



NO. S-240493
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

FOX ISLAND DEVELOPMENT LTD. and ADVANCED VENTURE HOLDING
CO., LTD.

PETITIONERS

AND:

KENSINGTON UNION BAY PROPERTIES NOMINEE LTD. (FORMERLY
KNOWN AS 34083 YUKON INC.), KENSINGTON UNION BAY PROPERTIES
LIMITED PARTNERSHIP, KENSINGTON UNION BAY PROPERTIES GP LTD.,
INTERNATIONAL TRADE CENTRE PROPERTIES LTD., SUNWINS
ENTERPRISE LTD., MO YEUNG CHING also known as MICHAEL CHING, MO
YEUNG PROPERTIES LTD., SFT DIGITAL HOLDINGS 30 LTD., HOTEL
VERSANTE LTD., BEEM CREDIT UNION, MORTEQ LENDING CORP., CHUN
YU LIU, 1307510 B.C. LTD., JEFFREY RAUCH, RCC HOLDINGS LTD. AND
HEUNG KEI SUNG

RESPONDENTS

APPLICATION RESPONSE

Application response of: The Owners, Strata Plan EPS 5801, The Owners, Strata Plan EPS
5802, The Owners, Strata Plan EPS 5803, The Owners, Strata Plan EPS 5804, (the “**Application
Respondents**”)

THIS IS A RESPONSE TO the Notice of Application of the Petitioners filed October 17, 2025.

The Application Respondent estimates that the application will take one (1) day.

Part 1: ORDERS CONSENTED TO

The Application Respondents consent to the granting of the orders set out in the following
paragraphs of Part 1 of the Notice of Application on the following terms: None

Part 2: ORDERS OPPOSED

The Application Respondents oppose the granting of the orders set out in paragraph 1 of Part 1 of
the Notice of Application. None

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The Application Respondents take no position on the granting of the orders set out in paragraph 1 of Part 1 of the Notice of Application.

Part 4: FACTUAL BASIS

1. Individual registered owners within the Strata Corporation have received the exclusive use of parking stalls in the development through partial assignments of rights established by the Parking Head Lease.
2. The registered owners paid valuable consideration for their parking rights.
3. The registered owners will suffer substantial loss in the event the Parking Head Lease is modified, cancelled or otherwise set aside.
4. The Strata Corporations are experiencing unfair prejudice as a result of the uncertainty created by the legal dispute involving the Hotel and P5 parking stalls.

Part 5: LEGAL BASIS

1. Although it appears that none of the Petitioners or Respondents are challenging the enforceability of the Head Lease or partial assignments of any of the parking stalls in the complex other than the P5 parking stalls, the Application Respondents submit that the Head Lease is a binding and enforceable instrument: *One West Holdings Ltd. v The Owners, Strata Plan LMS 2995*, 2021 BCSC 473.
2. The Application Respondents submit that the Parking Head Lease should be registered by order of the court to normalize the affairs of the stakeholders, and to protect the future interests of the Strata Corporations and their owners.

Part 6: MATERIAL TO BE RELIED ON

1. Materials filed by the Petitioners and Respondents in this Application.

[x]	The Application Respondents have not filed in this proceeding a document that contains an address for service. The application respondent's ADDRESS FOR SERVICE is: 4 th Floor, 500 Sixth Avenue, New Westminster, British Columbia. Email Address for service: shamilton@hamiltonco.ca
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Date: December 8, 2025


Signature of G. Stephen Hamilton
Lawyer for Application Respondents