



**Court file No. S1710393
Vancouver Registry**

IN THE SUPREME COURT OF BRITISH COLUMBIA

**IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED**

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*, S.B.C. 2002, c. 57

AND

**IN THE MATTER OF ALL CANADIAN INVESTMENT CORPORATION
(the "Petitioner")**

MONITOR'S TWENTY-FIFTH REPORT TO COURT

NOVEMBER 27, 2020

McEown and Associates Ltd.

Monitor appointed in the
Companies' Creditors Arrangement Act proceedings of
All Canadian Investment Corporation

**Suite 110 – 744 West Hastings Street
Vancouver, B.C. V6C 1A5**

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A. INTRODUCTION

1. This report (the “**Twenty-Fifth Report**”) is filed by McEown and Associate Ltd. (“**McEown**”) in its capacity as monitor (the “**Monitor**”) appointed in a proceeding commenced on November 8, 2017 by All Canadian Investment Corporation (the “**Petitioner**”) pursuant to the *Companies’ Creditors Arrangement Act*, R.S.C. 1985, c.-36, as amended (the “**CCAA Proceedings**”).
2. The purpose of the Twenty-Fifth Report is to provide the Court and stakeholders with an update on the CCAA Proceedings since the Monitor’s 21st report on May 15, 2020 (the last comprehensive report). This report will cover the following:
 - a) an update on Orders granted since May 15, 2020;
 - b) an update on the Petitioner’s activities since May 15, 2020;
 - c) an update on the Monitor’s activities since May 15 , 2020;
 - d) the Actual Cash Flow Statement from November 27, 2017 to November 15, 2020;
 - e) an update on the Petitioner’s orderly wind-down of the business;
 - f) an update on the estimated recovery to the stakeholders;
 - g) an update on the BDO litigation;
 - h) To report on the litigation commenced by the British Columbia Security Commission (“**BCSC**”) against ACIC and Don Bergman and BCSC’s request that the Monitor provide evidence at the hearing;
 - i) an update on the Petitioner’s Plan of Arrangement; and
 - j) the Monitor’s conclusions and recommendations.

B. DISCLAIMER AND TERMS OF REFERENCE

3. Except as specified, in preparing this report the Monitor has obtained and relied upon unaudited, draft and/or internal information which Management advises has been compiled from the Petitioner's books and records. Where available, the Monitor has reviewed external records and documentation including post-filing banking records, corporate searches and financial statements.
4. Except as otherwise described in this report:
 - a) the Monitor has not audited, reviewed or otherwise attempted to verify the accuracy or completeness of the information which has been provided in a manner that would wholly or partially comply with Generally Accepted Assurance Standards pursuant to the Chartered Professional Accountant Canada Handbook; and
 - b) the Monitor has not conducted an examination or review of any financial forecast and projections in a manner that would comply with the procedures described in the Chartered Professional Accountant Canada Handbook.
5. This Report have been prepared solely for the purpose described and readers are cautioned that it may not be appropriate for other purposes.

**C. COURT APPLICATIONS AND ORDERS GRANTED SINCE
MAY 15, 2020**

6. On May 19, 2020, the Court approved the Monitor's Claims Report subject only to the final determination of the Parkland Funding Ltd.'s ("**Parkland**") appeal of the Monitor's disallowance of its claim and application to have its claim determined and accepted as a "**Proven Claim**" for the purposes of the Meeting Order. On June 8, 2020, the Court dismissed Parkland appeal.
7. On May 19, 2020, the Court granted an Order in the CCAA proceedings extending the stay of proceedings to October 16, 2020.
8. On May 19, 2020, the Court granted an Order approving the sale of Unit 1801 – 188 Agnes St., New Westminster, B.C. ("**Unit 1801**"). The net sale proceeds from the sale of the Agnes and Elliot units have been paid into court pending resolution of the priority dispute between the Petitioner and the CRA.
9. On June 9, 2020, the Court granted an Order approving the sale of Lot 6 having a civic address of 4153 Packalen Blvd., Garden Bay, B.C. ("**4153 Packalen**").
10. On August 20, 2020 the Court granted an Order approving the sale of Lot 4 Packalen Blvd., Garden Bay, B.C. ("**Lot 4**"). The net sale proceeds are held by counsel for the Petitioner on undertakings pending resolution of the dispute between the Petitioner and the Interim Lender (which has been paid out under protest) regarding the amounts properly due and payable on the Interim Lending Facility.
11. On September 30, 2020, the Court granted an Order in the CCAA proceedings extending the stay of proceedings to January 22, 2021.

