

SUPREME COURT
OF BRITISH COLUMBIA
VANCOUVER REGISTRY
MAR 25 2022
ENTERED
BETWEEN:

No. H 200252
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

VANCOUVER CITY SAVINGS CREDIT UNION

Petitioner

And

371392 B.C. LTD.
371392 B.C. LTD. doing business as DIAMOND HEAD MOTOR
INN and DIAMOND HEAD MOTEL
1134365 B.C. LTD.
H.D.P. HOLDINGS INC.
FARHEEN RAWJI
DIPTI PANCHAL
HITESH PANCHAL
ALL TENANTS AND OCCUPIERS OF THE SUBJECT
LANDS

Respondents

ORDER MADE AFTER APPLICATION

(ORDER DISCHARGING RECEIVER)

BEFORE THE HONOURABLE)
)
MADAM JUSTICE FITZPATRICK) FRIDAY, MARCH 25, 2022

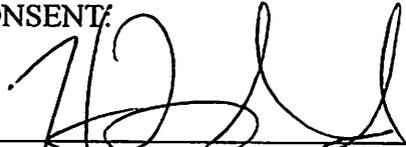
THE APPLICATION of D. MANNING & ASSOCIATES INC., in its capacity as court-appointed Receiver and Manager (the "Receiver") of 371392 B.C. Ltd. (the "Debtor"), coming on for hearing at Vancouver British Columbia on the 25 day of March, 2022 by telephone; AND ON HEARING Heather A. Frydenlund, counsel for the Receiver, and no one else appearing, though duly served; AND UPON READING the material filed, including the Third Report of the Receiver dated May 7, 2021 (the "Receiver's Third Report") and the Fourth and Final Report of the Receiver dated February 24, 2022 (the "Receiver's Fourth Report");

THIS COURT ORDERS AND DECLARES THAT:

1. The Receiver's interim statement of cash receipts and disbursements for the period June 24, 2020 to February 24, 2022 as set out in the Receiver's Third Report and the Receiver's Fourth Report are hereby approved.
2. The activities of the Receiver as set out in the Receiver's Third Report and the Receiver's Fourth Report are hereby approved.
3. The fees and disbursements of the Receiver, as set out in the Receiver's Third Report and the Receiver's Fourth Report for the period June 17, 2020 to February 24, 2022, are hereby approved.
4. The fees and disbursements of the Receiver's legal counsel, Owen Bird Law Corporation, as set out in the Receiver's Third Report and the Receiver's Fourth Report for the period June 24, 2020 to February 23, 2022, are hereby approved.
5. The fees and disbursements of the Receiver's legal counsel, Nordel Law Group LLP, as set out in the Receiver's Fourth Report, for September 23, 2020, is hereby approved.
6. The Receiver is authorized to pay any further GST refunds received by it to the Debtor, 371392 B.C. Ltd., without further order of this Court.
7. A holdback in the amount of \$10,000 as set out in the Receiver's Fourth Report is hereby approved. The Receiver is entitled to use these funds to pay the Receiver's legal counsel's fees without further order of this Court.
8. All surplus funds held by the Receiver after making holdback referenced above, are to be paid to Owen Bird Law Corporation, in trust.

9. After payment of the fees and disbursements, maintaining the holdback and providing the surplus funds to Owen Bird Law Corporation as herein approved, the Receiver shall be discharged as Receiver of the assets, undertaking and property of the Debtor, provided that notwithstanding its discharge herein: (a) the Receiver shall remain Receiver for the performance of such incidental duties as may be required to complete the administration of the receivership herein; and (b) the Receiver shall continue to have the benefit of the provisions of all Orders made in this proceeding, including all approvals, protections and stays of proceedings in favour of D. Manning & Associates Inc. in its capacity as Receiver.
10. Notwithstanding any provision herein, this Order shall not affect any person to whom notice of these proceedings was not delivered as required by the *Bankruptcy and Insolvency Act* and regulations thereto, any other applicable enactment or any other Order of this Court.

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:



Signature of lawyer for the Receiver,
Heather A. Frydenlund



By the Court.

Registrar



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(ORDER DISCHARGING RECEIVER)**

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Vancouver, BC V7X 1J5
Attention: Heather A. Frydenlund
File No. 23024-0095