



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

This is the 1<sup>st</sup> Affidavit  
of ALAN A. FRYDENLUND in this case  
and was made on SEPTEMBER 23, 2019

No. H-190678  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

VANCOUVER CITY SAVINGS CREDIT UNION

Petitioner

AND:

1150165 B.C. LTD.  
FATEMEH MIRZAEI  
GHOLAMREZA GHASSEMI GANGAN  
THE ATTORNEY GENERAL OF CANADA on behalf of HER  
MAJESTY THE QUEEN IN RIGHT OF CANADA  
DULAY ROOFING LTD.

Respondents

**AFFIDAVIT**

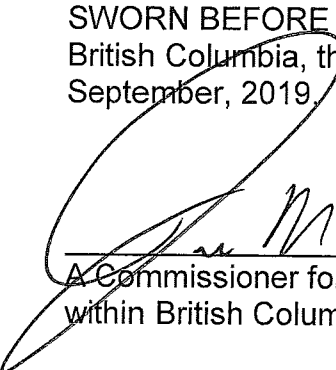
I, ALAN A. FRYDENLUND, Q.C. of 2900 – 595 Burrard Street, in the City of Vancouver, in the Province of British Columbia, SWEAR THAT:

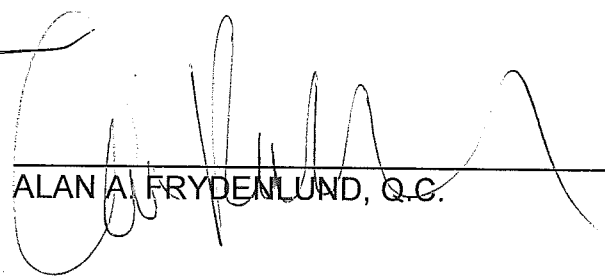
1. I am a shareholder of OWEN BIRD LAW CORPORATION, solicitors for the Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, the holder of a first mortgage Mortgage registered against the title of lands and premises, and as such have personal knowledge of the matters and facts hereinafter deposed to, except where the same are stated to be based upon information and belief, and where so stated I verily believe the same to be true.

2. A copy of a title search print issued in the Vancouver Land Title Office on September 17, 201 for Lot 8 Block 54 Capilano Estates Extension No. 15 Plan 13758 is attached hereto and marked Exhibit "A" to this my Affidavit.

3. A copy of a personal property registry search print issued in the Personal Property Registry on September 17, 2019 for the Respondent, 1150165 B.C. LTD., is attached hereto and marked Exhibit "B" to this my Affidavit.

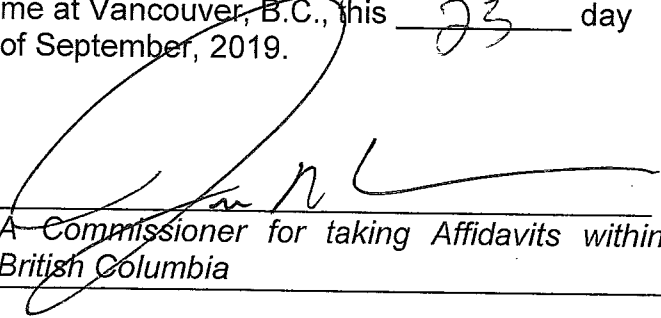
SWORN BEFORE ME at Vancouver,  
British Columbia, this 23 day of  
September, 2019.

  
\_\_\_\_\_  
A Commissioner for taking Affidavits  
within British Columbia

  
\_\_\_\_\_  
ALAN A. FRYDENLUND, Q.C.

**JENNIFER M. WILLIAMS**  
*Barrister & Solicitor*  
P.O. Box 49130  
2900-595 BARRARD STREET  
VANCOUVER, B.C. V7X 1J5  
(604) 691-7513

This is Exhibit "A" referred to in the Affidavit of  
ALAN A. FRYDENLUND, Q.C., sworn before  
me at Vancouver, B.C., this 23 day  
of September, 2019.