12. On October 26, 2020, a Notice of Application was filed by the Petitioner seeking directions with respect to the matters listed in the filed Notice of Application of Petitioner. This matter was heard on October 30, 2020 and November 3, 2020.
13. On November 3, 2020, the Court granted an Order in which it authorized and directed the Petitioner to amend its Plan of Arrangement (which received preliminary approval by Order made November 18, 2019 and was amended by Order made May 19, 2020) (the “**Plan**”) so as to provide that the Creditors Distributions (as set out in paragraph 4.2 of the Plan) be amended to provide for the payment of interest to Creditors on Proven Claims from the date of the Initial Order in these proceedings to the date of payment of the Proven Claims and to be calculated at the rate of 5% per annum consistent with s.143 of the *Bankruptcy and Insolvency Act*.
14. Copies of the Notices of Application and Orders granted are available on the Monitor’s website at <https://www.mceownassociates.com/all-canadian-investment-corporation> or upon request.

D. ACTIVITIES OF THE PETITIONER SINCE MAY 15, 2020

15. Since the date of the Monitor's 21st Report (the last comprehensive report of the Monitor) the Petitioner and its legal counsel's activities have included the following:
- a) Providing information to the Monitor with respect to the Loan Portfolio and real estate holdings;
 - b) Communicating with borrowers regarding payment of both loan interest and principal repayments;
 - c) Communicating with Peter Censorio's counsel regarding the status of the Sperling property and possible listing of same;
 - d) Communicating with stakeholders regarding the CCAA proceedings;
 - e) Attending to the conduct of various lawsuits seeking to recover funds advanced by the Petitioner as outlined in further detail in this Report;
 - f) Opposing the appeal of the notice of disallowance (in the Claims Process) of the proof of claim filed by Parkland Funding Ltd. which was dismissed by Order made June 8, 2020;
 - g) Preparing materials for and attending at Court regarding the sale of 4153 Packalen;
 - h) Preparing the sale closing documents and completing the sale of 4153 Packalen;

- i) Preparing materials for and attending at Court regarding the sale of Lot 4;
- j) Preparing the sale closing documents and completing the sale of Lot 4;
- k) Discussions and correspondence with the Monitor and its counsel regarding an amendment to the Plan to provide for the payment of interest to the creditors, preparing materials for and attending at Court for approval to amend the Plan accordingly;
- l) Amending the Plan for comment by Monitor and circulation to creditors in advance of the Creditor's Meeting;
- m) Discussions and correspondence with the British Columbia Security Commission with a view to securing a negotiated settlement of certain allegations advanced, by way of notice of hearing, by the British Columbia Security Commission;
- n) Securing an Order on September 28, 2020 extending the stay of proceedings to January 22, 2021;
- o) Preparing materials for the purposes of the priority dispute between the CRA and the Petitioner in respect to the proceeds realized from the sale (in foreclosure proceedings) of certain strata lots which were the subject of mortgage security granted by Censorio Group (Agnes & Elliot) Holdings Ltd.; and
- p) Making arrangements for the conduct of the Creditor's Meeting for the purposes of voting on the Plan.

E. ACTIVITIES OF THE MONITOR SINCE MAY 15, 2020

16. Since the date of the Monitor's 21st Report (the last comprehensive report of the Monitor) the Monitor and its counsel have undertaken, amongst other things, the following activities:

- a) Communicating with the realtors, purchaser and Petitioner's legal counsel regarding the sale of 4153 Packalen and Lot 4 including negotiating and accepting offers on behalf of Petitioner, preparing reports to the Court and attending at Court for approval of the sales and reviewing and signing closing documents;
- b) Meeting and discussions with creditors and their counsel regarding concerns that the Plan did not provide for interest on the Proven Claims;
- c) Meetings and discussions with legal counsel for the Petitioner regarding an amendment to the Plan that provides for the payment of interest to the creditors;
- d) Meetings and discussions with legal counsel regarding various legal actions that have been commenced against several borrowers and Don Bergman;
- e) Correspondence with the Petitioner's counsel and realtors regarding the current status of the Sperling property and the Lochdale Plan and the possible listing of the property;
- f) Communicating with the Petitioner's counsel, counsel for Peoples Trust and Bancorp regarding the completion of the Carleton development and likelihood of any funds being available for the Petitioner;

- g) Receiving and disbursing funds on behalf of the Petitioner and maintaining the accounting records of these transactions;
- h) Communicating with the Petitioner's stakeholders and responding to their enquiries and updating the Monitor's website;
- i) Preparing the Monitor's 22nd, 23rd, 24th and 25th Report to the Court in the CCAA Proceedings; and
- j) Preparing report on Plan and discussions with counsel regarding timing of creditor meeting.

