



No. VA-H170498  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

FORJAY MANAGEMENT LTD.

PETITIONER

AND:

0981478 B.C. LTD. and others

RESPONDENTS

**NOTICE OF APPLICATION**

**Name of Applicant:** The Bowra Group Inc., the Receiver and Manager for certain assets of  
0981478 B.C. Ltd. (the "Receiver")

To: The Respondents and the parties on the service list  
And to: Their Respective Solicitors;

And to: Natalie Lauren Chandler  
And to: Her Solicitors

TAKE NOTICE that an application will be made by the applicants either via telephone or by Microsoft Teams, to Madam Justice Fitzpatrick at the courthouse at 800 Smithe Street, Vancouver, B.C. on February 19, 2021 at 9:30 a.m. for the orders set out in Part 1 below.

**Covid-19 Notice No. 42 Required Information:**

The contact information of the applicants' counsel is as follows:

Daniel D. Nugent  
Richards Buell Sutton LLP  
700 - 401 West Georgia Street  
Vancouver, B.C. V6B 5A1  
Telephone: 604 595 9917

Email: Counsel: [dnugent@rbs.ca](mailto:dnugent@rbs.ca)  
Assistant: [dramsey@rbs.ca](mailto:dramsey@rbs.ca)

## Part 1: ORDERS SOUGHT

1. The Receiver applies for an order in substantially the form of order attached hereto as **Schedule "A"**:
  - a) Declaring that \$151,574.76 (the "**Residual Monies**") paid in trust to legal counsel for The Bowra Group Inc, the Receiver over certain assets of the Respondent 0981478 B.C. Ltd ("**098**") appointed by Order of the Honorable Madam Justice Fitzpatrick dated October 4, 2017, as amended by a further Order dated October 12, 2017 (collectively, the "**Receivership Order**") arising from those foreclosure proceedings commenced by Lanyard Investments Inc. ("**Lanyard**") in the Supreme Court of British Columbia, Kelowna Registry Action No. 114450, and the Vesting Order issued there in on Friday, July 13, 2018 by the Honorable Madam Justice (the "**Vesting Order**"), represent Property of 098 and subject to the Receiver's Charge granted by the Receivership Order.

## Part 2: FACTUAL BASIS

### Background Facts

1. These are receivership proceedings in respect of the Development, of a 92-unit strata condominium project known as "Murrayville House" located at 5020 - 221A Street Langley, British Columbia. Construction of the Development was initially to be completed in early 2016, but due to several delays substantial completion was not in place until August of 2017.
2. Pursuant to the Receivership Order, The Bowra Group Inc. was appointed receiver of the Development and related assets. The terms of the Receivership Order include the power to both market and sell units in the Development.
3. Paragraph 17 of the Receivership Order grants the Receiver and its legal counsel a first charge over the Property of 098 as security for their reasonable fees and disbursements.
4. As part of its duties, the Receiver undertook a review and analysis of the pre-sale agreements entered into between 098 and various purchasers with respect to strata lots or units in the Development. The Receiver discovered that 098 entered into more than 150 pre-sale agreements for 91 units in the Development, meaning that a number of the

units were sold more than once. Further, the Receiver identified 56 of the pre-sale agreements where 098 issued the purchaser a promissory note for monies received by 098, which the Receiver determined amounted to \$10.9 million in total.

5. From this review the Receiver also determined that prior to June 1, 2015 there were 21 pre-sale agreements between 098 and various purchasers for units in the Development, pursuant to which 098 received payments totaling \$3,146,600.

**Affidavit #31 of Christopher Bowra made on February 3, 2021**

6. The Receiver also reviewed affidavit evidence produced in other proceedings involving 098 and the Respondent, Mark Chandler, and discovered that 098 paid monies towards the purchase of other properties, including the residential property located at 3908 Bluebird Road, Kelowna, BC (the "**Bluebird Property**"). Natalie Lauren Chandler, the wife of Mr. Chandler, purchased the Bluebird Property on or about August, 2015.