A Commissioner for taking Affidavits within  
British Columbia

**TITLE SEARCH PRINT**

File Reference: 22868-0107  
Declared Value \$5000000

2019-09-17, 14:35:36  
Requestor: Annie Nguyen

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\***

**Land Title District** VANCOUVER  
Land Title Office VANCOUVER

**Title Number** CA5767710  
From Title Number CA4448016

**Application Received** 2017-01-16

**Application Entered** 2017-01-18

**Registered Owner in Fee Simple**  
Registered Owner/Mailing Address: FATEMEH MIRZAEI, HOMEMAKER  
GHOLAMREZA GHASSEMI GANGAN, BUSINESSMAN/BUILDER  
4503-1151 WEST GEORGIA STREET  
VANCOUVER, BC  
V6E 0B3  
AS JOINT TENANTS

**Taxation Authority** West Vancouver, The Corporation of the District of

**Description of Land**  
Parcel Identifier: 002-885-018  
Legal Description:  
LOT 8 BLOCK 54 CAPILANO ESTATES EXTENSION NO. 15 PLAN 13758

**Legal Notations**  
LAND HEREIN WITHIN BUILDING SCHEME, SEE 613009L

**Charges, Liens and Interests**  
Nature: RIGHT OF WAY  
Registration Number: 515357M  
Registration Date and Time: 1970-09-17 11:36  
Registered Owner: THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
Remarks: INTER ALIA  
PART IN EXPLANATORY PLAN 10655

Nature: RESTRICTIVE COVENANT  
Registration Number: 567486M  
Registration Date and Time: 1972-10-06 15:32  
Remarks: SEE 659296L

**TITLE SEARCH PRINT**

File Reference: 22868-0107

Declared Value \$5000000

2019-09-17, 14:35:36

Requestor: Annie Nguyen

Nature:	MORTGAGE
Registration Number:	CA6625303
Registration Date and Time:	2018-02-14 11:24
Registered Owner:	VANCOUVER CITY SAVINGS CREDIT UNION INCORPORATION NO. FI 97

Nature:	ASSIGNMENT OF RENTS
Registration Number:	CA6625304
Registration Date and Time:	2018-02-14 11:24
Registered Owner:	VANCOUVER CITY SAVINGS CREDIT UNION INCORPORATION NO. FI 97

Nature:	JUDGMENT
Registration Number:	CA7729190
Registration Date and Time:	2019-09-04 12:47
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF CANADA
Remarks:	AS TO THE INTEREST OF GHOLAMREZA GHASSEMI GANGAN

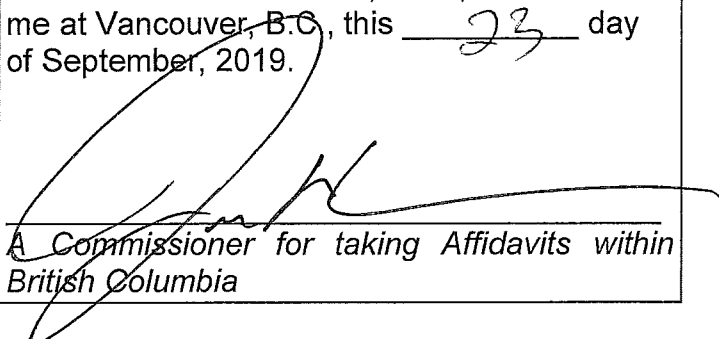
Nature:	CLAIM OF BUILDERS LIEN
Registration Number:	CA7735482
Registration Date and Time:	2019-09-07 10:08
Registered Owner:	DULAY ROOFING LTD. INCORPORATION NO. BC645161

**Duplicate Infeasible Title** NONE OUTSTANDING

**Transfers** NONE

**Pending Applications** NONE

This is Exhibit "B" referred to in the Affidavit of  
ALAN A. FRYDENLUND, Q.C., sworn before  
me at Vancouver, B.C., this 23 day  
of September, 2019.



A Commissioner for taking Affidavits within  
British Columbia



No.  
Vancouver Registry

---

**IN THE SUPREME COURT OF  
BRITISH COLUMBIA**

---

BETWEEN:

VANCOUVER CITY SAVINGS CREDIT  
UNION

Petitioner

AND:

1150165 B.C. LTD.  
FATEMEH MIRZAEI  
GHOLAMREZA GHASSEMI GANGAN  
THE ATTORNEY GENERAL OF CANADA on behalf of HER  
MAJESTY THE QUEEN IN RIGHT OF CANADA  
DULAY ROOFING LTD.

