

Court File No. VLC-S-H-241077
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

BUSINESS DEVELOPMENT BANK OF CANADA

PETITIONER

AND:

KAISER WEBER PROPERTIES INC.
CONCOST CONSULTANTS INC.
CONCOST HOLDINGS INC.
CONCOST MANAGEMENT INC.
CONCOST SERVICES INC.
KAISER LANDEN PROJECTS INC.
KAISER WEBER CONSULTING INC.
QUARRY ROCK DEVELOPMENTS INC.
QRD (FRASER HIGHWAY) HOLDINGS INC.
MATTHEW KARL WEBER
RICHARD NORMAN LAWSON
551727 B.C. LTD.

RESPONDENTS

NOTICE OF APPLICATION

Name(s) of applicant(s): Business Development Bank of Canada

To: The Respondents

TAKE NOTICE that an application will be made by the Applicant to the presiding judge or associate judge at the Courthouse at 800 Smithe Street, Vancouver, British Columbia, on May 29, 2025 at 9:45 a.m. for the Order(s) set out in Part 1 below.

The Applicant estimates that the application will take approximately 5 minutes.

[Check the correct box]

- ☒ This matter is within the jurisdiction of an associate judge.
- ☐ This matter is not within the jurisdiction of an associate judge.

Part 1: ORDER(S) SOUGHT

Please see attached Minutes of Form of Order.

Part 2: FACTUAL BASIS

1. The Petitioner obtained Order Nisi of Foreclosure in the within proceeding on January 23, 2025 with a six-month redemption period.
2. The principals of the registered owner of the Lands have been adjudged bankrupt, leaving the registered owner without any directors.
3. The Petitioner has applied for, and obtained, the appointment of a Receiver of the Lands and, as a result, wishes to shorten the redemption period and have an Order for conduct of sale of the Lands.
4. None of the Respondents have redeemed the Lands as set out in Order Nisi of Foreclosure herein.
5. The Petitioner wishes to list the Lands for sale on a MLS basis with a major licensed firm of realtors and, if a suitable offer is obtained, to present that offer to this Honourable Court for approval.

Part 3: LEGAL BASIS

1. Rules 10-2, 13-5, 14-1(1) and (2), 16-1 and 21-7 of the Supreme Court Civil Rules and Sections 15, 20 and 39 of the *Law and Equity Act* RSBC and the

provisions of the *Personal Property Security Act*, RSBC and *Blueshore Financial v. 1134038 B.C. Ltd.*, 2023 BCSC 2304.

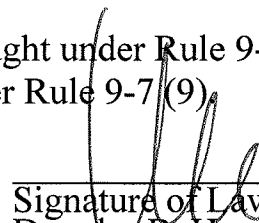
Part 4: MATERIAL TO BE RELIED ON

1. Affidavit #3 of D.B. Hyndman made May 8, 2025;
2. the pleadings and proceedings had and taken herein; and
3. such further or other material as counsel may advise and this Honourable Court permit.

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 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).

Dated: May 8, 2025.



Signature of Lawyer for the Applicant
Douglas B. Hyndman
Kornfeld LLP

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 ☐ Associate Judge

APPENDIX

[The following information is provided for data collection purposes only and is of no legal effect.]

THIS APPLICATION INVOLVES THE FOLLOWING:

[Check the box(es) below for the application type(s) included in this application.]

- ☐ discovery: comply with demand for documents
- ☐ discovery: production of additional documents
- ☐ oral 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

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RESPONDENTS

**ORDER MADE AFTER APPLICATION
ORDER FOR CONDUCT OF SALE**

BEFORE

}

MAY 29, 2025

ON THE APPLICATION of the Petitioner coming on for hearing at the Courthouse, 800 Smithe Street, Vancouver, British Columbia, on May 29, 2025; and on hearing Douglas B. Hyndman, Lawyer for the Petitioner;

THIS COURT ORDERS that:

1. the Petitioner be entitled to list the lands and premises which form the subject matter of the within proceeding, being legally described as:

Parcel Identifier No.: 005-419-450
Lot 236 District Lot 36 Group 2 New Westminster District Plan
55940

(the “**Lands**”)

for sale, free and clear of all encumbrances save and except the reservations, provisos, exceptions and conditions contained in the original grant thereof from the Crown.

2. the Petitioner have exclusive conduct of the sale and be at liberty to list the Lands for sale immediately for a period commencing forthwith to expire on further Order herein and shall be at liberty to do all things reasonably incidental thereto including paying to any real estate agent or firm that may arrange a sale a commission of not more than 3% of the gross selling price plus GST, that commission to be paid from the proceeds of the sale.
3. any sale be subject to the approval of this Honourable Court unless agreed to by all parties of record.
4. any person or persons in possession of the Lands, including any tenant or tenants, do immediately and during the currency of this Order permit any duly authorized agent of the Petitioner to inspect or appraise the Lands and the interior thereof and show the Lands and the interior thereof to prospective purchasers at any time on any day except holidays, and to post signs on the Lands indicating that the Lands are offered for sale.

5. the Petitioner shall have its costs of this application assessed under Scale A.
6. the Petitioner or any duly authorized agent of the Petitioner be entitled to force entry to any buildings on the Lands, and the interior thereof, in the event they are abandoned or vacated.

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:

APPROVAL AS TO FORM:

Lawyer for the Petitioner
Douglas B. Hyndman
Kornfeld LLP

BY THE COURT

**IN THE SUPREME COURT OF BRITISH
COLUMBIA**

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PETITIONER

AND:

KAISER WEBER PROPERTIES INC.
et al

RESPONDENTS

NOTICE OF APPLICATION

KORNFELD LLP

Barristers & Solicitors

1100 One Bentall Centre

505 Burrard Street, Box 11

Vancouver, British Columbia, Canada V7X 1M5

Telephone: (604) 331-8300

Fax: (604) 683-0570

D.B. Hyndman

File: BDC001/KAI241
