

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

This is the 1st affidavit of William Choo in this case and was made on July 29, 2020

> 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 MANDATE MANAGEMENT CORPORATION

Respondents

#### AFFIDAVIT

I, William Choo, of the City of Vancouver, in the Province of British Columbia, SWEAR THAT:

1. I am the Senior Vice President of D. Manning & Associates Inc. the Receiver and Manager herein and as such have personal knowledge of the facts and matters herein except where stated to be based on information and belief and where so stated I verily believe them to be true.

2. I adopt the definitions contained in the Notice of Application dated July 29, 2020 and swear this affidavit in support thereof.

3. The Receiver's First Report dated April 16, 2020, accurately sets further details of the Property and its proposed sale and the Receiver's continued recommendations.

4. The Strata Plans for the Property are required to be filed at the Land Title office in order to create the strata lots however in order to register the Strata Plan All Canadian must release the CPL as the Registrar of Titles will not issue the strata titles with the CPL on title to the Property.

5. The respondents who have registered CBLs need not sign the strata plans as their CBLs will simply be carried over to the subdivided strata lots and will reflect their current respective times and date of registration.

6. I am of the view that All Canadian should maintain any priority attributable to the CPL even though it is released from title to the Property as it will be released pursuant to the Receiver's request to register the strata plans.

7. That the Property is to be strata titled All Canadian has no other interest registered against title to the Property other than the CPL.

8. That attached hereto and marked Exhibit "A" to this my affidavit is a copy of a title search of the Property showing the times and dates of the various registrations of interests as against title to the Property.

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SWORN BEFORE ME at the City of Vancouver, ) in the Province of British Columbia, this day ) 0 July, 2020. of ) ) ) ) taking Affidavits ) for А Commissioner within British Columbia ) )

William Choo

William Choo

ALAN A FRYDENLUND, G.C. BARRYTTER & SOLICITOR 29th FLOOR 595 BUPRARD ST. VANGOUVER, B.C. V X 1-5 (304) 691-7511

This is Exhibit "A" referred to in the Affidavit of WILLIAM CHOO, sworn before me at Vancouver, B.C., this 29<sup>th</sup> day of July, 2020. A Commissioner for taking Affidavits within British Columbia

File Reference: 14690092106837

2020-06-18, 11:56:46 Requestor: Alan Stonier

### \*\*CURRENT AND CANCELLED INFORMATION SHOWN\*\*

Title Issued Under	SECTION 98 LAND TITLE ACT
Land Title District Land Title Office	NEW WESTMINSTER NEW WESTMINSTER
<b>Title Number</b> From Title Number	CA5281004 CA5118667 CA5118668
Application Received	2016-06-22
Application Entered	2016-06-28
Registered Owner in Fee Simple Registered Owner/Mailing Address:	CENSORIO GROUP (HASTINGS & CARLETON) HOLDINGS LTD., INC.NO. BC0905871 2ND FLOOR, 4723 HASTINGS STREET BURNABY, BC V5C 2K8

**Taxation Authority** 

Burnaby, City of

### **Description of Land**

Parcel Identifier: 029-877-555 Legal Description: LOT 1 DISTRICT LOT 121 GROUP 1 NEW WESTMINSTER DISTRICT PLAN EPP56644

#### Legal Notations

NOTICE OF INTEREST, BUILDERS LIEN ACT (S.3(2)), SEE CA2634884 FILED 2012-07-03 CANCELLED BY CA5335524 2016-07-12

NOTICE OF INTEREST, BUILDERS LIEN ACT (S.3(2)), SEE CA2913038 FILED 2012-12-13 CANCELLED BY CA5335525 2016-07-12

HERETO IS ANNEXED EASEMENT CA3072253 OVER PARCEL A (EXP PLAN 11233) OF LOTS 29 AND 30 BLOCK 7 DISTRICT LOT 121 GROUP 1 NWD PLAN 1054

 $\sum$ 

File Reference: 14690092106837

2020-06-18, 11:56:46 Requestor: Alan Stonier

PERSONAL PROPERTY SECURITY ACT NOTICE SEE CA5066844, EXPIRES 2021/03/24 CANCELLED BY CA6353442 2017-10-05

NOTICE OF INTEREST, BUILDERS LIEN ACT (S.3(2)), SEE CA5335526 FILED 2016-07-12

HERETO IS ANNEXED EASEMENT CA6058173 OVER LOT 32 PLAN 1054

#### **Charges, Liens and Interests**

Nature: Registration Number: Registration Date and Time: Remarks: EASEMENT CA3072254 2013-04-11 10:40 PART FORMERLY PARCEL "A" (EXPLANATORY PLAN 14860) LOTS 29 AND 30 BLOCK 7 DISTRICT LOT 121 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 1054 APPURTENANT TO PARCEL A (EXP PLAN 11233) OF LOTS 29 AND 30 BLOCK 7 DISTRICT LOT 121 GROUP 1 NWD PLAN 1054

