

Affidavit #1 of Derek Lai,
sworn September 12, 2023

No. 5-236296
Vancouver Registry



IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *STRATA PROPERTY ACT*, S.B.C. 1998, c.43

and

**IN THE MATTER OF THE APPLICATION FOR THE WIND-UP OF
STRATA PLAN NW2599**

BETWEEN:

THE OWNERS, STRATA PLAN NW2599,
CROWE MACKAY & COMPANY LTD., AS LIQUIDATOR OF
THE OWNERS, STRATA PLAN NW2599,
and each the parties set out in Appendix "A" to the Petition

PETITIONER

AND:

VANCOUVER CITY SAVINGS CREDIT UNION,
RELIABLE MORTGAGES INVESTMENT CORP.,
TORONTO DOMINION BANK,
COAST CAPITAL SAVINGS FEDERAL CREDIT UNION,
ROYAL BANK OF CANADA,
SCOTIA MORTGAGE CORPORATION,
COMPUTERSHARE TRUST COMPANY OF CANADA,
CANADIAN IMPERIAL BANK OF COMMERCE,
FIRST WEST CREDIT UNION,
THE BANK OF NOVA SCOTIA,
ICICI BANK CANADA,
THE CROWN IN RIGHT OF BRITISH COLUMBIA,
CITY OF CHILLIWACK
and each the parties set out in Appendix "B" to the Petition

RESPONDENTS

AFFIDAVIT

I, Derek Lai, Chartered Professional Accountant, of Crowe MacKay & Company Ltd., of 1100 – 1177 West Hastings Street, Vancouver, British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. I am a partner of Crowe MacKay LLP and a senior vice president of Crowe MacKay & Company Ltd. ("**Crowe MacKay**") and am a chartered professional accountant, a licensed insolvency trustee, a chartered insolvency and restructuring professional and a certified fraud examiner.
2. I have had various discussions with Edward Wilson, legal counsel for the Petitioner, The Owners, Strata Plan NW2599, ("**Hazelwood Manor Strata**"), regarding the winding up of the Hazelwood Manor Strata and as such I have personal knowledge of the facts deposed to in this Affidavit, save and except where stated to be based on information and belief and where so stated, I verily believe the same to be true.
3. I understand that a special general meeting of the Hazelwood Manor Strata was held on August 24, 2023 and that the requisite resolutions were passed to wind-up the Hazelwood Manor Strata, including a resolution appointing Crowe MacKay as the liquidator for the Hazelwood Manor Strata. I will be the individual at Crowe MacKay with primary responsibility for and the conduct of acting as liquidator of the Hazelwood Manor Strata.
4. Crowe MacKay meets the qualifications of a liquidator imposed by the *Strata Property Act*, the *Business Corporations Act* and the *Personal Property Security Act*, by being a corporation licensed as a trustee under the *Bankruptcy and Insolvency Act*. Attached and marked as **Exhibit "A"** to my Affidavit is a true copy of a Trustee Licensee issued by Industry Canada to Crowe MacKay.
5. I have over 15 years' experience in public practice in the area of insolvency, restructuring, or forensic accounting, including, but not limited to, court-ordered sales, private or court appointed receiverships, formal or informal restructurings, bankruptcies and court appointed or informal liquidations, which I believe are skills transferable to these strata windup proceedings. I have also had primary conduct as liquidator of several other strata windup proceedings, including, but not limited to, the wind-up and sales of The Owners, Strata Plan VR365, known as Garden Court, ("**VR365**"), The Owners, Strata Plan NWS837, known as Ascott Wynde, ("**NWS837**"), The Owners, Strata Plan LMS992 ("**LMS992**"), known as Joyce Place, The

Owners, Strata Plan NWS289 (“NWS289”), known as Cameray Gardens, and The Owners, Strata Plan VR456 (“VR456”), known as Spruce West. VR365 was a 53 strata lot residential property located at 1830 Alberni Street in Vancouver. The sale of VR365 completed on March 12, 2018. NWS837 was a 102 strata lot residential property located at 8751 Citation Drive and 8880 Cook Road in Richmond. The Sale of NWS837 completed on July 10, 2018. LMS992 is a mixed-use strata development comprised of 52 residential strata lots located in a 12-storey tower, eight townhouse units, and three non-residential strata lots located at the ground floor of the Tower. The sale of LMS992 was approved in October 2022 with the sale currently set to complete in late 2023. NWS289 is a low-rise strata development comprised of 101 residential strata lots located in Burnaby, BC. The sale of NWS289 is scheduled to complete in late 2023. VR456 is a 6-unit multi-family strata building located in Vancouver, BC. The winding-up of VR456 was appealed by an owner and heard in the BC Court of Appeal in or around May 2023. To the best of my knowledge, a decision has not yet been released with respect to the appeal of VR456.


6. I confirm that Crowe MacKay accepts the appointment as liquidator for the Hazelwood Manor Strata in this proceeding.

7. I swear this Affidavit in support of an application brought by the Petitioner pursuant to section 278.1 of the *Strata Property Act* for an order confirming a winding up resolution of the Petitioner, The Owners, Strata Plan NW2599.

SWORN BEFORE ME at Vancouver,
British Columbia, this 12th day of
September, 2023.

A Commissioner for taking Affidavits
for British Columbia

JONATHAN McNAIR
A Commissioner for Oaths in and
for the Province of British Columbia
Expiry date: June 30, 2024


DEREK LAI

Innovation, Science and
Economic Development Canada
Office of the Superintendent
of Bankruptcy Canada

Innovation, Sciences et
Développement économique Canada
Bureau du surintendant
des faillites Canada

Licensed Insolvency Trustee

Bankruptcy and Insolvency Act (section 13.1)

Syndic autorisé en insolvabilité

Loi sur la faillite et l'insolvabilité (article 13.1)

This is Exhibit "A" referred to in the
affidavit of PEREK I.A.I
sworn before me at VANCOUVER, BC
this 12th day of SEPTEMBER 2023

This is to certify that *Ce document atteste que*

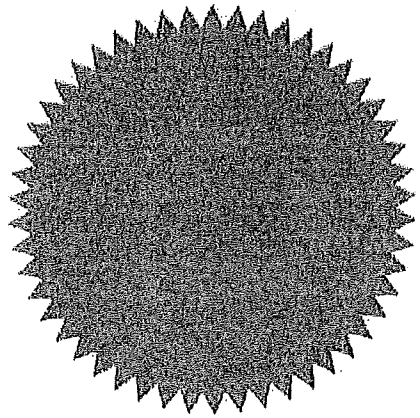
Crowe Mackay & Company Ltd.

is a Licensed Insolvency Trustee

est un syndic autorisé en insolvabilité

A Commissioner for taking Affidavits
For British Columbia

JONATHAN McNAIR
A Commissioner for Oaths in and
for the Province of British Columbia
Expiry date: June 30, 2024



[Handwritten Signature]

Superintendent of Bankruptcy
Surintendant des faillites

2016-07-08

Date

Canada



Protecting the
Integrity of the
Insolvency System

Protéger l'intégrité
du système
d'insolvabilité



**Innovation, Science and
Economic Development Canada**
Office of the Superintendent
of Bankruptcy Canada

**Innovation, Sciences et
Développement économique Canada**
Bureau du surintendant
des faillites Canada

for the bankruptcy district(s) of

Alberta
British Columbia
Northwest Territories
Nunavut
Yukon

pour le(s) district(s) de faillite de

Alberta
Colombie-Britannique
Nunavut
Territoires du Nord-Ouest
Yukon

Canada



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