F. ACTUAL CASH FLOW FROM NOVEMBER 27, 2017 TO NOVEMBER 15, 2020

17. The Actual Cash Flow from November 27, 2017 to November 15, 2020 can be summarized as follows:

Actual Cash Inflows

Mortgage Interest Payments	\$ 202,212
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Recovery from Mortgagees

Mendes	75,000	
Otter	425,000	
Chisa Holdings	35,000	
Grant Manor	600,000	
Wayne Blair	8,318	
Karl Buchmann	155,082	
Stonewater Motel	1,315,797	
Altezza	1,241,194	3,855,391

Recovery from Sale of Real Properties

Sale of Lee Road Property	375,891	
Sale of Lot 5	679,638	
Sale of Lot 137 Lee Road	69,209	
Sale of 4153 Packalen	781,447	
Sale of Lot 4 (<i>see note below</i>)	579,971	2,486,156

DIP Financing Proceeds	<u>1,500,000</u>
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Total Cash Inflows \$ 8,043,759

Operations

Secured Debt Repayments

Total Cash Outflows **\$ 5,964,394**

Opening Cash Position 69,134

Closing Cash Position **\$ 2,148,499**

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G. PETITIONER'S ORDERLY WIND-DOWN OF THE BUSINESS

Real Property Update

18. Since our last comprehensive report on May 15, 2020 the Monitor, on behalf of the Petitioner, has completed the sale of the remaining two Pender Harbour properties, 4153 Packalen and Lot 4.
19. The proceeds realized from the sale of the Petitioner's real properties since the initial Order in the CCAA proceedings can be summarized as follows:

	<u>Sale Price</u>	<u>Net Sale Proceeds</u>
Lot 184, Garden Bay	\$ 395,000	\$ 375,891
Lot 137, Garden Bay	76,000	69,209
Lot, 4, Garden Bay	609,000	579,971
Lot 5, Garden Bay	705,000	679,638
4153 Packalen	<u>809,523</u>	<u>781,447</u>
	<u>\$2,594,000</u>	<u>\$ 2,486,156</u>

Loan Portfolio Update

Agnes & Elliot Loan (Censorio company)

20. Since our last comprehensive report on May 15, 2020 the Monitor, on behalf of the Petitioner, has completed the sale of the one remaining unit, Suite 1801 – 188 Agnes Street, NW.

21. The proceeds realized from the sale of the Agnes & Elliot units since the initial Order in the CCAA proceedings have been paid into court and can be summarized as follows:

	<u>Sale Price</u>	<u>Net Sale Proceeds</u>
Unit 507	\$ 499,000	\$ 417,250
Unit 1406	406,714	399,656
Unit 1703	600,038	560,928
Unit 1801	<u>760,000</u>	<u>704,919</u>
	<u>\$2,265,752</u>	<u>\$ 2,082,753</u>

22. The net sale proceeds of \$2,082,753.03 have been paid into Court pending determination of the priority of outstanding GST debt of the borrower of approximately \$2,200,000.
23. The priority dispute engages issues relating to whether or not the Petitioner's mortgage security registered against title to the strata lots which were sold constitutes a "**prescribed security interest**" for the purposes of the *Excise Tax Act*. The Petitioner is of the view that its security has priority over the claims of the Minister of National revenue for the outstanding GST liability.

Chisa Loan (Censorio Company)

24. As previously reported the sale of the Chisa Lands completed in July 2018 and the net proceeds from the sale were used to pay out the first mortgage of approximately \$1,000,000 and paydown approximately \$3,200,000 on an inter alia mortgage in favour of Bancorp.

25. There were no funds available for the Petitioner from the sale, however, as a result of the paydown of the Bancorp mortgage, the equity in the remaining Censorio properties securing the Petitioner's loans has increased.

Beta Loan (Censorio company)

26. As previously reported, the sale of the retail and office components of the Beta property were completed in 2019. The net sale proceeds of approximately \$4,200,000 were used firstly to payout Blueshore Financial Credit Union, the first mortgagee and secondly to significantly paydown Bancorp Financial Services Inc., the second mortgagee.
27. There were no funds available for the Petitioner from the sale of the Beta Property, however, as a result of the paydown of the Bancorp inter alia mortgage, the equity in the remaining Censorio properties securing the Petitioner's loans has increased.

Altezza Loan (Censorio company)

28. The sale of the Altezza Property for \$3,650,000 completed on December 10, 2019.
29. The net sale proceeds of approximately \$3,500,000 were used firstly to payout Blueshore Financial Credit Union, the first mortgagee and secondly to payout Bancorp Financial Services Inc., the second mortgagee.
30. The net proceeds realized by the Petitioner from the sale after payout of the mortgages were \$ 1,241,194.28.

Sperling Loan (Censorio company)

31. The Monitor has recently received a copy of the City of Burnaby's Phase 1 report on the Lochdale Village Community Plan. A copy of the report is attached as **Appendix A** to this report.
32. The Monitor is optimistic that the City of Burnaby will move forward with the proposed redevelopment and ultimately approve a community plan that will increase allowable densities and, therefore, increase the value of the Sperling Property.
33. The City of Burnaby's report provides timelines for the 3 phases (that includes public engagement in all phases) as follows:
- Phase 1 – Fall 2020 - Establishing Plan area boundary, community plan vision, preliminary goals and land use framework
- Phase 2 – Winter 2020/21 - Preparing community plan policy directions and draft land use designations
- Phase 3 – Spring 2021 – Refine policy directions and prepare Draft Community Plan and present to City Council in mid-2021
34. Cushman & Wakefield have updated its valuation of the Sperling property taking into account the current status of the Lochdale Plan and real estate market and provided recommendations for a list price. Given the confidential nature of this information and in order to avoid compromising the sales process, the Monitor has chosen not to provide details of the updated Cushman & Wakefield valuation at this stage.