Nature: Registration Number: Registration Date and Time: Registered Owner:

### Cancelled By: Cancelled Date:

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#### Cancelled By: Cancelled Date:

Nature: Registration Number: Registration Date and Time: Registered Owner: MORTGAGE CA5066842 2016-03-29 08:32 COMPUTERSHARE TRUST COMPANY OF CANADA INCORPORATION NO. A0052313 CA6287192 2017-09-10

ASSIGNMENT OF RENTS CA5066843 2016-03-29 08:32 COMPUTERSHARE TRUST COMPANY OF CANADA INCORPORATION NO. A0052313 CA6287193 2017-09-10

COVENANT CA5281006 2016-06-22 15:25 CITY OF BURNABY

File Reference: 14690092106837

Nature: Registration Number: Registration Date and Time: Remarks:

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Cancelled By: Cancelled Date: PRIORITY AGREEMENT CA5281007 2016-06-22 15:25 GRANTING CA5281006 PRIORITY OVER CA5066842 AND CA5066843 CA6287193 2017-09-10

COVENANT CA5281008 2016-06-22 15:25 CITY OF BURNABY

PRIORITY AGREEMENT CA5281009 2016-06-22 15:25 GRANTING CA5281008 PRIORITY OVER CA5066842 AND CA5066843 CA6287193 2017-09-10

COVENANT CA5281010 2016-06-22 15:25 CITY OF BURNABY

PRIORITY AGREEMENT CA5281011 2016-06-22 15:25 GRANTING CA5281010 PRIORITY OVER CA5066842 AND CA5066843 CA6287193 2017-09-10

COVENANT CA5281012 2016-06-22 15:25 CITY OF BURNABY

PRIORITY AGREEMENT CA5281013 2016-06-22 15:25 GRANTING CA5281012 PRIORITY OVER CA5066842 AND CA5066843 CA6287193 2017-09-10

File Reference: 14690092106837

Nature: Registration Number: Registration Date and Time: Registered Owner:

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Nature: Registration Number: Registration Date and Time: Registered Owner: Remarks: COVENANT CA5281014 2016-06-22 15:25 CITY OF BURNABY

PRIORITY AGREEMENT CA5281015 2016-06-22 15:25 GRANTING CA5281014 PRIORITY OVER CA5066842 AND CA5066843 CA6287193 2017-09-10

STATUTORY RIGHT OF WAY CA5281016 2016-06-22 15:25 CITY OF BURNABY PART IN PLAN EPP61155

PRIORITY AGREEMENT CA5281017 2016-06-22 15:25 GRANTING CA5281016 PRIORITY OVER CA5066842 AND CA5066843 CA6287193 2017-09-10

COVENANT CA5281018 2016-06-22 15:25 CITY OF BURNABY

PRIORITY AGREEMENT CA5281019 2016-06-22 15:25 GRANTING CA5281018 PRIORITY OVER CA5066842 AND CA5066843 CA6287193 2017-09-10

STATUTORY RIGHT OF WAY CA5281020 2016-06-22 15:25 CITY OF BURNABY PART IN PLAN EPP56645

File Reference: 14690092106837

Nature: Registration Number: Registration Date and Time: Remarks:

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PRIORITY AGREEMENT CA5281021 2016-06-22 15:25 GRANTING CA5281020 PRIORITY OVER CA5066842 AND CA5066843 CA6287193 2017-09-10

EASEMENT CA6058174 2017-06-09 13:33 APPURTENANT TO LOT 32 PLAN 1054

MORTGAGE CA6245585 2017-08-24 12:05 PEOPLES TRUST COMPANY INCORPORATION NO. A0033943

ASSIGNMENT OF RENTS CA6245586 2017-08-24 12:05 PEOPLES TRUST COMPANY INCORPORATION NO. A0033943

MORTGAGE CA6245684 2017-08-24 12:24 BANCORP GROWTH MORTGAGE FUND II LTD. INCORPORATION NO. BC0856914 BANCORP BALANCED MORTGAGE FUND II LTD. INCORPORATION NO. BC0856913 BANCORP FINANCIAL SERVICES INC. INCORPORATION NO. BC0712503 MODIFIED BY CA7557828

