



NO. S-223926
VANCOUVER REGISTRY

IN THE SUPREME COURT OF CANADA
IN THE MATTER OF THE *STRATA PROPERTY ACT*, S.B.C. 1998, c.43
and
IN THE MATTER OF THE APPLICATION FOR
THE WIND-UP OF STRATA PLAN NWS289

BETWEEN:

THE OWNERS, STRATA PLAN NWS289

PETITIONER

AND:

1161359 B.C. Ltd. and each of the parties set out in
Appendices "A" and "B" to this Petition

RESPONDENTS

ORDER MADE AFTER APPLICATION

BEFORE Justice Milman

FRIDAY, THE 17th DAY OF
JUNE, 2022.

ON THE PETITION of the Petitioner, coming on for hearing at Vancouver, B.C., on Friday, the 17th day of June, 2022, and on hearing Peter J. Roberts, Q.C., counsel for the Petitioner, and upon reading Affidavit #1 of A. Eykelbosh, made May 12, 2022, Affidavit #1 of D. Lai, made May 9, 2022, Affidavit #1 of J. Williams, made May 11, 2022, Affidavit #2 of Janine Williams, made May 11, 2022, Affidavit #1 of P. Lewis, made June 1, 2022, and Affidavit #1 of R. Bhaloo, made June 1, 2022, and no one else appearing although duly served:

THIS COURT ORDERS that:

1. The resolution passed at the special general meeting of the strata corporation, The Owners, Strata Plan NWS289, held on February 15, 2022, at which it was resolved to:

- (a) approve the voluntary winding-up of strata corporation, The Owners, Strata Plan NWS289, and its dissolution;
- (b) approve the appointment of a liquidator, Derek Lai, CPA, CMA, CIRP, of Crowe MacKay & Company Ltd. (the “**Liquidator**”), to wind-up the strata corporation, The Owners, Strata Plan NWS289;
- (c) cancel Strata Plan NWS289;
- (d) dissolve the strata corporation, The Owners, Strata Plan NWS289;
- (e) confirm the Interest Schedule to be applied pursuant to section 278 of the *Strata Property Act*, S.B.C. 1998, c. 43 (the “**Interest Schedule**”);
- (f) approve the estimate of costs of winding-up of the strata corporation, The Owners, Strata Plan NWS289; and
- (g) surrender to the Liquidator each owner’s interest in:
 - (i) the land shown on Strata Plan NWS289, including the common property (the “**Cameray Gardens Lands**”);
 - (ii) the land held in the name of or on behalf of the strata corporation, but not shown on Strata Plan NWS289; and
 - (iii) the personal property held by or on behalf of the strata corporation, The Owners, Strata Plan NWS289 (the “**Strata Personal Property**”).

be and is hereby confirmed.

2. The appointment of Derek Lai, CPA, CMA, CIRP, of Crowe MacKay & Company Ltd., of 1100 - 1177 West Hastings St., Vancouver B.C., V6E 4T5, as the Liquidator of the strata corporation, The Owners, Strata Plan NWS289, be and is hereby confirmed pursuant to section 279 of the *Strata Property Act*, S.B.C. 1998, c. 43.

3. The Liquidator shall incur no liability or obligation as a result of its appointment or the carrying out of the terms of this Order, save and except for:

- (a) gross negligence or wilful misconduct on his part; or
- (b) amounts in respect of obligations imposed on liquidators by applicable legislation.

4. Upon the filing of a certified copy of this order in the Land Title Office, the interest of each of the Petitioner and the Respondents set out on Appendix "A" to this Order (collectively, the "Strata Owners") in:

- (a) the Cameray Gardens Lands; and
- (b) the Strata Personal Property;

shall be and is hereby surrendered to and vests in the Liquidator, subject to the mortgages, assignments of rent, land use contracts and other charges registered on title to Strata Lots 1 to 101 and the common property of the Cameray Gardens Lands.

5. It is hereby declared that, upon the surrender to and vesting in the Liquidator of title to the Cameray Gardens Lands, it has been proven to the satisfaction of the court on investigation that the Liquidator has good, safeholding and marketable title to the Cameray Gardens Lands.

6. It is ordered that the authority and powers of the Liquidator shall include:

- (a) to be paid reasonable remuneration out of the proceeds of any sale of Cameray Gardens Lands or the Strata Personal Property, subject to the right of any party to assess that remuneration;
- (b) to employ or retain such other professional services or advisors as are reasonably necessary for the winding up of the strata corporation, The Owners, Strata Plan NWS289, the cancellation of Strata Plan NWS289 and the marketing and sale of the Cameray Gardens Lands and the Strata Personal Property, including legal counsel, realtors and appraisers;
- (c) to publish a notice in compliance with section 331 of the *Business Corporations Act* in the Gazette and a newspaper circulating in the Burnaby area;

- (d) to deal with creditors of the strata corporation, The Owners, Strata Plan NWS289, including the payment, compromise or settlement of any claims by those creditors;
- (e) to pay costs, charges and expenses properly incurred and to be incurred in relation to the winding-up of the strata corporation, The Owners, Strata Plan NWS289 and the cancelation of Strata Plan NWS289;
- (f) to market and negotiate the sale of the Cameray Gardens Lands, or any individual strata lot thereof, and the Strata Personal Property;
- (g) to sell the Cameray Gardens Lands, subject either to the requirements of section 282 of the *Strata Property Act*, S.B.C. 1998, c. 43 or further order of the court;
- (h) to distribute the proceeds from the sale of the Cameray Gardens Lands and the Strata Personal Property in accordance with the Interest Schedule; and
- (i) at the sole discretion of the Liquidator, to seek further orders or directions as may be necessary from the Court.