35. The Monitor intends to direct the borrower to list the property forthwith and is of the view that offers on the property will reflect the potential increased density if the Lochdale community plan proceeds. The Monitor will require that any offer to purchase includes a clause providing for court approval and in the event it is of the view that the updated Cushman & Wakefield valuation is relevant for those purposes may seek a sealing order with respect to relevant materials.
36. The Monitor estimates the recovery to the Petitioner, after payout of the first mortgage estimated at \$2,100,000, to be between \$3,000,000 and \$4,500,000.

Carleton Loan (Censorio company)

37. As previously reported, a Court appointed Receiver has been appointed to complete the Carleton Project.
38. The Monitor and its counsel have corresponded with the Receiver as well as counsel for the Peoples Trust and Bancorp that have mortgages registered in priority to the Petitioner's mortgage, and have concluded that it is very unlikely that there will be any recovery to the Petitioner from this project.

Other Loans

0911368 B.C. Ltd. Loan ("911 Loan")

39. The 911 Loan is a result of a debt restructuring by the Petitioner (carried out some years prior to the Initial Order) that has been described in previous Affidavits of Don Bergman. The amount currently owed to the Petitioner is approximately \$3,400,000.

40. As a result of the debt restructuring, the Petitioner was issued shares in a company called W.L.A. Financial Corporation (“WLA”) that are being held in Trust by 1001695 B.C. Ltd., a company controlled by Don Bergman. There are certain restrictions on the transfer of those shares which may affect the ability of 1001695 B.C. Ltd. to transfer them to the Petitioner.
41. At the request of the Monitor, a formal nominee and agency agreement was executed by 1001695 B.C. Ltd. confirming the trust arrangement.
42. The recovery to the Petitioner is dependent on the success of Meridian Accommodations (owned 90% by WLA) in pursuing contracts with BC Housing to construct modular housing developments. The Monitor has significant concerns regarding the viability of Meridian Accommodations and the Petitioner’s ability to recover.
43. The Monitor estimates that in the event that recovery is even possible it is likely to take in excess of two years.

Meridian Lodges Loan

44. The Meridian Lodges Loan is secured by a mortgage registered against a 130 acre parcel of land in Saskatchewan B.C. The amount currently owed to the Petitioner is approximately \$1,200,000.
45. As previously reported, based on inquiries made by the Petitioner’s counsel, it does not appear as though the sale of the property as a commercial development site (which was the basis upon which the advance had been made) is foreseeable in the near future.
46. The Petitioner, on the instructions of the Monitor, commenced proceedings to recover the Meridian Lodges Loan and served the borrower. In response to

service of the proceedings the borrower alleges that the loan advance, and the debt owing, was made pursuant to a non-recourse mortgage, the ramifications of which would mean that the Petitioner's recovery would be restricted to the value of the property. Counsel for the Petitioner is carrying out further enquires with respect to the circumstances giving rise to the execution of the non - recourse mortgage and expects to engage in settlement discussions with a view to reaching a resolution of the proceedings, subject to court approval.

47. In the event that the Petitioner's recovery is restricted to the property the Monitor estimates the net recovery to the ACIC stakeholders to be between \$200,000 and \$250,000.
48. The Monitor estimates the timeline for the sale of property as farmland would likely be between 6 months and one year.

Stonewater Motel Loan

49. The Stonewater Motel Loan was repaid in full on December 7, 2018.
50. The loan proceeds received in the amount of \$ 1,315,797.14 were used to repay the court approved DIP loan of \$935,165.84, and the balance of funds were paid to the Monitor to cover the ongoing restructuring fees and disbursements.
51. There remains an issue outstanding with respect to the DIP lender's position that it is entitled to minimum interest under the DIP loan. The Petitioner has paid the minimum interest of approximately \$75,000 under protest and is hopeful that the matter can be resolved without litigation.

Buchmann Loan

52. The Buchmann loan was made just prior to the commencement of the CCAA proceedings to finance the acquisition of a mortgage interest over certain lands and premises in Salmon Arm. The amount currently owed to the Petitioner is approximately \$386,000.
53. The Monitor instructed the Petitioner's counsel to proceed with a notice of intention to enforce security (which has been delivered) and if necessary, commence proceedings to assume conduct of the foreclosure proceedings and seek an order for sale of the property. The Petitioner is in the process of filing those materials and will be seeking an order that Mr. Justice Walker be seized of those proceedings, consistent with previous orders made in these proceedings.
54. The Monitor expects full recovery on the Buchmann Loan, and the timeframe will for recovery will be determined by proceedings and the real estate market in Salmon Arm where the development property (which the mortgage is registered against) is located.