ASSIGNMENT OF RENTS CA6245685 2017-08-24 12:24 BANCORP GROWTH MORTGAGE FUND II LTD. INCORPORATION NO. BC0856914 BANCORP BALANCED MORTGAGE FUND II LTD. INCORPORATION NO. BC0856913 BANCORP FINANCIAL SERVICES INC. INCORPORATION NO. BC0712503 MODIFIED BY CA7557829

File Reference: 14690092106837

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PRIORITY AGREEMENT CA6246769 2017-08-24 15:16 GRANTING CA6245586 PRIORITY OVER CA6245684 AND CA6245685

CLAIM OF BUILDERS LIEN CA6289357 2017-09-11 15:25 1110438 B.C. LTD. INCORPORATION NO. 1110438 CA6299009 2017-09-14

STATUTORY RIGHT OF WAY CA6438021 2017-11-10 13:21 SHAW CABLESYSTEMS LIMITED INCORPORATION NO. A0075382

STATUTORY RIGHT OF WAY CA6555970 2018-01-09 15:03 BRITISH COLUMBIA HYDRO AND POWER AUTHORITY

PRIORITY AGREEMENT CA6555971 2018-01-09 15:03 GRANTING CA6555970 PRIORITY OVER CA6245585, CA6245586, CA6245684 AND CA6245685

CLAIM OF BUILDERS LIEN BB3052911 2018-09-28 13:49 ELVIS FERNANDO GRAJALES MORENO **CA7403677** 2019-03-20

File Reference: 14690092106837

Nature: Registration Number: Registration Date and Time: Registered Owner:

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Nature: Registration Number: Registration Date and Time: Registered Owner:

Cancelled By: Cancelled Date: MORTGAGE CA7219414 2018-11-29 15:58 PK CAPITAL LTD. INCORPORATION NO. BC1073031

ASSIGNMENT OF RENTS CA7219415 2018-11-29 15:58 PK CAPITAL LTD. INCORPORATION NO. BC1073031

CERTIFICATE OF PENDING LITIGATION CA7292505 2019-01-11 14:41 INFINITY CONCRETE RESTORATION INC. INCORPORATION NO. 1134927 CA7403676 2019-03-20

CLAIM OF BUILDERS LIEN CA7389257 2019-03-12 12:46 A.C. CIVIL CONTRACTING LTD. INCORPORATION NO. BC0912140 CA7402775 2019-03-20

PRIORITY AGREEMENT CA7392238 2019-03-13 15:43 GRANTING CA6245585 PRIORITY OVER CA7219414 AND CA7219415

PRIORITY AGREEMENT CA7392239 2019-03-13 15:43 GRANTING CA6245586 PRIORITY OVER CA7219414 AND CA7219415

CLAIM OF BUILDERS LIEN CA7517604 2019-05-23 17:00 MATAKANA SCAFFOLDING B.C. INC. INCORPORATION NO. BC0683439 CA7590848 2019-06-28

File Reference: 14690092106837

Nature: **Registration Number: Registration Date and Time:** Remarks:

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**Cancelled By: Cancelled Date:** 

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# **Cancelled By: Cancelled Date:**

Nature: **Registration Number:** Registration Date and Time: **Registered Owner:** 

MODIFICATION CA7557828 2019-06-13 12:25 MODIFICATION OF CA6245684

MODIFICATION CA7557829 2019-06-13 12:25 **MODIFICATION OF CA6245685** 

PRIORITY AGREEMENT CA7558004 2019-06-13 13:09 GRANTING CA6245684 AND CA7557828 PRIORITY OVER CA7219414 AND CA7219415

PRIORITY AGREEMENT CA7558005 2019-06-13 13:09 GRANTING CA6245685 AND CA7557829 PRIORITY OVER CA7219414 AND CA7219415

CLAIM OF BUILDERS LIEN CA7630242 2019-07-18 11:20 INSUL-TWIN SYSTEMS LTD. **INCORPORATION NO. BC1090233** CA7755413 2019-09-18

CLAIM OF BUILDERS LIEN CA7705173 2019-08-23 15:51 SEAGATE STRUCTURES LTD. **INCORPORATION NO. BC1076918** CA7735757 2019-09-09

CERTIFICATE OF PENDING LITIGATION CA7750158 2019-09-16 14:27 ALL CANADIAN INVESTMENT CORPORATION

File Reference: 14690092106837

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Nature: Registration Number: Registration Date and Time: Registered Owner: CLAIM OF BUILDERS LIEN CA7847746 2019-11-01 12:15 FBM CANADA GSD, INC. INCORPORATION NO. A0093560

CLAIM OF BUILDERS LIEN CA7883860 2019-11-22 09:35 MEDINA CONCRETE SERVICES LTD. INCORPORATION NO. BC0839535

CLAIM OF BUILDERS LIEN CA7914853 2019-12-06 14:18 TUCUVAN CONSTRUCTION LTD. INCORPORATION NO. BC1190571

CLAIM OF BUILDERS LIEN CA7929493 2019-12-13 15:49 OMNI DRYWALL LTD INCORPORATION NO. BC0910734

CLAIM OF BUILDERS LIEN CA7992704 2020-01-21 16:01 1223293 B.C. LTD.

