



**NO. H-193823**  
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 ASSOCIATE, BARAMUNDI INVESTMENTS LTD., CHARANJIT KAUR, SIMRAT VIRDI, MUKHTUAR SINGH NIJAR, MOHAN VILKHU, JASPREET SINGH KHATRA, AMANDEEP SINGH DHALIWAL, NIRMAL SINGH CHOHAN, SAJAL BANSAL, PARMINDER K. MANN, LEENA JAIN, VASANT PATEL, 1074936 B.C. LTD., SURJIR 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. and 1083516 B.C. LTD.

RESPONDENTS

**RESPONSE TO PETITION**

Filed by: Urszula Piaseczna (the "Petition Respondent")

THIS IS A RESPONSE TO the petition filed 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:

All

### **PART 3: ORDERS ON WHICH NO POSITION IS TAKEN**

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

Nil

### **PART 4: FACTUAL BASIS**

1. The Petition Respondent has commenced an action in Supreme Court of British Columbia Vancouver Registry Action No. S-174193 (the “**Action**”) with respect to one of the properties being the subject of this proceeding, legally described as follows:

PID: 029-991-790  
Strata Lot 92 Section 6 Town 11 New Westminster District Strata Plan EPS3408 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V.

(“**Strata Lot 92**”)
2. A Certificate of Pending Litigation was filed in the Action against title to Strata Lot 92 under registration No. CA5979565 on May 8, 2017.
3. On or about February 23, 2015, the Petition Respondent entered into a contract of purchase and sale (the “**Contract**”) with the Respondent, 0981478 B.C. Ltd., for the purchase of Strata Lot 92, pursuant to which, *inter alia*, the purchase price of \$150,000.00 was fully paid by the Petition Respondent.
4. Since about February 23, 2015, the Respondent, 0981478 B.C. Ltd., has held all right, title and interest in Strata Lot 92 as trustee for the benefit of the Petition Respondent, as beneficiary. At all material times, the Respondent, 0981478 B.C. Ltd., owed the Petition Respondent a common law duty of utmost good faith regarding its handling of Strata Lot 92.
5. Further, at a time unknown to the Petition Respondent, but sometime after the Contract was entered into, the Petition Respondent became aware that the Respondent, 0981478 B.C. Ltd., had entered into an Agreement of Purchase and Sale with a third party for Strata Lot 92. This Agreement of Purchase and Sale was entered into without the knowledge or consent of the Petition Respondent who as a result of the Contract is the beneficial owner of the Unit.
6. The Petition Respondent claims that the Respondent, 0981478 B.C. Ltd., is in breach of the Contract and reserves the right to claim the purchase price of \$150,000.00 as trust property.

7. The Orders that the Petitioner is seeking would deprive the Petition Respondent of ownership of Strata Lot 92 which she has already paid for.

**PART 5: LEGAL BASIS**

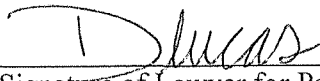
1. The Petition Respondent relies on the *Supreme Court Civil Rules* including Rules 16-1 and 21-7.
2. The Petition Respondent further relies on the law of contract, equity, specific performance, breach of fiduciary duty and unjust enrichment.

**PART 6: MATERIAL TO BE RELIED ON**

1. Such material as counsel for the Petition Respondent may advise.

The Petition Respondent estimates that the application will take **20 minutes**.

Dated September 18, 2017

  
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Signature of Lawyer for Petition Respondent  
Kornfeld LLP

*Devin P. Lucas*

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