7. The Interest Schedule be and is hereby approved, and that the Interest Schedule shall be the interest schedule for the purposes of sections 278 and 280 of the *Strata Property Act*, S.B.C. 1998, c. 43 and shall be used to determine each individual strata owners' share of the proceeds of distribution on any sale of the Cameray Gardens Lands and Strata Personal Property.

8. Pursuant to section 100(4)(a) of the *Land Title Act*, R.S.B.C. 1996, c.250, it is hereby ordered that the consents of the owners in fee simple of each of the strata units comprising the Cameray Gardens Lands and each holder of a registered charge on title to any of the strata units comprising the Cameray Gardens Lands are deemed to have been obtained and such consent is otherwise dispensed with for the purposes of filing any reference plan or an explanatory plan with the Land Title Office in relation to the Cameray Gardens Lands.

9. The Petitioner is entitled to recover its costs of this proceeding, on a solicitor and client basis, and such costs shall be paid from, and form a charge upon, the proceeds of any sale of the Cameray Gardens Lands or any individual strata lot thereof, including any deposits, and the Strata Personal Property.

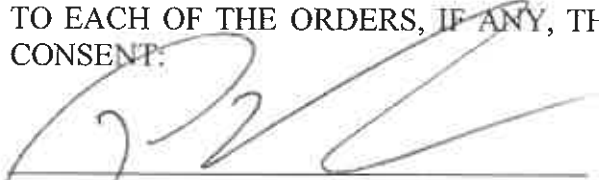
10. If necessary, all or a part of the proceeds from the sale of the Cameray Gardens Lands and the Strata Personal Property shall be paid into an interest bearing trust account held by

counsel for the Petitioners, Lawson Lundell LLP, and shall be paid-out as directed by the Liquidator in accordance with the Interest Schedule.

11. The parties to this proceeding be at liberty to apply to Court for such further and other directions and orders as may be necessary to carry out the full purpose and intent of these Orders, including the approval of any sale of the land shown on Stata Plan NWS289.

12. Endorsement as to the form of this Order by any party appearing at the hearing be and is hereby dispensed with.

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:



Peter J. Roberts
COUNSEL FOR THE PETITIONER

BY THE COURT *Milman, J.*



REGISTRAR



Appendix "A" to the Order

	REGISTERED OWNER NAME(S)	STRATA LOT
1.	Jenny Donna Dickison	1
2.	Fernando Marcelino Dutra De Sousa	2
3.	1276331 B.C. Ltd.	3, 6 14, 24 25, 26 28, 34 39, 41 42, 43 45, 48 53, 54 60, 61 73, 76 78, 82 87, 88 89, 90 91, 92 97
4.	Carmelia Maria Da Silva	4
5.	Hon-Ching Rudolph Cheng	5
6.	1161359 B.C. Ltd.	7, 10 11, 30 51, 55 57
7.	Ricky Hee Meng Lai	8
8.	Pia Faccio	9
9.	1184416 B.C. Ltd.	12, 52 58, 75 67
10.	Mark William Louttit and Sarah Kinuko Louttit	13
11.	Kenneth John Watson	15
12.	Li Ping Duan	16
13.	Norman Victori Leech	17

	REGISTERED OWNER NAME(S)	STRATA LOT
14.	Rolando Vinas Dizon and Narcisa Dizon	18
15.	Nicholas George Karamouzos and Maria Karamouzos	19
16.	Cui Ming Chen	20
17.	Yankui and Xin Tian	21
18.	Maria Da Natividade Almeida	22
19.	1237765 B.C. Ltd.	23, 36
20.	Ju-Shan Chiang and Flora Fu	27
21.	1184414 B.C. Ltd.	29, 44
22.	Amar Singh Bhatia and Naranjan Kaur Bhatia	31
23.	Phung Kim Vuong and Tuong Lam	32
24.	Monica Paola Aliaga	33
25.	Marcelino Lopes De Sousa and Olga Maria Dutra De Sousa	35
26.	1184413 B.C. Ltd.	37, 47
27.	Lualhati Ongkeko Crisostomo	38
28.	Richard Raymond Ravensbergen and Dawn Marie Ravensbergen	40
29.	Yuk Far Cheung and Yin On Cheung	46
30.	Gary Lucien Drees	49
31.	Thomas Patrick Fleming	50
32.	Wan Chen and Hong Yang	56
33.	Su Juan Situ	59
34.	Van Dao Nguyen and Thi Bich Hang Nguyen	62
35.	Julian Bozsik	63
36.	Christian Herbert Joson Lim and Iris June Calibugan Adiong	64
37.	Angela Joy Eykelbosh	65
38.	The Owners, Strata Plan NW289	66
39.	Nguyen Thanh Vuong and Tuyet Ngoc Du	68
40.	1161359 B.C. Ltd.	69
		70
41.	Om Parkash Loomba and Merran Loomba	71
42.	Suzanne Juanita Kudelski	72
43.	Yan Qiong Lu	74
44.	Ping He	77
45.	Edward Lawrence Thue	79
46.	Richard Charles Patrick Spencer and Diane Marie Spencer	80

	REGISTERED OWNER NAME(S)	STRATA LOT
47.	Arthur Summers Williamson	81
48.	Gary Dale Charter and Cristina Rimando Gapal	83
49.	Ju Tai Zhou and Yu Qing Li	84
50.	Zhi Hao Yang	85
51.	Daisy Cueto Evangelista and Maria Cherry Evangelista	86
52.	Megan Mary Burghall	93
53.	Nasim Bhaloo	94
54.	Hui Lin Dong and Li Wang	95
55.	Mansour Meshki	96
56.	Hsiang Chiao Huang	98
57.	Grace Joanna Levsen	99
58.	Ping Chor Chan	100
59.	So Fan Lee and Tak Tai Lui	101