



NEW-S-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 ASSOCIATION,
BARAMUNDI INVESTMENTS LTD.,
CHARANJIT KAUR, SIMRAT VIRDI,
MUKHTIAR SINGH NIJJAR, MOHAN VILKHU,
JASPREET SINGH KHATRA, AMANDEEP SINGH DHALIWAL,
NIRMAL SINGH CHOHAN, SAJAL JAIN, SUPARANA 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

Form 67 (Rule 16-1 (5))

Filed by: 625536 B.C. Ltd. (the "Petition Respondent")

THIS IS A RESPONSE TO the petition filed 25 August 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 paragraphs **All** of Part 1 of the petition.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The petition respondent takes no position on the granting of the orders set out in **NIL** paragraphs of Part 1 of the petition.

Part 4: FACTUAL BASIS

1. The Petition Respondent was joined as a respondent to this proceeding by virtue of a mortgage registered in the New Westminster Land Title Office under CA3746996 on May 28, 2014.
2. The Petition Respondent's mortgage ranks third in priority.
3. The strata development in question has been completed. Closings are anticipated to commence shortly.
4. The amount claimed by the Petitioner under its mortgage, which has a face value of only \$10,000,000 (at 12% p.a., compounded monthly), is inaccurate, misleading and excessive.
5. The Petition Respondent denies that any amount in excess of \$10,000,000 (plus interest) advanced by the Petitioner, or the Petitioner's co-mortgagees, ranks in priority to the monies due under the Petition Respondent's mortgage, and it puts the Petitioner to the strict proof thereof.
6. A trial is required to resolve what amount is owing under the Petitioner's mortgage and to settle the priorities amongst the various financial charge holders.

Part 5: LEGAL BASIS

1. Rules 21-7 and 22-1(7)(d), and section 8 of the *Law and Equity Act*, R.S.B.C. 1996, c. 253.

Part 6: MATERIAL TO BE RELIED ON

1. Such material as counsel advise.

The petition respondent estimates that the application will take 30 minutes.

Date: 5 September 2017



SHIELDS HARNEY
(Per Jeremy E. Shragge)
Lawyer for 625536 B.C. Ltd.

Petition respondent's address for service:

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