**Affidavit #1 of Jaspreet Dhaliwal made on March 5, 2018 in *Kaur v. Chandler and 208<sup>th</sup> Street Yorkson* (the "**Kaur Litigation**") at p. 15, paras. 59-65**

**Affidavit #1 of Natalie Lauren Chandler made on March 5, 2018 – *Kaur Litigation* – paras. 3-11, Exhibits "A to E"**

7. At all material times to these proceedings, Jaspreet Dhaliwal was employed with the Newmark Group of Companies ("**Newmark**"), an entity controlled by Mr. Chandler.
8. Per Mr. Dhaliwal's affidavit, and the Receiver's review of 098's financial records, 098 made four payments towards the purchase of the Bluebird Property totaling \$1,098,916.04. All of the payments were made from 098's CIBC bank account number 00720 30-14312.
9. These payments are broken down as follows:

- (a) On June 11, 2015, 098 made a payment of \$75,080 to Horizon Realty Ltd. ("**Horizon**") who acted as Mrs. Chandler's realtor in the purchase of the Bluebird Property;
- (b) On July 20, 2015, 098 made a further payment of \$100,080 to Horizon. Ms. Chandler advised Mr. Dhaliwal that this \$100,000 payment formed part of the \$400,000 deposit for the Bluebird Property;

- (c) On July 21, 2015, 098 made a \$100,000 payment to the law firm of Pushor Mitchell LLP. Mrs. Chandler advised Mr. Dhaliwal that this \$100,000 payment formed part of the deposit for the Bluebird Property; and
- (d) 098 also paid an additional \$823,756.04 towards the purchase price of the Bluebird Property. Mrs. Chandler advised Mr. Dhaliwal that this \$823,756.04 payment represented Mrs. Chandler's portion of the purchase price payable upon completion.

**Affidavit #1 of Jaspreet Dhaliwal made on March 5, 2018 in the Kaur Litigation- paras. 61 to 64**

**Affidavit # 31 of Christopher Bowra made on February 3, 2021 - Exhibit A**

- 10. The use of 098 money to assist in the purchase of the Bluebird property by Mrs. Chandler is further confirmed in her Affidavit filed in the Kaur Litigation.

**Affidavit #1 of Natalie Lauren Chandler made on March 5, 2018 in the Kaur Litigation, paras. 8-10**

- 11. In the summer of 2016 Mrs. Chandler refinanced the first and second mortgages against the Bluebird Property, pursuant to which she granted Lanyard a first mortgage over the property as well as a second mortgage to Versatile Mortgage Corp. ("Versatile").

**Affidavit #1 of Natalie Lauren Chandler, made on March 5, 2018 in the Kaur Litigation, paras. 12-14**

- 12. The Lanyard mortgage went into default, and in the result Lanyard commenced foreclosure proceedings over the Bluebird Property (the "Lanyard Foreclosure").
- 13. The only Respondents in the Lanyard Foreclosure were Mrs. Chandler and Versatile, though a group of litigants in these proceedings known as the "Kaur Group" filed a Certificate of Pending Litigation against the Bluebird Property in relation to advances they made to either 098 and/or Mr. Chandler, which they claimed were used to purchase the Bluebird Property.
- 14. Pursuant to the Vesting Order granted by Madam Justice Gropper in the Lanyard Foreclosure, a sale of the Bluebird Property was approved, with the amounts due and

owing to Lanyard and Versatile paid in full from the sale proceeds. Para. 5(e) of the Vesting Order states:

*"The balance (the "Residual"), if any, be paid to Webster & Coombe LLP (sic), in trust who will hold the Residual pending further order of the Court. The Residual will stand in the place of the Lands and Premises and his Order will be without prejudice to the rights of any party who asserts a claim to an interest in the Lands and Premises, or any party thereof".*

15. On or about November 23, 2018, in accordance with the terms of the Vesting Order, counsel for the Receiver was paid, in trust, the sum of \$151,415.01. Counsel for the Receiver eventually paid these monies, plus accrued interest, for a total of \$151,574.76, to the Receiver in December of 2019, which monies are being held by the Receiver pending further Order of the Court.
16. Since the granting of the Vesting Order, no party, including Mrs. Chandler, has asserted a claim to the Residual Monies arising from an interest in the Bluebird Property.