Respondents

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**AFFIDAVIT**

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OWEN BIRD LAW CORPORATION  
P.O. Box 49130  
Three Bentall Centre  
2900-595 Burrard Street  
Vancouver, B.C.  
V7X 1J5  
Tel: (604) 688-0401  
Fax: (604) 632-4486  
Alan A. Frydenlund, Q.C.  
22868-0107



SEP 24 2019

No. H-190678  
Vancouver Registry



**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

VANCOUVER CITY SAVINGS CREDIT UNION

Petitioner

AND:

1150165 B.C. LTD.  
FATEMEH MIRZAEI  
GHOLAMREZA GHASSEMI GANGAN  
THE ATTORNEY GENERAL OF CANADA on behalf of HER  
MAJESTY THE QUEEN IN RIGHT OF CANADA  
DULAY ROOFING LTD.

Respondents

**PETITION TO THE COURT**

**ON NOTICE TO:**

1150165 B.C. LTD.  
1590 – 1500 West Georgia Street  
Vancouver, BC V6G 2Z6

FATEMEH MIRZAEI  
1437 Chartwell Drive  
West Vancouver, BC V7S 2R9

GHOLAMREZA GHASSEMI GANGAN  
1437 Chartwell Drive  
West Vancouver, BC V7S 2R9

THE ATTORNEY GENERAL OF CANADA on behalf of HER MAJESTY THE QUEEN  
IN RIGHT OF CANADA  
Department of Justice  
900 – 840 Howe Street  
Vancouver, BC V6Z 2S9

DULAY ROOFING LTD.  
12565-69A Avenue  
Surrey, BC V3W 1P9

This proceeding is brought for the relief set out in Part 1 below by the person named as Petitioner in the style of proceedings above.

If you intend to respond to this Petition, you or your lawyer must

- a) file a Response to Petition in Form 67 in the above-named registry of this Court within the time for Response to Petition described below, and
- b) serve on the Petitioner
  - i) 2 copies of the filed Response to Petition, and
  - ii) 2 copies of each filed Affidavit on which you intend to rely at the Hearing.

**ORDERS, INCLUDING ORDERS GRANTING THE RELIEF CLAIMED, MAY BE MADE AGAINST YOU, WITHOUT ANY FURTHER NOTICE TO YOU, IF YOU FAIL TO FILE THE RESPONSE TO THE PETITION WITHIN THE TIME FOR RESPONSE.**

**TIME FOR RESPONSE TO THE PETITION**

A Response to Petition must be filed and served on the Petitioner,

- a) if you were served with the Petition anywhere in Canada, within 21 days after that service,
- b) if you were served with the Petition anywhere in the United States of America, within 35 days after that service,
- c) if you were served with the Petition anywhere else, within 49 days after that service, or
- d) if the time for Response has been set by Order of the Court, within that time.

(1)	THE ADDRESS OF THE REGISTRY IS:  The Supreme Court of British Columbia The Law Courts 800 Smithe Street Vancouver, BC V6Z 2E1
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(2)	<p>THE ADDRESS FOR SERVICE OF THE PETITIONER IS:</p> <p>VANCOUVER CITY SAVINGS CREDIT UNION c/o  P.O. Box 49130  2900 – 595 Burrard Street  Vancouver B.C V7X 1J5</p> <p>Fax number address for service (if any) of the Petitioner:  604-632-4486</p> <p>E-mail address for service (if any) of the Petitioner:  <a href="mailto:afrydenlund@owenbird.com">afrydenlund@owenbird.com</a> and <a href="mailto:aliquori@owenbird.com">aliquori@owenbird.com</a></p>
(3)	<p>THE NAME AND OFFICE ADDRESS OF THE PETITIONER'S LAWYER IS:</p> <p>Alan A. Frydenlund, Q.C.  OWEN BIRD LAW CORPORATION  P.O. Box 49130  2900 – 595 Burrard Street  Vancouver, BC V7X 1J5</p>