ACIC Financial Development Inc. Loan ("AFDI Loan")

55. The AFDI Loan is a result of a debt restructuring described in Don Bergman's 6th Affidavit dated June 7, 2018. The amount currently owed to the Petitioner is approximately \$2,500,000. AFDI is a company controlled by Mr. Bergman.
56. The security that the Petitioner received as part of the restructuring of the AFDI Loan, was a 37.5% beneficial interest in a real estate joint venture with Seamount Investments Ltd. The joint venture owns five rental complexes in Alberta.

57. The restructuring involved the transfer to AFDI of two promissory notes due to the Petitioner from individuals. The Monitor was advised by Mr. Bergman that the transfers were necessary so that the Petitioner continued to be in compliance with the lending requirements of a mortgage investment corporation. Under the term of the restructuring AFDI became contractually responsible for the amount due and owing.
58. Although Mr. Bergman has advised the Monitor that the joint venture was looking at refinancing and/ or a sale of real property to provide funds to repay the loan, there has been no progress to date.
59. The Monitor commenced proceedings (in the name of the Petitioner) against AFDI in which it advanced a variety of claims including recovery of the monies owed to the Petitioner under the AFDI Loan. Default judgment has been granted for an amount totaling approximately \$2.4 million, being the amount due and owing under the AFDI Loan. The Monitor has scheduled an examination in aid of execution of Mr. Bergman, as a representative of AFDI, which is currently scheduled to proceed on December 21, 2020.

Claim against Mr. Bergman/AFDI

60. In addition to pursuing recovery of the AFDI Loan, the proceedings commenced by the Monitor (in the name of the Petitioner) also include claims in negligence and for breach of the management contract between the Petitioner and AFDI. Default judgment has been entered against AFDI for those claims with damages to be assessed.
61. Mr. Bergman, through his then counsel, has filed a response to civil claim denying the allegations made against them in his personal capacity. As at the date of this report Mr. Bergman no longer has counsel and is acting on his own behalf.

Michael Lensen Loan

62. The Michael Lensen loan is a personal loan which was advanced by the Petitioner in 2010. The amount currently owed to the Petitioner is approximately \$695,000.
63. The Petitioner has advised the Monitor that Michael Lensen owns a home in Surrey jointly with his spouse, however the Petitioner does not have mortgage security registered against that property.
64. At the request of the Monitor the Petitioner's counsel has commenced proceedings against Michael Lensen.
65. A Notice of Civil Claim was served on Michael Lensen on October 9, 2019. At the request of Michael Lensen, the Petitioner's counsel granted a 7-day extension for the filing of the Response to Civil Claim to November 6, 2019 and a Response to Civil Claim was served November 4, 2019. Mr. Lensen was initially self represented.
66. After production of its documents, on April 21, 2020 the Petitioner filed a summary trial application seeking judgment against Mr. Lensen for the sum of \$663,617.56 together with interest and costs (the "**Lensen Application**"). The Lensen Application was initially scheduled for hearing on May 19, 2020 before Mr. Justice Walker. As a result of the interruption to court proceedings brought about by the COVID-19 pandemic, a judicial management conference was scheduled for the purposes setting down the Lensen Application for hearing. Mr. Lensen subsequently retained counsel who produced documents on Mr. Lensen's behalf, together with an affidavit responding to the Lensen Application.
67. Mr. Lensen has produced evidence suggesting that the loan was repaid in full. Counsel for the Petitioner has reviewed documents produced by Mr. Lensen and

conducted a further review of the Petitioner's records to locate documents responsive to that issue. Counsel for the Petitioner has located documents responsive to Mr. Lensen's allegation that the loan was repaid in full, and is in the process of producing further documents and filing supplementary evidence responding to Mr. Lensen's affidavit, at which time the Lensen Application will be rescheduled for hearing.

Ron Weninger Loan

68. The Ron Weninger Loan is a personal loan advanced by the Petitioner in 2013. Ron and his wife Elfrieda Weninger entered into a written loan restructuring agreement in 2014 regarding the Ron Weninger Loan. The amount currently owed to the Petitioner is \$150,000. Ron Weninger has never made a payment on this loan.
69. Ron Weninger is also a preferred shareholder of the Petitioner who invested \$200,000 and he has advised that he is not prepared to pay back this loan.
70. At the request of the Monitor the Petitioner's counsel has commenced proceedings against Ron and Elfrieda Weninger (the "**Weningers**").
71. The Weningers have filed a Response to Civil Claim in which they deny being indebted to the Petitioner. The Weningers are self represented.
72. The parties have exchanged documents and the Petitioner has prepared summary trial materials which will be filed once a hearing date is secured before Mr. Justice Walker.