### **Part 3: LEGAL BASIS**

1. Property is defined under s. 2 of the Bankruptcy & Insolvency Act, R.S.C. 1985, c. B-3, as amended, and includes the following:

*"any type of property, whether situated in Canada or elsewhere, and includes money, goods, things in action...."*
2. Money from 098's CIBC Bank account was used to purchase the Bluebird Property. As a result, the Residual Monies are Property of 098 as defined in the Receivership Order.
3. It is unclear to what extent, if any, Mrs. Chandler asserts a right to the Residual Monies. However, any interest she may try to claim is subordinate to the right of the Receiver to claim these monies under the terms of the Receivership Order.
4. Paragraph 17 of the Receivership Order grants the Receiver, among other things, a first-charge against the Property of 098 as security for its fees and disbursements, including those of its legal counsel.
5. As a result, the Residual Monies are subject to the Receiver's Charge granted under the Receivership Order.
6. Rules 8-1, 21-7 of the Supreme Court Rules;
7. *Law and Equity Act*, R.S.B.C. 1996, c. 253;

8. Bankruptcy & Insolvency Act, R.S.C. 1985, c. B-3, sections 2 and 67
9. *Forjay Management Ltd. vs. 0981478 B.C. Ltd. et al*, 2019, BCSC, 238;

**Part 4: MATERIAL TO BE RELIED ON**

1. Receivership Order of Madam Justice Fitzpatrick, pronounced October 4, 2017, as amended on October 12, 2017;
2. Vesting Order granted by Madam Justice Gropper in the Lanyard Foreclosure proceedings on July 13, 2018;
3. Affidavit #1 of Jaspreet Dhaliwal made on March 5, 2018 in the Kaur Litigation, Exhibit AAA;
4. Affidavit # 1 of Natalie Lauren Chandler made on March 5, 2018 in the Kaur Litigation, Exhibits A-D; and
5. Affidavit #31 of Chris Bowra made on February 3, 2021.

The applicant(s) estimate(s) that the application will take 15 minutes.

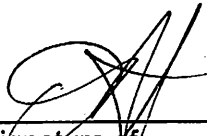
This matter is within the jurisdiction of a master.

This matter is not within the jurisdiction of a master. Madam Justice Fitzpatrick is seized of this matter.

**TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION:** If you wish to respond to this notice of application, you must,

- (a) file an application response in Form 33 within 5 business days after the date of service of this notice of application or, if the application is brought under Rule 9-7 of the Supreme Court Civil Rules, within 11 days after the date of service of this notice of application, and
- (b) at least two days before the date set for the hearing of the application, serve on the applicant 2 copies, and on every other party one copy, of filed copy of the application response and other documents referred to in Rule 9-7(12) of the Supreme Court Civil Rules.

Dated: 08/Feb/2021

  
\_\_\_\_\_  
Signature of  
 applicant  lawyer for the applicant  
Daniel D. Nugent

**To be completed by the court only:**

Order made:

in the terms requested in the paragraphs \_\_\_\_\_ of Part 1 of this notice of application

with the following variations and additional terms:

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of  Judge  Master

**Appendix**

**THIS APPLICATION INVOLVES THE FOLLOWING:**

- discovery: comply with demand for documents
- discovery: production of additional documents
- other matters concerning document discovery
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts

