



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

This is the 1st affidavit of
Paul De Luca in this case and
was made on June 16th, 2026

No. KAM-S-S63874
Kamloops Registry

In the Supreme Court of British Columbia

Between

PEAK DEVELOPMENTS CORP.

Petitioner

and

G&T ROOFING LTD.

Respondent

AFFIDAVIT

I, Paul De Luca, of Suite 1310-95 Wellington Street W., Toronto, Ontario, AFFIRM THAT:

1. I am the AVP, Special Loans of Peoples Group, and as such have personal knowledge of the facts and matters hereinafter deposed to, save and 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. I am authorized to make this Affidavit on behalf of the petitioner.
2. I have read the Notice of Application herein and say that the matters and facts set out therein are true.
3. For the purposes of this Affidavit, I adopt the definitions set out in the Notice of Application filed herein, unless otherwise defined herein.
4. Attached to this affidavit and marked as Exhibit "A" is a true copy of the first pages of the Mortgage.

This is Exhibit "A" referred to in the affidavit of Paul De Luca sworn/affirmed before me at Toronto, Ontario this 16th day of June, 2026.



A Commissioner for taking Affidavits within Ontario

Madeline Tyber, Lawyer



Land Title Act
Mortgage
 Part 1 Province of British Columbia

KAMLOOPS LAND TITLE OFFICE
 DEC 12 2022 16:59:01.001
CB383780-CB383781

1. Application

Document Fees: \$152.64

Shauna Towriss, Cassels Brock & Blackwell LLP
2200, 885 West Georgia Street
Vancouver BC V6E 2M9
778.372.7664

LTO Client No: 121379572
 File No: 21923.81
 Peoples Trust / Peak

2. Description of Land

PID/Plan Number	Legal Description
031-836-780	LOT 1 DISTRICT LOT 2378 KOOTENAY DISTRICT PLAN EPP124173

3. Borrower(s) (Mortgagor(s))

PEAK DEVELOPMENTS CORP. 4500 5 ST NE #6 CALGARY AB T2E 7C3	A0125564
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4. Lender(s) (Mortgagee(s))

PEOPLES TRUST COMPANY / COMPAGNIE DE FIDUCIE PEOPLES 1130, 605 - 5TH AVENUE S.W. CALGARY AB T2P 3H5	A0033943
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5. Payment Provisions

Principal Amount \$20,722,875	Interest Rate 10% Per Annum	Interest Adjustment Date January 1, 2023
Interest Calculation Period Semi Annual, Not in Advance	Payment Dates 1st Day of Each Month	First Payment Date January 1, 2023
Amount of each periodic payment Interest Only	Interest Act (Canada) Statement. The equivalent rate of interest calculated half yearly not in advance is N/A % per annum	Last Payment Date July 1, 2025
Assignment of Rents which the applicant wants registered? Yes If yes, page and paragraph number: Paragraph 48, Pages S12 - S14 of the Form E Schedule	Place of payment Postal Address in Item 4	Balance Due Date July 1, 2025

6. Mortgage contains floating charge on land?

No

7. Mortgage secures a current or running account?

No



8. Interest Mortgaged

Fee Simple

9. Mortgage Terms

Part 2 of this mortgage consists of:

(b) Filed Standard Mortgage Terms

D F Number: **MT900183**

A selection of (a) or (b) includes any additional or modified terms.

10. Additional or Modified Terms

See Schedule

11. Prior Encumbrances Permitted by Lender

12. Execution(s)

This mortgage charges the Borrower's interest in the land mortgaged as security for payment of all money due and performance of all obligations in accordance with the mortgage terms referred to in item 9 and the Borrower(s) and every other signatory agree(s) to be bound by, and acknowledge(s) receipt of a true copy of, those terms.

Witnessing Officer Signature

Execution Date

Borrower / Party Signature(s)

A. Neil Hutton
Barrister & Solicitor
 300, 14505 Bannister Road S.E.
 Calgary AB T2X 3J3

YYYY-MM-DD

2022-12-09

PEAK DEVELOPMENTS CORP.
 By their Authorized Signatory

Name: Chris York

Name:

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, R.S.B.C. 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

**Shauna Kathleen
 Haynes Towriss
 R9HWBI**

**Digitally signed by
 Shauna Kathleen Haynes
 Towriss R9HWBI
 Date: 2022-12-12
 12:42:25 -08:00**

This is Exhibit "B" referred to in the affidavit of Paul De Luca sworn/affirmed before me at Toronto, Ontario this 10th day of June, 2026.



A Commissioner for taking Affidavits within Ontario

Madeleine Tyber, Lawyer

Advance Date	Advance Number	QS Claim Amount (Excludes: Prem. & App)	Gross Advance (Includes: Prem. & App)
Thursday, December 22, 2022	1	\$ 1,540,837.00	\$ 1,573,297.00
Thursday, May 4, 2023	2	\$ 1,202,701.00	\$ 1,217,735.00
Tuesday, July 4, 2023	3	\$ 947,064.00	\$ 958,902.00
Wednesday, October 4, 2023	4	\$ 829,935.00	\$ 840,309.00
Wednesday, November 1, 2023	5	\$ 841,838.00	\$ 852,360.98
Wednesday, December 6, 2023	6	\$ 976,641.00	\$ 988,849.01
Wednesday, December 20, 2023	7	\$ 729,609.00	\$ 738,729.11
Monday, January 29, 2024	8	\$ 708,965.00	\$ 717,827.06
Wednesday, February 21, 2024	9	\$ 1,002,240.00	\$ 1,014,768.00
Thursday, April 11, 2024	10	\$ 1,012,761.00	\$ 1,025,420.00
Thursday, May 2, 2024	11	\$ 1,119,140.00	\$ 1,133,129.25
Friday, May 31, 2024	12	\$ 1,061,413.00	\$ 1,074,680.66
Monday, July 8, 2024	13	\$ 914,632.00	\$ 926,065.00
Monday, July 29, 2024	14	\$ 879,476.00	\$ 890,470.00
Thursday, September 5, 2024	15	\$ 1,167,793.00	\$ 1,178,787.00
Wednesday, October 2nd, 2024	16	\$ 629,499.00	\$ 637,367.74
Wednesday, October 30, 2024	17	\$ 516,139.00	\$ 522,590.74
Tuesday, December 3, 2024	18	\$ 310,765.00	\$ 314,649.56
Thursday, January 16, 2025	19	\$ 468,899.00	\$ 474,760.24
	20	\$ -	\$ -
	21	\$ -	\$ -
	22	\$ -	\$ -
	23	\$ -	\$ -
	24	\$ -	\$ -
	25	\$ -	\$ -
	26	\$ -	\$ -
	27	\$ -	\$ -
	28	\$ -	\$ -
	29	\$ -	\$ -
	30	\$ -	\$ -
	Total to Date:	\$ 16,860,347.00	\$ 17,080,697.35

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Between

PEAK DEVELOPMENTS CORP.

Petitioner

and

G&T ROOFING LTD.

Respondent

A F F I D A V I T

OWEN BIRD LAW CORPORATION

PO Box 1, Vancouver Centre II
2900-733 Seymour Street
Vancouver, B.C. V6B 0S6

Attention: Jonathan L. Williams
File No. 23024-0139