#### PART 1: ORDER(S) SOUGHT

- A. A Declaration that the business banking promissory note dated February 13, 2018, made between the Respondent, 1150165 B.C. LTD., and the Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, is an obligation of the said Respondent to the Petitioner to repay the sum of \$5,375,000.00 plus interest as set out therein (the "**Note**");
- B. A Declaration that the mortgage and assignment of rents dated February 13, 2018 made between the Respondents, FATEMEH MIRZAEI and GHOLAMREZA GHASSEMI GANGAN, together as mortgagor and the Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, as mortgagee and registered in the New Westminster Land Title Office, in the Province of British Columbia, on February 14, 2018 under Numbers CA6625303 and CA6625304 together with the trustee and beneficial owner agreement dated February 13, 2018 made between the Respondents, FATEMEH MIRZAEI and GHOLAMREZA GHASSEMI GANGAN, as trustees, 1150165 B.C. LTD., as beneficial owner, and the Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, as lender (all collectively the "**Mortgage**"), is a mortgage and assignment of rents charging the following lands:

The Corporation of the District of West Vancouver  
Parcel Identifier: 002-885-018  
Lot 8 Block 54 Capilano Estates Extension No. 15 Plan 13758  
(the "**Lands**")

to and in favour of the Petitioner to secure repayment of all of the indebtedness of the Respondent, 1150165 B.C. LTD., to the Petitioner including, without limitation the Note, in priority to the interests therein or claims thereto of the Respondents and their respective heirs, executors, administrators, successors and assigns, and any persons claiming by, through or under them;

- C. A Declaration that the general security agreement dated February 13, 2018 made between the Respondents, 1150165 B.C. LTD., as debtor, and the Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, as lender, and registered in the Personal Property Registry, in the Province of British Columbia, on March 15, 2018, under Base Registration Number 628709K (the "**GSA**") is a security agreement charging all of the said Respondent's present and after acquired personal property, including, without limitation, accounts, intangibles, documents of title, instruments, documents, inventory and proceeds wherever situate (collectively the "**Property**") to and in favour of the Petitioner to secure repayment of all of the indebtedness of the Respondent, 1150165 B.C. LTD., to the Petitioner including without limitation the Note, in priority to the interests therein or claims thereto of the Respondents and their respective heirs, executors, administrators, successors and assigns, and any persons claiming by, through or under them;
- D. A Declaration that the guarantee and postponement of claim dated February 13, 2018 made between the Respondent, FATEMEH MIRZAEI, as guarantor, and the Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, as lender, is an unconditional guarantee of all of the present and future indebtedness and liabilities, direct and indirect, absolute and contingent of the Respondent, 1150165 B.C. LTD., to the Petitioner including costs, expenses and interest (the "**Mirzaei Guarantee**");

- E. A Declaration that the guarantee and postponement of claim dated February 13, 2018 made between the Respondent, GHOLAMREZA GHASSEMI GANGAN, as guarantor, and the Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, as lender, is an unconditional guarantee of all of the present and future indebtedness and liabilities, direct and indirect, absolute and contingent of the Respondent, 1150165 B.C. LTD., to the Petitioner including costs, expenses and interest (the "**Gangan Guarantee**");
- F. A Declaration that the visa account (the "Visa Account") of the Respondent, GHOLAMREZA GHASSEMI GANGAN, with the Petitioner is in default and the amount due and payable by the said Respondent to the Petitioner is the sum of \$20,656.53 as at September 16, 2019 together with interest at the rate of 19.50% per annum, calculated monthly, which interest currently accrues at the daily rate of \$11.01 from and including September 17, 2019;
- G. A Declaration that the Respondents, 1150165 B.C. LTD., FATEMEH MIRZAEI and GHOLAMREZA GHASSEMI GANGAN, have made default under the Note, the Mortgage, the GSA, the Mirzaei Guarantee and the Gangan Guarantee (collectively the "**Security**"), the Security matured and that as a result, the full balance due and owing thereunder is now due and payable to the Petitioner;
- H. A Declaration that the amount of money due and owing under the Security and the amount of money required to redeem the Lands and Property is the sum of \$3,534,977.31 as of September 16, 2019 and interest at the rate of 1.75% per annum above the Petitioner's prime lending rate declared from time to time, which said interest rate is currently 3.95% per annum, so that the rate of interest chargeable under the Security is currently 5.70% per annum, compounded monthly, not in advance, which is currently per diem interest of \$550.77 from and including September 17, 2019;
- I. An Order that the last date for redemption be one (1) month after the date of pronouncement of any Order made herein, or such other period of time as this Court may order;

