest.ca/building-streetwise-curbsideview/</a>	\$	10,000													
Independent inspection of foundations and installed services / connections, testing of plumbing supply lines						\$	10,000									
Allowance to bring project engineer, architect, and existing professionals of record to site for meetings		\$	5,000													
Generate current deficiency list	Included in initial / interim crew costs															
Quantify remedial work / plan for addressing deficiencies	Included in initial / interim crew costs															
Create optimal project build-out plan	Included in initial / interim crew costs															
Create quality control plan and set up quality assurance system						\$	5,000									
Quantity Surveyor for CTC	Not required until July															
Demolition / reconstruction allowance	For opening up parts of buildings for inspection, rebuilding after	\$	10,000													
Material Handling	Secure garages for interim material storage, obtain Big Steel Box sea-cons for secure storage	\$	10,000	\$	750	\$	750	\$	750	\$	750					
Construction Office	Office Conversion sea-con from Big Steel Box; delivery + monthly rental						\$	1,500	\$	400						
Internet Service	Shaw or Telus	\$	250	\$	250	\$	250	\$	250	\$	250					
Sub-Total:		\$	-	\$	250	\$	25,250	\$	29,000	\$	11,000	\$	2,500	\$	1,400	\$69,400

<b>Environmental</b>	<b>Notes</b>	
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<b>Tribus - Coordination / Updating</b>	<b>Notes</b>	
Retainer		\$ 30,000



Legal - Contract Review

Target May 9

Allow:

\$ 3,600

Meetings - Municipal

Meetings - Trades

Meetings - Approving Authorities

Meetings - Architect

Meetings - Building Engineer

Meetings - Servicing Engineer

Meeting - Environmental

Included in Tribus - Initial / Interim Team costs

\$ - \$ - \$ - \$ - \$ - \$ - \$ - \$ -

**Sub Total: Tribus - Coordination / Updating**

\$ 33,000 \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$33,000

Contingency

15%

\$ 4,950 \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$4,950

**Total - Tribus Administration**

\$37,950 \$ - \$ - \$ - \$ - \$ - \$ - \$ - \$37,950

**Project Total**

\$ 96,876 \$ 46,058 \$104,708 \$ 89,470 \$ 71,645 \$ 50,370 \$ 31,625 \$490,751

Schedule C - 2025 Construction Management Services Rate Guide

Classification	Straight Time	Overtime Rate
Project Executive	\$ 200.00	\$ 350.00
Pre-Construction Manager	\$ 180.00	\$ 315.00
Project Director	\$ 180.00	\$ 315.00
Senior Project Manager	\$ 150.00	\$ 262.50
Project Manager	\$ 125.00	\$ 218.75
Cost Consultants	\$ 120.00	\$ 210.00
Project Coordinator	\$ 90.00	\$ 157.50
Project Administrator	\$ 60.00	\$ 105.00
Senior Site Superintendent	\$ 125.00	\$ 218.75
Foreman or Site Superintendent	\$ 100.00	\$ 175.00
Journeyman Carpenter + CSO	\$ 100.00	\$ 175.00
Skilled Carpenter	\$ 75.00	\$ 131.75
Labourer	\$ 50.00	\$ 87.50
Skilled Labourer	\$ 60.00	\$ 105.00

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FIDUCIE PEOPLES

Petitioner

and

PEAK DEVELOPMENTS CORP., et al.

Respondents

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**AFFIDAVIT**

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**OWEN BIRD LAW CORPORATION**

P.O. Box 1  
Vancouver Centre II  
2900 – 733 Seymour Street  
Vancouver, BC V7B 0S6  
Attention: Jonathan L. Williams  
File No. 23868-1852

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