Wayne Blair Loan

- 73. The Wayne Blair Loan is a personal loan advanced by the Petitioner in 2016.
- 74. The Petitioner advanced a total of \$35,000 to Wayne and Barb Blair in 2016. Wayne and Barb Blair have repaid approximately \$20,000 of this sum. The borrower has been paying the interest but has not made any payments toward the principal. The principal owed is \$15,000.
- 75. At the request of the Monitor the Petitioner's counsel has commenced proceedings against Wayne and Barb Blair. Given the amount in issue in these proceedings the Monitor is considering how best to deal with the matter in a cost-efficient fashion.

Frederick Loan

- 76. The Frederick Loan is a personal loan advanced by the Petitioner in December 2014. The original loan advance was \$10,000 and the amount currently owed to the Petitioner is approximately \$14,000.
- 77. The borrower had initially advised the Petitioner that he was trying to refinance or sell his property to provide funds to pay back the loan, however this has not happened.
- 78. At the request of the Monitor the Petitioner's counsel has commenced proceedings against Robert and Katherine Frederick. The Petitioner has been advised that Mr. Frederick is deceased. Given the amount in issue in these proceedings the Monitor is considering how best to deal with the matter in a cost-efficient fashion.

Censorio Development Ltd. Loan

79. The Censorio Development Ltd. Loan is a loan with no real property/mortgage attached to it. The amount currently owed to the Petitioner is approximately \$7,700,000.
80. The Monitor is not expecting any recovery on this loan.

Agnes & Elliot foreclosure proceedings

81. The Petitioner commenced foreclosure proceedings with respect to certain strata lots secured by way of mortgage. An *order nisi* was granted against the borrower company and the Petitioner was granted conduct of sale.
82. The properties which were subject to the mortgage have now been sold by court order, and the funds realized from the sales (\$2,082,753.03) have been paid into court (the “**Sale Proceeds**”).
83. The Petitioner’s ability to recover the Sale Proceeds is subject to the determination of a priority dispute between the petitioner and the CRA which claims an interest in those monies as a result of an outstanding GST liability of the borrower company.
84. In the event that the priority dispute is resolved in favour of the Petitioner the entirety of the Sale Proceeds will be available for distribution in accordance with the Plan.

Estimated Recovery From Other Loans

85. The Monitor has estimated the net recovery from the Other Loans that have not already been realized on to be between \$1,000,000 and \$2,000,000.

H. UPDATED ESTIMATE OF RECOVERY TO STAKEHOLDERS

86. The Monitor, based on its estimated realization from the sale of the real properties and recovery on the loan portfolio, estimates the recovery to the stakeholders as follows:

	<u>Low</u>	<u>High</u>
Current Cash on Hand	\$2,148,000	\$2,148,000
Projected Cash Inflows		
Sperling Property	\$3,000,000	\$4,500,000
Agnes & Elliott Loans (funds in Court)	2,082,000	2,082,000
Other Loans	<u>1,000,00</u>	<u>2,000,000</u>
	\$6,082,000	\$9,582,000
Projected Cash Outflows		
Restructuring Fees & Disbursements	\$ 200,000	\$ 400,000
GST Liability (Agnes & Elliot)	<u>2,082,000</u>	<u>-</u>
	2,282,000	\$ 400,000
Estimated Net Recovery	<u>\$5,948,000</u>	<u>\$11,330,000</u>

87. The Monitor estimates the recovery to the stakeholders, based on the above estimated net recovery as follows:

	<u>Low</u>	<u>High</u>
Creditors (full payment)	\$4,500,000 (100%)	\$4,600,000 (100%)
Preferred Shareholders	1,448,000 (3.88%)	6,730,000 (18.05%)

88. The above recovery analysis does not include the potential recovery from personal or corporate guarantees.

I. BDO LITIGATION

89. BDO (the Petitioner's former auditors) was successful with its application for security for costs in proceedings the Petitioner commenced against BDO.
90. The awarded security for costs of \$132,042 was paid into Court in February 2019. It was not paid utilizing the Petitioner's funds.
91. The Monitor is not aware of any further development with respect to this litigation.

J. BRITISH COLUMBIA SECURITIES COMMISSION

92. As reported on in the Monitor's 21st Report dated May 15, 2020, in January 2020 the British Columbia Securities Commission ("BCSC") issued a Notice of Hearing against the Petitioner and Mr. Bergman.
93. A copy of the notice of hearing is attached as Appendix A to the Monitor's 21st Report.
94. Mr. Bergman is separately represented before the BCSC on this matter.
95. Based on advice provided by counsel, the Monitor is of the view that the filing of the Notice of Hearing is not contrary to the stay of proceedings issued by this Court.
96. In essence, the BCSC alleges that:
- a) the Petitioner and Mr. Bergman made misrepresentations and false or misleading statements in Offering Memorandums dated January 21, 2014, February 12, 2015 and June 22, 2015 (the "**OM's**");
 - b) the OM's were provided to investors and filed with the BCSC; and
 - c) in doing so the Petitioner acted contrary to s. 50(1)(d) and s. 168(1) of the *Securities Act*.
97. The Hearing was scheduled for November 12-19, 2020, but has been adjourned to March 2021.