- J. An Order that the Petitioner do recover judgment against the Respondents, 1150165 B.C. LTD., FATEMEH MIRZAEI and GHOLAMREZA GHASSEMI GANGAN, jointly and severally, in the sum of \$3,534,977.31 as of September 16, 2019, plus per diem interest at the current rate of \$550.77 from and including September 17, 2019 together with the Petitioner's costs of this proceeding on a special costs basis or, alternatively, a party and party costs basis pursuant to Scale B or such other scale as may be appropriate;
- K. An Order that the Petitioner do recover judgment against the Respondent, GHOLAMREZA GHASSEMI GANGAN in the sum of \$20,656.53 as at September 16, 2019 at the daily rate of \$11.01 from and including September 17, 2019 pursuant to the Visa Account;
- L. An Order that the Petitioner do recover its costs of this proceeding on a special costs basis or, alternatively, a party and party costs basis pursuant to Scale B or such other scale as may be appropriate and that such costs form a part of the amount required to redeem the Lands and Property;
- M. An Order that upon the Respondents, or any of them, paying into Court to the credit of this proceeding at the Court Registry, Courthouse, 800 Smithe Street, Vancouver, British Columbia, or paying to the solicitor of record for the Petitioner or, if no such solicitor exists then paying to the Petitioner, the amount required to redeem the Lands and Property as aforesaid, together with the costs of this proceeding on a special costs basis or, alternatively, a party and party costs basis pursuant to Scale B or such other scale as may be appropriate, before pronouncement of either an Order Absolute of Foreclosure or an Order confirming the sale of the Lands and Property, the Petitioner shall reconvey the Lands and Property free and clear of all encumbrances in favour of it or any person claiming by, through or under it and shall deliver up, upon oath if required, all deeds, titles and documents in its custody, possession or power relating thereto to the Respondents so paying or to whom they shall appoint;

- N. An Order that if the Lands and Property not be redeemed, the Petitioner shall be at liberty to apply for an Order Absolute of Foreclosure and upon pronouncement of the Order Absolute of Foreclosure the Respondents and all persons claiming by, through or under them shall henceforth stand absolutely debarred and foreclosed of and from all right, title, interest and equity of redemption in and to the Lands and Property and all monies paid under the Security shall become the property of the Petitioner free from any right of the Respondents and that thereupon the Petitioner shall recover vacant possession of the Lands and Property;
- O. An Order appointing a receiver of the rents and mesne profits in respect of the Lands and Property;
- P. An Order for Sale of the Lands and Property subject to the approval of this Honourable Court and for the Petitioner to have exclusive conduct of such sale;
- Q. An Order that the Petitioner may apply to this Court for a further summary accounting of any amounts which become due to the Petitioner for interest, taxes, arrears of taxes, insurance premiums, costs, charges, expenses or otherwise since the date of pronouncement of this Order;
- R. A Certificate of Pending Litigation; and
- S. An Order for any further relief that this Honourable Court may seem just.

## **PART 2: FACTUAL BASIS**

1. The Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, is a credit union having an address for service in these proceedings c/o 2900 – 595 Burrard Street, Vancouver, B.C. V7X 1J5.
2. By a business banking promissory note dated February 13, 2018, made between the Respondent, 1150165 B.C. LTD., and the Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, the said Respondent agreed to repay to the Petitioner the sum of \$5,375,000.00 plus interest as set out therein (the “**Note**”).

3. By a mortgage and assignment of rents dated February 13, 2018 made between the Respondents, FATEMEH MIRZAEI and GHOLAMREZA GHASSEMI GANGAN, together as mortgagor and the Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, as mortgagee and registered in the New Westminster Land Title Office, in the Province of British Columbia, on February 14, 2018 under Numbers CA6625303 and CA6625304 together with the trustee and beneficial owner agreement dated February 13, 2018 made between the Respondents, FATEMEH MIRZAEI and GHOLAMREZA GHASSEMI GANGAN, as trustees, 1150165 B.C. LTD., as beneficial owner, and the Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, as lender (all collectively the "**Mortgage**"), the said Respondents mortgaged the following lands:

The Corporation of the District of West Vancouver  
Parcel Identifier: 002-885-018  
Lot 8 Block 54 Capilano Estates Extension No. 15 Plan 13758

(the "**Lands**")

and granted the assignment of rents to and in favour of the Petitioner to secure repayment of all of the indebtedness of the Respondent, 1150165 B.C. LTD., to the Petitioner including, without limitation the Note, in priority to the interests therein or claims thereto of the Respondents and their respective heirs, executors, administrators, successors and assigns, and any persons claiming by, through or under them.

