



Affidavit No. 1 of Mario Mainella
Sworn (or affirmed) January 25, 2021

No. H200605
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

CANADIAN WESTERN BANK

PETITIONER

AND:

2173 ARGYLE AVENUE LIMITED PARTNERSHIP,
ARGYLE GP LTD., 1104194 B.C. LTD., ABANA CAPITAL
MANAGEMENT GROUP INC., ATTI MANAGEMENT
GROUP INC., ARMAN TEHRANI, 1224979 B.C. LTD.,
ASCENT DRYWALL AND COATINGS LTD., ILIR VUKAJ,
PF MECHANICAL LTD. and
TORR ELECTRIC LTD.

RESPONDENTS

AFFIDAVIT


I, Mario Mainella, CA, CIRP and Licensed Insolvency Trustee, of 430 - 505 Burrard Street, Vancouver, British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. I am a President of The Bowra Group Inc. ("Bowra"), the Receiver appointed on December 9, 2020 under security held by the Petitioner herein in relation to the Lands and Premises that are the subject matter of these proceedings and as such have personal knowledge of the matters hereinafter deposed to, save where stated to be on information and belief, and where so stated, I believe such matters to be true.
2. Since Bowra's instrument appointment as Receiver, I have attended the subject Lands and Premises, which comprise a Triplex development situate on Argyle Street in West Vancouver, B.C. (the "Project").
3. My first attendance at the Project was on December 4, 2020 where I arranged to meet with Mr. Amin Eskooch, a Director of the Respondent, 1224979 B.C. Ltd ("979").
4. Mr. Eskooch provided me with a tour of the Project.

5. During my tour he advised that the Borrowers/Developers had no further funding to complete the project and, for that reason, had abandoned the same. From my initial visual inspection it was apparent that while the Project appeared close to completion, there were a number of items that needed to be addressed in terms of completing work that had been started and to repair deficiencies.
6. Since the initial meeting, members of my staff have attended at the Project on several occasions in order to gain a greater understanding of the full extent of deficiencies and all other items needed to obtain a Final Occupancy Permit from the District of West Vancouver (the "District").
7. The following is a list of areas/ items that need to be attended, along with a cost estimate associated with the same, to in order to move the Project closer to completion and obtain the Occupancy Permit:
 - (a) Complete the Telus connection to the units at an estimated cost of between \$5,300 to \$7,300 depending on if sidewalk has to be removed/replaced;
 - (b) Ascertain if photos of storm connection to District's system are available from engineer or contractor, if not then excavation required for inspection by District, cost estimate of \$5,000 to \$6,500;
 - (c) Meet with consultants regarding unpaid invoices and cost to complete, with an estimated cost of \$5,000 to \$7,000;
 - (d) Arrange with architect for required schedules and reports for the Project to be submitted to the District for the issuance of an Occupancy Permit. Estimated cost of \$10,000;
 - (e) Meet with plumbing contractor to discuss work and costs required to complete remaining work, if any, and issue final certificate. Estimated cost of \$5,000;
 - (f) Meet with sprinkler contractor to discuss work and costs required to complete remaining work, if any, and issue final certificate. Estimated cost of \$1,500;
 - (g) Hire a contractor to assess and remedy miscellaneous existing in-suite deficiencies with an estimated cost of \$3,500;
 - (h) Engage a qualified contractor for a fit and finish contract as required for new home warranty coverage. Estimated costs of between \$1,800 to \$2,000 per unit;

- (i) Arrange for common area home warranty coverage with an estimated cost of \$6,000 to \$7,000;
 - (j) Ascertain if photos of the installation of the heating system are available from the engineer or contractor if not then may be required to remove drywall to allow for District's inspector to confirm installation meets code estimated cost to remove and replace drywall. Estimated cost of \$10,000 to \$15,000; and
 - (k) Add clean outs & clear storm drain per plumbing inspector's inspection. Estimated cost of \$4,000.
8. In addition, while the Borrowers/Developers filed a Strata Plan with the Land Title Office in September of 2020, that Plan has not yet been registered.
9. Someone is required to meet with the District of West Vancouver in order to determine what steps must be taken in order to have the Final Occupancy Permit issued and to meet with and liaise with the Land Title Office to ensure that the filed Strata Plan is registered so that individual legal title can be assigned to each unit in the Triplex on the Project.
10. Bowra's present appointment as Receiver by way of instrument does not provide Bowra with authority to, among other things, borrow funds to complete the Project, negotiate with Trades owed money by the Borrowers/Developers and to meet with and negotiate with the District of West Vancouver regarding the steps to obtain the Final Certificate of Occupancy and with the Land Title Office in terms of having the Strata Plan registered. The Receiver powers granted in the Model Order contain sufficient powers for Bowra, as Receiver, to address these issues and protect and preserve the subject lands and premises.

11. Bowra is prepared to act as Receiver and Manager of the assets, undertakings and properties of the Respondents, 2173 Argyle Avenue Limited Partnership, Argyle GP Ltd. and 1104194 B.C. Ltd., and will abide by the terms of any Order of the Supreme Court of British Columbia made in that regard.

SWORN (OR AFFIRMED) BEFORE ME at)
Vancouver, British Columbia, on)
January 25th, 2021.)
)
A Commissioner for taking Affidavits within)
British Columbia)


MARIO MAINELLA

THIS AFFIDAVIT is filed and delivered by Daniel D. Nugent, of the firm of Richards Buell Sutton LLP, Barristers and Solicitors, whose place of business and address for delivery is 700 - 401 West Georgia Street, Vancouver, BC V6B 5A1. Telephone: 604.682.3664.

SOFICA PARKER
*A Commissioner for Taking Affidavits
Within the Province of British Columbia*
**Suite 430 - 505 Burrard Street
Vancouver, B.C. V7X 1M3**
Appointment Expires: May 31, 2021