98. The Monitor has provided instructions to counsel for the Petitioner to initiate discussions regarding a potential resolution of the allegations against the Petitioner given the concerns that financial resources could be expended in the proceedings which would be contrary to the interests of stakeholders.
99. If a resolution can be reached that is restricted to permanent bans, but does not involve monetary sanctions, the Monitor is of the view that the Petitioner should proceed on that basis.
100. BCSC has requested that the Monitor attend and give evidence at the Hearing. The Monitor and its counsel are considering the appropriateness of doing so, and may consider seeking guidance of the Court on this request.

K. MONITOR'S UPDATE ON PLAN OF ARRANGEMENT

101. On May 19, 2020, by Order of the Court, paragraphs 4.4 and 4.5 of the Plan were amended to address the issues raised by the court. In particular:
- a) the releases found at paragraph 4.4 of the Plan in favour of the Petitioner, and any person claimed to be liable derivatively through the Petitioner, were removed; and
 - b) the permanent injunction provisions found at paragraph 4.5 of the Plan were deleted.
102. On October 26, 2020, the Petitioner filed a Notice of Application seeking directions with respect to a proposed amendment to the Plan which would provide for interest to accrue on the Proven Claims of Creditors from the date of the Initial Order (November 10, 2017) to the date of payment to be calculated at the rate of 5% per annum consistent with s. 143 of the *Bankruptcy and Insolvency Act*. On November 3, 2020 the court authorized and directed the Petitioner to make that amendment to the Plan.
103. The Plan provides for a coordinated wind up and liquidation of the Petitioner's assets so as to realize the greatest possible recovery to stakeholders and the subsequent distribution of those assets in accordance with the following priorities:
- a) amounts due and owing under the Administrative Charge;
 - b) amounts due and owing under the Director's Charge (it is not presently contemplated that any payments will be required);
 - c) amounts due and owing to Creditors;

- d) amounts due and owing under the Representative Council Charge; and
 - e) distribution of the balance to Preferred Shareholders.
104. On May 19, 2020 the claims by creditors which had been submitted and approved by the Monitor in accordance with the terms of the Claims Process were confirmed by Mr. Justice Walker as “**Proven Claims**” for the purposes of the Plan. The court subsequently dismissed an appeal of the Monitor’s disallowance of a claim filed by Parkland Funding Ltd. as a “**Proven Claim**” for the purposes of the Plan. The proven creditor claims total \$3,796,477.80.
105. The Petitioner, with the Monitor’s approval, will be scheduling the meeting to vote on the plan for 10:00 a.m. (Vancouver time) Monday, December 21, 2020 (the “**Meeting**”). As a result of the COVID-19 pandemic, and in order to address any potential issues which may arise as a result of future Public Health Orders, the Monitor has determined that the Meeting will proceed by video conference as permitted by the May 19, 2020 amendment made to the Meeting Order.
106. In order for the Plan to be approved a Required Majority of affirmative votes is required which means:
- a) a simple majority in number of those Creditors who actually vote upon the Plan (in person or by proxy) at the Meeting; and
 - b) a two-thirds majority in value of Proven Claims of Creditors who actually vote upon the Plan (in person or by proxy) at the Meeting.

107. The Monitor recommends that the Proven Creditors vote in favour of the Plan as an orderly liquidation of the Petitioner's assets as contemplated by the Plan will result in the highest recovery to the Proven Creditors. The Monitor's present realization estimates as detailed in this Report to Court, is expected to result in the Proven Claims being paid in full together with interest calculated in accordance with the Order made November 3, 2020.

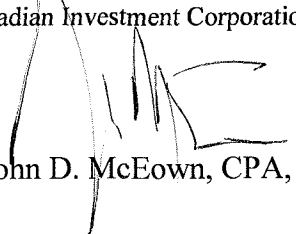
L. CONCLUSIONS AND RECOMMENDATIONS

108. The Petitioner continues to make progress in liquidating the assets of the Petitioner under the management and direction of the Monitor.
109. The Petitioner has completed the Claims Process, applied to and obtained approval of the Plan and will be proceeding with a meeting of the Proven Creditor's on December 21, 2020 to approve the Plan.
110. The Monitor is of the view that the Plan will maximize the recovery to the creditors and preferred shareholders and, therefore, recommends that the Proven Creditor's approve the Plan.
111. If the Creditors do not approve the Plan, a bankruptcy of the Petitioner will likely result that will reduce the recovery to the creditors and preferred shareholders.