4. By a general security agreement dated February 13, 2018 made between the Respondent, 1150165 B.C. LTD., as debtor, and the Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, as lender, and registered in the Personal Property Registry, in the Province of British Columbia, on March 15, 2018, under Base Registration Number 628709K (the "**GSA**") the said Respondent charged all of its present and after acquired personal property, including, without limitation, accounts, intangibles, documents of title, instruments, documents, inventory and proceeds wherever situate (collectively the "**Property**") to and in favour of the Petitioner to secure repayment of all of the indebtedness of the Respondent, 1150165 B.C. LTD., to the Petitioner including without limitation the



Note, in priority to the interests therein or claims thereto of the Respondents and their respective heirs, executors, administrators, successors and assigns, and any persons claiming by, through or under them.

5. By a guarantee and postponement of claim dated February 13, 2018 made between the Respondent, FATEMEH MIRZAEI, as guarantor, and the Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, as lender, the said Respondent unconditionally guaranteed all of the present and future indebtedness and liabilities, direct and indirect, absolute and contingent of the Respondent, 1150165 B.C. LTD., to the Petitioner including costs, expenses and interest (the "**Mirzaei Guarantee**").
6. By a guarantee and postponement of claim dated February 13, 2018 made between the Respondent, GHOLAMREZA GHASSEMI GANGAN, as guarantor, and the Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, as lender, the said Respondent unconditionally guaranteed all of the present and future indebtedness and liabilities, direct and indirect, absolute and contingent of the Respondent, 1150165 B.C. LTD., to the Petitioner including costs, expenses and interest (the "**Gangan Guarantee**").
7. The Note, the Mortgage, the GSA, the Mirzaei Guarantee and the Gangan Guarantee are collectively called the "**Security**".
8. The Respondents, FATEMEH MIRZAEI and GHOLAMREZA GHASSEMI GANGAN, are the registered owners of the Lands and the Respondent, 1150165 B.C. LTD., is the beneficial owner of the Lands and Property and the persons entitled to the equity of redemption contained in the Note, the Mortgage, and the GSA.
9. The rate of interest chargeable pursuant to the Security is 1.75% per annum above the Petitioner's prime lending rate declared from time to time, which said interest rate is currently 3.95% per annum, so that the rate of interest chargeable under the Security is 5.70% per annum, compounded monthly, not in advance, as well after as before any or all of maturity, default and judgment until paid or

alternatively, which is currently per diem interest at the rate of \$550.77 from and including September 17, 2019.

10. The Security matured and the full balance due pursuant to the Security is due and payable, and the Respondents, 1150165 B.C. LTD., FATEMEH MIRZAEI and GHOLAMREZA GHASSEMI GANGAN, refused or neglected to pay the same notwithstanding that payment was demanded.
11. The principal sum advanced under the Security was \$3,484,503.00 and the principal sum now due under the Security is \$3,534,977.31 as of September 16, 2019. The said amount claimed does not include any penalty or bonus.
12. The per diem interest currently due on the said principal sum of \$3,534,977.31 is \$550.77 based on the interest rate of 5.70% per annum, compounded monthly, not in advance.
13. The Respondent, GHOLAMREZA GHASSEMI GANGAN, has a Visa Account with the Petitioner, which is in default and the amount due and payable by the said Respondent to the Petitioner is the sum of \$20,656.53 as at September 16, 2019 together with interest at the rate of 19.50% per annum, calculated monthly, on which interest currently accrues at the daily rate of \$11.01 from and including September 17, 2019;
14. The following sets out the holders of charges, nature of charges and registration numbers of the charges registered in the New Westminster Land Title Office against the title of the Lands, all of which charges against the Respondents, FATEMEH MIRZAEI and GHOLAMREZA GHASSEMI GANGAN, rank in priority behind the interest of the Petitioner:

RESPONDENT	NATURE OF INTEREST	REGISTRATION NUMBER
THE ATTORNEY GENERAL OF CANADA on behalf of HER MAJESTY THE QUEEN IN RIGHT OF CANADA	Judgment	CA7729190

DULAY ROOFING LTD.	Claim of Builders Lien	CA7735482
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15. The following sets out the holders of charges, nature of charges and registration numbers of the charges registered in British Columbia Personal Property Registry against the Property, all of which charges against the Respondent, 1150165 B.C. LTD., rank in priority behind the interest of the Petitioner:

RESPONDENT	NATURE OF INTEREST	REGISTRATION NUMBER
NIL	NIL	NIL

16. There are no other persons having a registered interest in the Lands and Property with respect to which the Security of the Petitioner has priority.
17. The Petitioner has not entered into nor taken possession of the Lands and Property.
18. The Mortgage is a first charge against the Lands and Property.

### PART 3: LEGAL BASIS

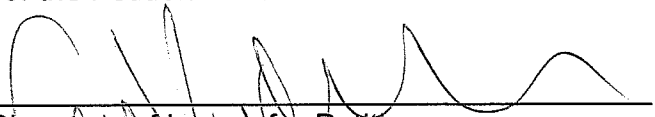
1. Rules 1-3, 10-2, 13-5, 14-1, 16-1, 21-7, and 22-1 of the Rules of the Court;

### 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of FRANK SEMINARA made SEPTEMBER 23 2019, and
2. Affidavit #1 of ALAN A. FRYDENLUND, Q.C. made SEPTEMBER 23, 2019.

The Petitioner estimates that the Hearing of the Petition will take 5 minutes.

Date: September 23 2019.

  
 Signature of Lawyer for Petitioner,  
 VANCOUVER CITY SAVINGS CREDIT  
 UNION, Alan A. Frydenlund, Q.C.

**TO BE COMPLETED BY THE COURT ONLY:**

Order made

in the terms requested in paragraphs \_\_\_\_\_ of Part 1 of this Petition

with the following variations and additional terms:

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Date: \_\_\_\_\_

Signature of  Judge  Master

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

VANCOUVER CITY SAVINGS CREDIT UNION

Petitioner

AND:

1150165 B.C. LTD.  
FATEMEH MIRZAEI  
GHOLAMREZA GHASSEMI GANGAN  
THE ATTORNEY GENERAL OF CANADA on behalf of HER  
MAJESTY THE QUEEN IN RIGHT OF CANADA  
DULAY ROOFING LTD.

Respondents

**ENDORSEMENT ON ORIGINATING PLEADING OR PETITION  
FOR SERVICE OUTSIDE BRITISH COLUMBIA**

The Petitioner, VANCOUVER CITY SAVINGS CREDIT UNION, claims the right to serve this Petition on the Respondents, or any of them, outside British Columbia on the grounds, *inter alia*, that the proceeding:

- (a) is brought to enforce, assert, declare or determine proprietary or possessory rights or a security interest in property in British Columbia that is immovable or movable property;
- (b) is brought to interpret, rectify, or enforce any deed, contract, or other instrument in relation to property in British Columbia that is immovable or movable property;
- (c) concerns contractual obligations, and the contractual obligations, to a substantial extent, were to be performed in British Columbia;
- (d) concerns contractual obligations, and by its express terms, the contract is governed by the law of British Columbia.

No.  
Vancouver Registry

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**IN THE SUPREME COURT OF  
BRITISH COLUMBIA**

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BETWEEN:

VANCOUVER CITY SAVINGS CREDIT  
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FATEMEH MIRZAEI  
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THE ATTORNEY GENERAL OF CANADA on behalf of HER  
MAJESTY THE QUEEN IN RIGHT OF CANADA  
DULAY ROOFING LTD.

Respondents

---

**PETITION TO THE COURT**

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OWEN BIRD LAW CORPORATION  
P.O. Box 49130  
Three Bentall Centre  
2900-595 Burrard Street  
Vancouver, B.C.  
V7X 1J5  
Tel: (604) 688-0401  
Fax: (604) 632-4486  
Alan A. Frydenlund, Q.C.  
22868-0107



No. H-190678  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

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**AND:**

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FATEMEH MIRZAEI  
GHOLAMREZA GHASSEMI GANGAN  
THE ATTORNEY GENERAL OF CANADA on behalf of HER  
MAJESTY THE QUEEN IN RIGHT OF CANADA  
DULAY ROOFING LTD.

