

11-Sep-17

REGISTRY

NO. H193823
NEW WESTMINSTER 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.

RESPONDENTS

RESPONSE TO PETITION

Filed by: Charanjit Kaur, Simrat Virdi, Mukhtiar Singh Nijjar, Mohan Vilkh, Jaspreet Singh Khatra, Amandeep Singh Dhaliwal, Nirmal Singh Chohan, 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.

(the “**Petition Respondents**”)

THIS IS A RESPONSE TO the Petition filed on August 25, 2017

Part 1: ORDERS CONSENTED TO

The Petition Respondent consents to the granting of the orders set out in the following paragraphs of Part 1 of the Petition:

Nil

Part 2: ORDERS OPPOSED

The Petition Respondent opposes the granting of the orders set out in the following paragraphs of Part 1 of the Petition:

Unknown. The Petition Respondent reserves the right to oppose orders as the proceedings continue and such further application materials are received.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The Petition Respondent takes no position on the granting of orders set out in the following paragraphs of Part 1 of the Petition:

Unknown

Part 4: FACTUAL BASIS

1. The Petition Respondents have commenced an action in Supreme Court of British Columbia Vancouver Registry Action No. S177349 (the “**Action**”) with respect to 24 of the properties being the subject of this proceeding (the “**Strata Lots**”). A Certificate of Pending Litigation was filed in the Action against title to the Strata Lots under registration No. CA6205428 on August 8, 2017.
2. In or around the period January through November, 2016, the Petition Respondents entered into various agreements of purchase and sale (the “**Agreements**”) with the Respondent, 0981478 B.C. Ltd. (“**478**”) for the purchase of the Strata Lots, pursuant to which, *inter alia*, deposits were paid by the Petition Respondents for each of the Strata Lots (the “**Deposits**”) and were to be held in trust by Lando & Company LLP as a stakeholder.
3. The Petition Respondents claim that 478 is in breach of the terms of the Agreements and reserve the right to claim the Deposits are trust property.
4. The Petition Respondents do not currently anticipate taking any position on the hearing of the Petition, however, reserve the right to do so upon confirmation of the relief being

sought and all application materials in respect of these matters as the proceedings continue.

5. The Petition Respondents request that they be given notice of the hearing of the Petition, and any subsequent or other applications filed in these proceedings.

Part 5: LEGAL BASIS

6. Rule 16-1(4) of the Supreme Court Civil Rules

Part 6: MATERIAL TO BE RELIED ON

7. Such Affidavits as may be provided should the Petition Respondents oppose any application to be brought herein.

The Petition Respondent estimates that the application will take 5 minutes.

Dated at the City of Vancouver, in the Province of British Columbia, this 11th day of September, 2017.

LAWSON LUNDELL LLP (per Thomas D. Boyd)
Lawson Lundell LLP
Solicitors for the Petition Respondent

The Petition Respondent's address for service is:

c/o Lawson Lundell LLP
1600 – 925 West Georgia Street
Vancouver, BC V6C 3L2
(Attention: Heather M.B. Ferris/Thomas D. Boyd)

Fax number for delivery is: (604) 669-1620

Email for delivery is: hferris@lawsonlundell.com

The name and office address of the Petition Respondent's solicitor is as set out above.