



FORCE FILED

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

NOTICE OF APPLICATION

Name of applicant: 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 "**Strata Corporations**")

To: The Service List attached hereto as **Schedule "A"**

TAKE NOTICE that an application will be made by the applicant to the Honourable Madam
Justice Fitzpatrick at the courthouse at 800 Smithe Street, Vancouver, BC, on 07/JUL/2026 at
10:00 a.m. for the orders set out in Part 1 below.

The applicant estimates that the application will take 30 minutes.

☐ This matter is within the jurisdiction of an associate judge.

☒ This matter is not within the jurisdiction of an associate judge.

Part 1: ORDERS SOUGHT

1. An Order that that Deloitte Restructuring Inc., in its capacity as court appointed receiver (the “Receiver”), or 1483610 BC Ltd. (as the new owner of the Hotel Property) pay the Strata Corporations’ Scale B costs for the Strata Corporations’ application to cancel the valet parking easement registered under CB2495606 (the “Valet Parking Easement”).

Part 2: FACTUAL BASIS

Application to cancel the Valet Parking Easement

1. The history of the Valet Parking Easement is set out in the Application Response filed in the proceeding by Hamilton & Company, legal counsel for the Strata Corporations, on January 7, 2026.
2. On January 23, 2026, the Strata Corporations filed a Notice of Application and the Affidavit in the proceeding seeking an order cancelling the Valet Parking Easement, and on the same date served the Notice of Application and supporting affidavit on the Receiver and the Defendants (the “Application”). The Application was scheduled to be heard on February 24, 2026.
3. On February 3, 2026, Hamilton & Company received an email from legal counsel for the Receiver, Dentons Canada LLP, requesting that the hearing of the Application be adjourned to a date in March 2026 on the basis that the Receiver was still awaiting an expert report.
4. Legal counsel for the Strata Corporations and the Receiver appeared before Madam Justice Fitzpatrick on February 23, 2026 and agreed to adjourn the Application to April 8, 2026.

5. On March 20, 2026, Hamilton & Company filed an affidavit of a strata council member on behalf of the Strata Corporations. Attached to the affidavit was an email chain between the strata council member and Richmond Fire-Rescue indicating that the Valet Parking Easement did not comply with the bylaws of the City of Richmond.
6. Between March 27, 2026 and April 7, 2026, counsel for the Strata Corporations and counsel for the Receiver exchanged multiple emails in an attempt to resolve the issue of the Valet Parking Easement prior to the scheduled hearing of the Application.
7. On April 7, 2026, legal counsel for 1483610 BC Ltd. ("148"), the new owner of the Hotel Property as described in 148's Notice of Application filed in this proceeding on June 26, 2026, voluntarily filed a Form C – Release to discharge the Valet Parking Easement and emailed a copy of the executed Form C – Release to legal counsel for the Strata Corporations. Subsequently, legal counsel for the Strata Corporations filed a requisition adjourning the hearing of the Application generally.
8. Although the Valet Parking Easement has now been discharged, the Strata Corporations have incurred costs in obtaining an expert report, a survey plan, and legal fees in connection with addressing the unlawful registration of the Valet Parking Easement.

Part 3: LEGAL BASIS

1. Rule 8-1, 14-1, 22-1, 22-2 and Appendix B of the *Supreme Court Civil Rules*.
2. Rule 14-1(9) states that the costs of a proceeding should be awarded to the successful party unless the court otherwise orders.
3. The Application of the Strata Corporations was substantially successful, and the Strata Corporations should recover costs from the Receiver or 148 at Scale B.

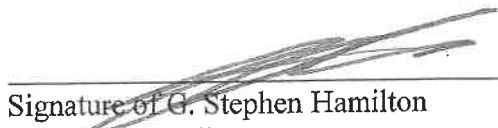
Part 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Vivien Hsu, made July 2, 2026.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to the application, you must

- (a) file an application response in Form 33 within 5 days after the date of service of this notice of application or, if the application is brought under Rule 9-7 of the Supreme Court Civil Rules, within 11 days after the date of service of this notice of application, and
- (b) at least 2 days before the date set for the hearing of the application, serve on the applicant 2 copies, and on every other party one copy, of a filed copy of the application response and the other documents referred to in Rule 9-7 (12) of the Supreme Court Civil Rules.

Date: July 2, 2026



Signature of G. Stephen Hamilton
Lawyer for applicants

IN THE SUPREME COURT OF BRITISH COLUMBIA

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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 CENTER
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, HEUNG KEI SUNG, RCC
HOLDINGS LTD.

RESPONDENTS

SERVICE LIST

As at March 13, 2026

Receiver's Website: <https://www.insolvencies.deloitte.ca/en-ca/Pages/Hotel-Versante-Ltd.aspx>

DLA Piper (Canada) LLP Barristers & Solicitors Suite 2700 - 1133 Melville Street Vancouver, BC V6E 4E5 Tel. No. 604-687-9444 Attention: Colin Brousson Anthony Mersich Email: colin.brousson@ca.dlapiper.com anthony.mersich@ca.dlapiper.com ashley.kumar@ca.dlapiper.com <i>Counsel for Petitioners, Fox Island Development Ltd. and Advanced Venture Holding CO., Ltd.</i>	Deloitte Restructuring Inc. 410 West Georgia Street, Vancouver, British Columbia, V6B 0S7, Canada Tel. No. 604-235-4197 Attention: Jeff Keeble Aveshin Govender Sally Bao E-mail: jkeeble@deloitte.ca avegovender@deloitte.ca sbao@deloitte.ca <i>Court Appointed Receiver and Manager</i>
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Lawrence Wong & Associates 210 – 2695 Granville Street, Vancouver, BC V6H 3H4 Tel. No.: (604) 739-0118 Attention: Lawrence Wong Email: lwong@lwacorp.com <i>Counsel for Ms. Heung Kei Sung (Second Mortgagee)</i>	Blakes Cassels and Grayden LLP 1133 Melville Street, Suite 3500, The Stack Vancouver, BC V6E 4E5 Tel. No.: 604-631-3300 Attention: Peter Bychawski Email: peter.bychawski@blakes.com <i>Counsel to Citation Property Holdings Limited</i>
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