



No. KEL-S-H-135244
KELOWNA REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

HARBOURFRONT HOLDINGS LTD.

PETITIONER

AND:

1245946 B.C. LTD.
RICHARD VERNON PROVOST
LINDSAY ANDREA KNITTER
HER MAJESTY THE QUEEN IN RIGHT OF CANADA
OCCUPANTS OF THE LANDS

RESPONDENTS

ORDER MADE AFTER APPLICATION

(ORDER NISI OF FORECLOSURE)

BEFORE

MASTER SCHWARTZ

WEDNESDAY, THE 23rd DAY
OF NOVEMBER, 2022

ON THE APPLICATION of the Petitioner coming on for hearing at Kelowna, British Columbia on November 23, 2022 and on hearing Sherryl Dubo, counsel for the Petitioner, and no one else appearing although duly served;

THIS COURT ORDERS that:

1. The mortgage and assignment of rents dated December 13, 2021, made between the Respondents, 1245946 B.C. Ltd. as Mortgagor, and Richard Vernon Provost as Covenantor, and the Petitioner as Mortgagee, and registered in the Kamloops Land Title Office on December 17, 2021 under numbers CA9593079 and CA9593080 (together the "**Mortgage**") constitutes a second mortgage and assignment of rents charging the following lands and premises:

PID: 031-114-440

Strata Lot 1, Section 19, Township 26, ODYD, Strata Plan EPS6505

PID: 031-114-458

Strata Lot 2, Section 19, Township 26, ODYD, Strata Plan EPS6505

PID: 031-114-466

Strata Lot 3, Section 19, Township 26, ODYD, Strata Plan EPS6505

PID: 031-114-474

Strata Lot 4, Section 19, Township 26, ODYD, Strata Plan EPS6505

PID: 031-114-482

Strata Lot 5, Section 19, Township 26, ODYD, Strata Plan EPS6505

PID: 031-114-491

Strata Lot 6, Section 19, Township 26, ODYD, Strata Plan EPS6505

(collectively the “**Lands**”) ranking in priority to the interests or claims in the lands of the Respondents and their heirs, executors, administrators, successors and assigns and all persons claiming by, through, or under each of them.

2. There has been default under the Mortgage and the amount of money due and owing under the Mortgage and the amount of money required to redeem the Lands is the sum of \$1,573,906.66 together with interest calculated in accordance with the Mortgage at the rate of 12% per annum to accrue until the Lands are redeemed or sold, whether or not redemption or sale occurs before or after the last date set for redemption herein, together with the Petitioner’s costs.
3. The last date for redemption is May 23, 2023.
4. The Respondents, 1245946 B.C. Ltd. and Richard Vernon Provost, jointly and severally, pay to the Petitioner the sum of \$1,573,906.66, together with the Petitioner’s costs of this proceeding.
5. The Petitioner is awarded its costs of and in connection with this proceeding at Scale A and such costs form a part of the amount of money due and owing to the Petitioner and the amount required to redeem, with a reservation for future costs.
6. Upon the Respondents or any of them, paying into court to the credit of this proceeding at the Kelowna Court Registry, 1355 Water Street, Kelowna, 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 before pronouncement of either order absolute of foreclosure or an order confirming a sale, the Petitioner shall re-convey the Lands free and clear of all encumbrances in favour of it or any person claiming by, through, or under the Petitioner or on the request of the Respondent so paying, the Petitioner shall assign the security and this proceeding as such Respondent may direct.
7. If the Lands are not redeemed, the Petitioner may apply for an order absolute of foreclosure at any time after the last date for redemption.
8. The Petitioner may apply to this Court for a further accounting of any amounts that become due to the Petitioner for interest, taxes, arrears of taxes, insurance premiums, appraisals, inspection and maintenance fees and such other costs, charges and expenses reasonably incurred by the Petitioner to monitor, safeguard, preserve or protect the Petitioner’s

security in the Lands or other amounts recoverable under its security, before and after the date of pronouncement of this Order, which amounts may be proved by Affidavit.

9. The following Occupants of the Lands are to be added as Respondents to this proceeding:
 - (a) Chad Moench, Brayden Hessler, and Hayley Cartwright (Unit 1);
 - (b) Francois St. Onge and Vilay Khammanivong (Unit 2);
 - (c) Sarah Garniss and Cole Cole (Unit 3);
 - (d) Nathan Obrigewitsch, Jen Obrigewitsch and Julie Pillon (Unit 4);
 - (e) Leanne Rockwell and Anthony Warmann (Unit 5);
 - (f) John Alex McGregor and Amanda McGregor (Unit 6).
10. The Respondent Her Majesty the Queen in Right of Canada be amended to the Respondent His Majesty the King in Right of Canada.
11. The style of cause in this proceeding be amended as follows:

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FRANCOIS ST. ONGE AND VILAY KHAMMMANIVONG
SARAH GARNISS AND COLE COLE
NATHAN OBRIGEWITSCH, JEN OBRIGEWITSCH AND JULIE PILLON
LEANNE ROCKWELL AND ANTHONY WARMANN
JOHN ALEX MCGREGOR AND AMANDA MCGREGOR

RESPONDENTS

12. All other relief claimed in the Petition to the Court herein is adjourned generally.

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 Sherryl A. Dubo
Lawyer for the Petitioner

By the Court

Registrar

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FILE NO. 5001-108

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