Respondents

**REQUISITION**

**REQUIRED:**

Please file the attached State of Title Certificate.

DATED: December 9, 2019



Solicitor for Petitioner

Name and address of Solicitor for the Petitioner:

ALAN A. FRYDENLUND, Q.C. OWEN BIRD LAW CORPORATION, P.O. Box 49130,  
2900 – 595 Burrard Street, Vancouver, BC V7X 1J5 Tel.: (604) 688-0401

LAND TITLE OFFICE  
**STATE OF TITLE CERTIFICATE**

Certificate Number: STSR2835885

File Reference: 22868-0107

OWEN BIRD LAW CORPORATION  
29TH FLOOR 595 BURRARD STREET  
3 BENTALL CENTRE  
VANCOUVER BC V7X 1J5

A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <https://apps.ltsa.ca/cert> (access code 591289).

I certify this to be an accurate reproduction of title number **CA5767710** at 15:41 this 25th day of September, 2019.

  
\_\_\_\_\_  
REGISTRAR OF LAND TITLES



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<b>Land Title District</b> Land Title Office	VANCOUVER VANCOUVER
<b>Title Number</b> From Title Number	CA5767710 CA4448016
<b>Application Received</b>	2017-01-16
<b>Application Entered</b>	2017-01-18
<b>Registered Owner in Fee Simple</b> Registered Owner/Mailing Address:	FATEMEH MIRZAEI, HOMEMAKER GHOLAMREZA GHASSEMI GANGAN, BUSINESSMAN/BUILDER 4503-1151 WEST GEORGIA STREET VANCOUVER, BC V6E 0B3 AS JOINT TENANTS
<b>Taxation Authority</b>	West Vancouver, The Corporation of the District of



LAND TITLE OFFICE  
**STATE OF TITLE CERTIFICATE**

Certificate Number: STSR2835885

**Description of Land**

Parcel Identifier: 002-885-018  
Legal Description:  
LOT 8 BLOCK 54 CAPILANO ESTATES EXTENSION NO. 15 PLAN 13758

**Legal Notations**

LAND HEREIN WITHIN BUILDING SCHEME, SEE 613009L

**Charges, Liens and Interests**

Nature: RIGHT OF WAY  
Registration Number: 515357M  
Registration Date and Time: 1970-09-17 11:36  
Registered Owner: THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER  
Remarks: INTER ALIA  
PART IN EXPLANATORY PLAN 10655

Nature: RESTRICTIVE COVENANT  
Registration Number: 567486M  
Registration Date and Time: 1972-10-06 15:32  
Remarks: SEE 659296L

Nature: MORTGAGE  
Registration Number: CA6625303  
Registration Date and Time: 2018-02-14 11:24  
Registered Owner: VANCOUVER CITY SAVINGS CREDIT UNION  
INCORPORATION NO. FI 97

Nature: ASSIGNMENT OF RENTS  
Registration Number: CA6625304  
Registration Date and Time: 2018-02-14 11:24  
Registered Owner: VANCOUVER CITY SAVINGS CREDIT UNION  
INCORPORATION NO. FI 97

Nature: JUDGMENT  
Registration Number: CA7729190  
Registration Date and Time: 2019-09-04 12:47  
Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF CANADA  
Remarks: AS TO THE INTEREST OF GHOLAMREZA GHASSEMI GANGAN

Nature: CLAIM OF BUILDERS LIEN  
Registration Number: CA7735482  
Registration Date and Time: 2019-09-07 10:08  
Registered Owner: DULAY ROOFING LTD.  
INCORPORATION NO. BC645161

LAND TITLE OFFICE

**STATE OF TITLE CERTIFICATE**

Certificate Number: STSR2835885

Nature:	CERTIFICATE OF PENDING LITIGATION
Registration Number:	CA7768402
Registration Date and Time:	2019-09-25 13:16
Registered Owner:	VANCOUVER CITY SAVINGS CREDIT UNION

**Duplicate Indefeasible Title** NONE OUTSTANDING

**Transfers** NONE

**Pending Applications** NONE

*This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).*