



No. H 200039
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

PEOPLES TRUST COMPANY

Petitioner

AND:

CENSORIO GROUP (HASTINGS & CARLETON)
HOLDINGS LTD. ET AL

Respondents

**ORDER MADE AFTER APPLICATION
(ORDER PREAPPROVING SALE PRICES)**

BEFORE) THE HONOURABLE MADAM) FRIDAY, THE 20TH DAY OF
))
) JUSTICE DOUGLAS) NOVEMBER, 2020

ON THE APPLICATION of D. MANNING & ASSOCIATES INC. (the “Receiver”) coming on for hearing on this day at Vancouver, British Columbia, and on hearing ALAN A. FRYDENLUND, Q.C., counsel for the Receiver and no-one else appearing, although given notice in accordance with the Rules of the Court, and on reading the materials filed herein:

Counsel appeared by telephone;

THIS COURT ORDERS THAT:

1. The Receiver is hereby authorized to sell the following the lands and premises the subject of this proceeding being:

City of Burnaby

Strata Lots 2, 3, 4, 5, 12, 6, 7, 10, 8, 9, 13, 20, 14, 19, 15, 18, 16, 17, 21, 22, 23, 26, 24 and 25, District Lot 121 Group 1 NWD Strata Plan EPS5728

(each Strata Lot referred to separately as a “Unit” and collectively as the “Lands”)

to any purchaser(s) for a sum no less than the gross price for each respective Unit as listed in column “M” of the Price List attached as Exhibit “B” Affidavit #5 of Alex En Hwa Ng

(which was sealed pursuant the Order of this Court made this day) for each respective property, is hereby approved (the “**Preapproved Minimum Prices**”), without further Court approval.

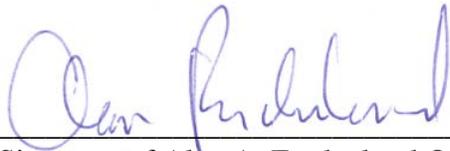
2. Upon the Receiver submitting for filing, at the Registry of the Court, a copy of this Order, a form of Vesting Order and a Certificate certifying that a contract for a particular Unit is at least in the amount of the Preapproved Minimum Price and setting out:
 - i. the name(s) of the purchaser(s);
 - ii. Unit number and legal description; and
 - iii. purchase price;

the Registry of this Court is directed to enter a Vesting Order for each such Unit, and from time to time, in the form of Vesting Order as submitted by the Receiver, substantially in the form as attached hereto as Schedule 1.

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:

APPROVED BY:

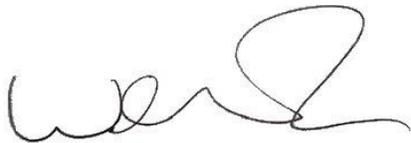
BY THE COURT



Signature of Alan A. Frydenlund QC
lawyer for Receiver and Manager

Digitally signed by
Naidu, Sanjeev

REGISTRAR



Signature of William Roberts
lawyer for Bancorp Growth Mortgage Fund II
Ltd., Bancorp Balanced Mortgage Fund II Ltd.
and Bancorp Financial Services Inc.

SCHEDULE 1

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**ORDER
(VESTING ORDER FOR PREAPPROVING SALES)**

BEFORE)) _____ DAY, THE ____
)) DAY OF _____,
) _____) 202_

ON THE APPLICATION of D. MANNING & ASSOCIATES INC. (the “Receiver”) this _____ day of _____, 202_ at Vancouver, British Columbia, and on reading the Order of Madam Justice Douglas pronounced November 20, 2020, and on reading the Receiver’s Certificate dated _____, 202_:

THIS COURT ORDERS THAT:

1. The sale of the following lands and premises:

City of Burnaby

Parcel Identifier: _____

Strata Lot _____ District Lot 121 Group 1 NWD Strata Plan EPS5728

(the “Lands”)

to _____ of _____, or if amended or assigned by the purchaser and agreed to by the Receiver, as set out in a letter from the solicitors for the Receiver, on the terms and conditions set out in the Contract of Purchase and Sale dated _____ for the sum of _____ is hereby approved.

2. Upon filing a certified copy of this Order in the New Westminster Land Title Office together with a letter from the Receiver's solicitor authorizing such registration and subject to the terms of this Order, the Lands be conveyed to and vest in the purchaser, _____, in fee simple, [**choose joint tenants**] free and clear of any estate, right, title, interest, equity of redemption, and other claims of the parties, except the reservations, provisos, exceptions, and conditions expressed in the original grant(s) thereof from the Crown.

3. The dates for completion, adjustment and possession be set at [**choose either:** _____ days following the issuance of an Occupancy Permit **or** _____ 202_] or so soon before or so soon thereafter as the Receiver and the purchaser shall agree.

4. The net purchase price for each respective Unit after adjustments shall be paid to OWEN BIRD LAW CORPORATION, in trust, and shall be paid out in accordance with the following priorities without further order:

- a) in payment of any outstanding property taxes, water and sewer rates;
- b) in payment of real estate commission and GST, if payable;
- c) to The Owners, Strata Plan EPS5728, the amount appropriately due pursuant to Section 116 of the *Strata Property Act*;
- d) GST, if payable;
- e) to the Receiver to the credit of this proceeding.

5. For the purpose of issuing title in respect of the Lands, the following charges, liens, encumbrances, caveats, mortgages, and certificates of pending litigation be cancelled insofar as they apply to the Lands:

RESPONDENTS	NATURE OF INTERESTS	REGISTRATION NUMBERS
PEOPLES TRUST COMPANY	Mortgage Assignment of Rents Certificate of Pending Litigation Certificate of Pending Litigation	CA6245585 CA6245586 CA7994287 CA7996226
BANCORP GROWTH MORTGAGE FUND II LTD., BANCORP BALANCED MORTGAGE FUND II LTD. and BANCORP FINANCIAL SERVICES INC.	Mortgage Assignment of Rents	CA6245684 modified by CA7557828 CA6245685 modified by CA7557829
PK CAPITAL LTD.	Mortgage Assignment of Rents	CA7219414 CA7219415
ALL CANADIAN INVESTMENT CORPORATION	Certificate of Pending Litigation	CA7750158
FBM CANADA GSD, INC.	Claim of Builders Lien	CA7847746
MEDINA CONCRETE SERVICES LTD.	Claim of Builders Lien	CA7883860
TUCUVAN CONSTRUCTION LTD.	Claim of Builders Lien	CA7914853
OMNI DRYWALL LTD.	Claim of Builders Lien	CA7929493
1223293 B.C. LTD.	Claim of Builders Lien	CA7992704
RAHUL GLASS LTD.	Claim of Builders Lien	CA7995006

together with any other charges, liens, encumbrances, caveats, mortgages, or certificates of pending litigation registered against the Lands subsequent to 11:33 am on January 23, 2020 being the time and date of the registration of the Petitioner's Certificate of Pending Litigation No. CA7996226 which had been released to permit registration of the Strata Plan herein.

6. The parties may apply for such further direction as may be necessary to carry out this Order.

BY THE COURT

REGISTRAR

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**ORDER MADE AFTER APPLICATION
(ORDER PREAPPROVING SALES PRICES)**

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