



No. S-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.,
THE 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
THE CROWN IN RIGHT OF BRITISH COLUMBIA
CITY OF CHILLIWACK
and each the parties set out
in Appendix "B" to the Petition

RESPONDENTS

RESPONSE TO PETITION

Filed by: Scotia Mortgage Corporation ("SMC") and The Bank of Nova Scotia ("BNS") (collectively the "Petition Respondents")

THIS IS A RESPONSE TO the petition filed: September 12, 2023

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: NIL

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The Petition Respondent takes no position to the granting of the orders set out in the following paragraphs of Part 1 of the petition: 1, 2, 3, 4 (provided that the mortgages held by the Petition Respondents are paid in full), 5, 6, 7, 8, 9 (provided that such costs be subject to the right of any party to assess such costs, 10, 11, 12.

Part 4: FACTUAL BASIS

1. The Petition Respondent, Scotia Mortgage Corporation, is the holder of a mortgage registered against title to Strata Lot 20 (Registered over Douglas Alan Villiers Surtees) Under No. CA7636122;
2. The Petition Respondent, The Bank of Nova Scotia, is the holder of a mortgage and assignment of rents registered against title to Strata Lot 5 (Registered over James Christian Wiles) Under No. CA9058477 and CA9058478, respectively;
3. There is a mortgage in favour of the Petition Respondent, The Bank of Nova Scotia, registered against title to Strata Lot 27 (Registered over Peter Merky Foort and Anh My Foort) but that mortgage has been paid and no funds are owing in respect of this mortgage.
4. The Petition Respondents do not oppose the wind up of The Owners, Strata Plan NW2599 or the sale of the Hazelwood Manor Lands proposed by the Petitioners provided that the aforementioned mortgages of the Petition Respondents are paid in full from the sale proceeds.

Part 5: LEGAL BASIS

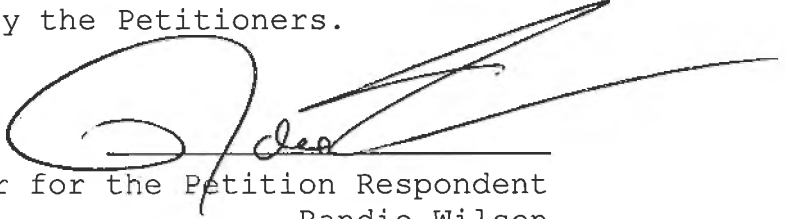
1. Rules 16-1(4) of the Supreme Court Civil Rules

Part 6: MATERIAL TO BE RELIED ON

1. NIL

The Petition Respondent estimates that the application will take sixty minutes or as estimated by the Petitioners.

Dated: October 16, 2023

A handwritten signature in black ink, appearing to read 'Randie Wilson', is written over a horizontal line. The signature is stylized and includes a large, circular flourish on the left side.

Solicitor for the Petition Respondent
Randie Wilson

Petition Respondent's Address for Service:

Randie Wilson & Company
1460-800 West Pender Street
Vancouver, BC V6C 2V6
Attention: Randie Wilson

Fax number address for service: 604-682-2350

E-mail address for service: rwilson@rwlc.com

Name of the Petition Respondent's Lawyer, if any: as above