CERTIFICATE OF PENDING LITIGATION CA7994287 2020-01-22 12:24 PEOPLES TRUST COMPANY INCORPORATION NO. A0033943

CLAIM OF BUILDERS LIEN CA7995006 2020-01-22 15:28 RAHUL GLASS LTD. INCORPORATION NO. 684781

CERTIFICATE OF PENDING LITIGATION CA7996226 2020-01-23 11:33 PEOPLES TRUST COMPANY INCORPORATION NO. A0033943

File Reference: 14690092106837

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Nature: Registration Number: Registration Date and Time: Registered Owner: CLAIM OF BUILDERS LIEN CA8008332 2020-01-30 08:24 LANTEC FABRICATING LTD. INCORPORATION NO. BC0695180

CLAIM OF BUILDERS LIEN CA8020242 2020-02-04 16:59 MEC MECHANICAL INC. INCORPORATION NO. 0940008

CLAIM OF BUILDERS LIEN BB3060757 2020-02-06 10:29 SUMMIT STEEL CLADDING INC.

CLAIM OF BUILDERS LIEN CA8023255 2020-02-06 11:20 DIVISION 9 CONTRACTORS LTD. INCORPORATION NO. BC1083617

CLAIM OF BUILDERS LIEN CA8043922 2020-02-19 15:18 GRAESTONE READY MIX INC. INCORPORATION NO. BC0386028

CLAIM OF BUILDERS LIEN CA8045447 2020-02-20 11:59 CHANDLER ASSOCIATES ARCHITECTURE INC. INCORPORATION NO. BC0951458 CA8229762 2020-06-05

CLAIM OF BUILDERS LIEN BB3060956 2020-02-25 09:47 TRADES LABOUR CORPORATION

File Reference: 14690092106837

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CLAIM OF BUILDERS LIEN CA8055558 2020-02-26 14:23 SUPER SAVE TOILET RENTALS INC. INCORPORATION NO. BC0750452 CA8125487 2020-04-06

CLAIM OF BUILDERS LIEN CA8065978 2020-03-02 12:45 RONA INC. INCORPORATION NO. A0101294

CLAIM OF BUILDERS LIEN CA8065979 2020-03-02 12:45 RONA INC. INCORPORATION NO. A0101294 CA8084846 2020-03-12

CLAIM OF BUILDERS LIEN CA8072046 2020-03-04 16:16 TIMELINE FLOORS INC. INCORPORATION NO. A0087801

CLAIM OF BUILDERS LIEN CA8072100 2020-03-04 17:17 SUNBELT RENTALS OF CANADA INC. INCORPORATION NO. BC1225429

CLAIM OF BUILDERS LIEN CA8073515 2020-03-05 12:22 AUM BUILDING SCIENCE & ENGINEERING LTD. INCORPORATION NO. BC0\_\_\_\_\_

File Reference: 14690092106837

Nature: Registration Number: Registration Date and Time: Registered Owner:

Nature: Registration Number: Registration Date and Time: Registered Owner: CA8074113 2020-03-05 14:30 BCW DESIGN INC. INCORPORATION NO. BC1019514

CLAIM OF BUILDERS LIEN

CLAIM OF BUILDERS LIEN CA8085348 2020-03-12 14:07 GREER SPRAY FOAM LTD. INCORPORATION NO. BC1113627

Nature: Registration Number: Registration Date and Time: Registered Owner: CLAIM OF BUILDERS LIEN CA8085349 2020-03-12 14:07 GREER CONTRACTING LTD. INCORPORATION NO. BC1113625

NONE OUTSTANDING

# Duplicate Indefeasible Title

#### Transfers

NONE

#### **Pending Applications**

Parcel Identifier: Application Number/Type: 029-877-555 CA8250913 CHARGE RELEASE

#### Corrections

CR28680 2016-10-14 15:28:53 CHARGE REMARKS CORRECTED CA5281021

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** 

#### AFFIDAVIT

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