**SCHEDULE "A"**

**(Form of Order)**



**SCHEDULE 'A'**

No. VA-H170498  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN:**

**FORJAY MANAGEMENT LTD.**

**PETITIONER**

**AND:**

0981478 B.C. LTD., MARK CHANDLER, CANADIAN WESTERN TRUST COMPANY in trust, HMF HOME MORTGAGE FUND CORPORATION, 625536 B.C. LTD., JAMES MERCIER, MORRIS KADYLO, URSZULA PIASECZNA, U.S. BANK NATIONAL ASSOCIATION, BARAMUNDI INVESTMENTS LTD., CHARANJIT KAUR, SIMRAT VIRDI, MUKHTIAR SINGH NIJJAR, MOHAN VILKHU, JASPREET SINGH KHATRA, AMANDEEP SINGH DHALIWAL, NIRMAL SINGH CHOCHAN, SAJAL JAIN, SUPARNA JAIN, BABAL RANI BANSAL, SATPAL BANSAL, PARMINDER K. MANN, LEENA JAIN, VASANT PATEL, 1074936 B.C. LTD. 1084165 B.C. LTD., 1084164 B.C. LTD., 1084322 B.C. LTD., SURJIT KAUR PARMAR, HARBHAJAN SINGH PARMAR, DALJEET KAUR GILL, BHASHAM KAUR GILL, 812 CAPITAL HOLDINGS LTD., CATALYST ASSETS CORP., 0951019 B.C. LTD., WONDER MARBLE & STONE INC., INTECH PAY LTD. 1086286 B.C. LTD., 1085537 B.C. LTD., 1083516 B.C. LTD., and RELIABLE MORTGAGES INVESTMENT CORPORATION

**RESPONDENTS**

**ORDER MADE AFTER APPLICATION**

BEFORE ) ) THE HONORABLE MADAM JUSTICE ) ) FRIDAY, the 19<sup>th</sup>  
 ) ) FITZPATRICK ) ) DAY OF FEBRUARY, 2021  
 ) ) ) ) )

ON THE APPLICATION of The Bowra Group Inc., in its capacity as court-appointed receiver (the "Receiver") of certain property and assets of 0981478 B.C. Ltd. ("098"), coming on for hearing at Vancouver, British Columbia on the 19th day of February, 2021, and on hearing, by telephone and/or Microsoft Teams, Daniel D. Nugent, counsel for the Receiver, and on notice to Natalie Lauren Chandler and on reading the material filed;

THIS COURT ORDERS AND DECLARES THAT:

1. The sum of \$151,574.76 (the "Residual Monies") paid to the Receiver, in trust, pursuant to the terms of the Order of the Honorable Madame Justice Gropper issued

on July 13, 2018 in those proceedings commenced by Lanyard Investments Inc. in the Supreme Court of British Columbia, Kelowna Registry Action No. 114450, is Property of 098 as defined in the Order granted in these proceedings by the Honorable Madam Justice Fitzpatrick on October 4, 2017, as amended by a further Order dated October 12, 2017 (collectively, the "Receivership Order"); and

2. The Residual Monies are subject to the Receiver's Charge for the reasonable fees and disbursements of the Receiver and its legal counsel as defined in paragraph 17 of the Receivership Order.
3. Endorsement of this Order by parties appearing, other than counsel for the Receiver, 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:

---

Signature of Daniel D. Nugent  
Lawyer for the Receiver and Applicant

BY THE COURT

---

Registrar

No. VA-H170498  
VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN

FORJAY MANAGEMENT LTD.

PETITIONER

AND

0981478 B.C. LTD. et al

RESPONDENTS

---

**ORDER MADE AFTER APPLICATION**

---

DDN/drr/50860-0001

**RICHARDS BUELL SUTTON LLP**

*Barristers and Solicitors*

700 - 401 West Georgia Street

Vancouver, BC V6B 5A1

Phone: (604) 682-3664

Fax: (604) 688-3830

**Attention: Daniel D. Nugent/Diana Ramsey**