DATED at the City of Vancouver, British Columbia, this 27th day of November, 2020.

McEown and Associates Ltd.

Monitor Appointed in the Companies'
Creditors Arrangement Act Proceedings of
All Canadian Investment Corporation



Per: John D. McEown, CPA, CA, CIRP, LIT

APPENDIX A

City of Burnaby's Phase 1 Report on the Lochdale Village Community Plan



LOCHDALE URBAN VILLAGE COMMUNITY PLAN

PHASE 1

PUBLIC CONSULTATION DISCUSSION GUIDE

THIS IS
CLIMATE
ACTION





Aerial Photo of the Lochdale Area, 2018

TABLE OF CONTENTS

This Discussion Guide provides background information on the existing community and summarizes the preliminary land use framework and goals which will be further developed as part of Phase 1 Public Consultation for the Lochdale Urban Village Community Plan.

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CLICK underlined text to open links
on digital versions of this document

LINKS TO RELATED POLICIES + BACKGROUND DOCUMENTS

- [Burnaby Official Community Plan \(1998\)](#)
- [Economic Development Strategy \(2007\)](#)
- [Metro Vancouver 2040 Regional Growth Strategy \(2010\)](#)
- [Social Sustainability Strategy \(2011\)](#)
- [Metro Vancouver Regional Context Statement \(2014\)](#)
- [Environmental Sustainability Strategy \(2016\)](#)
- [Mayor's Task Force on Community Housing \(2019\)](#)
- [Climate Action Framework \(2020\)](#)
- [Burnaby Community Safety Plan \(2020\)](#)
- [Housing and Homelessness Strategy \(ongoing\)](#)
- [Burnaby Transportation Plan \(ongoing\)](#)

PHASE 1

LOCHDALE URBAN VILLAGE
COMMUNITY PLAN

**INTRODUCTION
TO THE PROCESS**

Phase 1 Public Consultation and Community Plan Timeline



Get Involved

During the Lochdale Urban Village Community Planning process, there will be multiple opportunities for residents, stakeholders and the public to provide feedback. The purpose of Phase 1 is to gather public and stakeholder input on a vision for the Lochdale area, the proposed Plan boundary and the preliminary goals and land use framework.

Share your vision for Lochdale by taking our survey!

burnaby.ca/yourvoice-lochdale

Subscribe to our City Connect eNews:

burnaby.ca/enews

Contact

Email: lochdaleplan@burnaby.ca

Phone: 604-294-7781

Mail: City of Burnaby
Planning and Building Department
4949 Canada Way, Burnaby, BC
V5G 1M2



Purpose of the Discussion Guide

How to Use the Discussion Guide

This discussion guide is intended to provide background information and context to the plan process, study area options and the preliminary community plan goals.

In order to gain a better understanding of the existing conditions and desired future outcomes in the community, we recommend reading the discussion guide prior to or while you are completing the Lochdale Urban Village Community Plan Phase 1 Survey burnaby.ca/yourvoice-lochdale

The discussion guide also provides links to related City of Burnaby policy documents and reports that may be of interest (see [page 4](#)).

Preliminary Goals

The following seven goal areas were endorsed by City Council as a basis for further Phase 1 Public Consultation. Each goal area is outlined further in this discussion guide.



**Community
Character + Identity**



**Housing, Community
Amenities + Services**



**Local Economy +
Employment**



**Environmental
Sustainability**



**Built Form +
Community Design**



**Mobility +
Connectivity**



**Public Realm, Parks +
Open Spaces**



Help us plan for the future of the Lochdale Urban Village

Project Overview

The Lochdale neighbourhood is located along Hastings Street, west of Burnaby Mountain. The area includes commercial uses on Hastings Street, surrounded largely by single- and two-family residential to the south, low to medium multiple-family residential to the east, and industrial and petrochemical uses to the north.

On July 27, 2020, City Council endorsed the preliminary goals and land use framework for the Lochdale Urban Village Community Plan, as a basis to initiate the first phase of the Community Plan process. The land use framework proposes a thriving Village Centre along Hastings Street, complemented by varied services, housing, parks and open space for a complete and sustainable community. Phase 1 Public Consultation is taking place this fall to collect feedback on the future identity, vision, goals, land use framework and Plan area boundary for the Lochdale Urban Village.



Looking east along Hastings Street near Kensington Avenue

Why do we need a Lochdale Urban Village Community Plan?

The development of a Lochdale Plan presents an opportunity to plan for:

- A new and unique Urban Village character in Burnaby
- A carbon neutral community by 2050
- New public spaces, community services and amenities for residents
- An expanded mix of market and non-market housing options
- Local employment opportunities
- Change and reinvestment as the existing building stock ages
- The shift to more sustainable forms of transportation (walking, transit, cycling)
- The enhancement of the natural environment
- The accommodation of regional growth



Looking west along Hastings Street near Inlet Drive

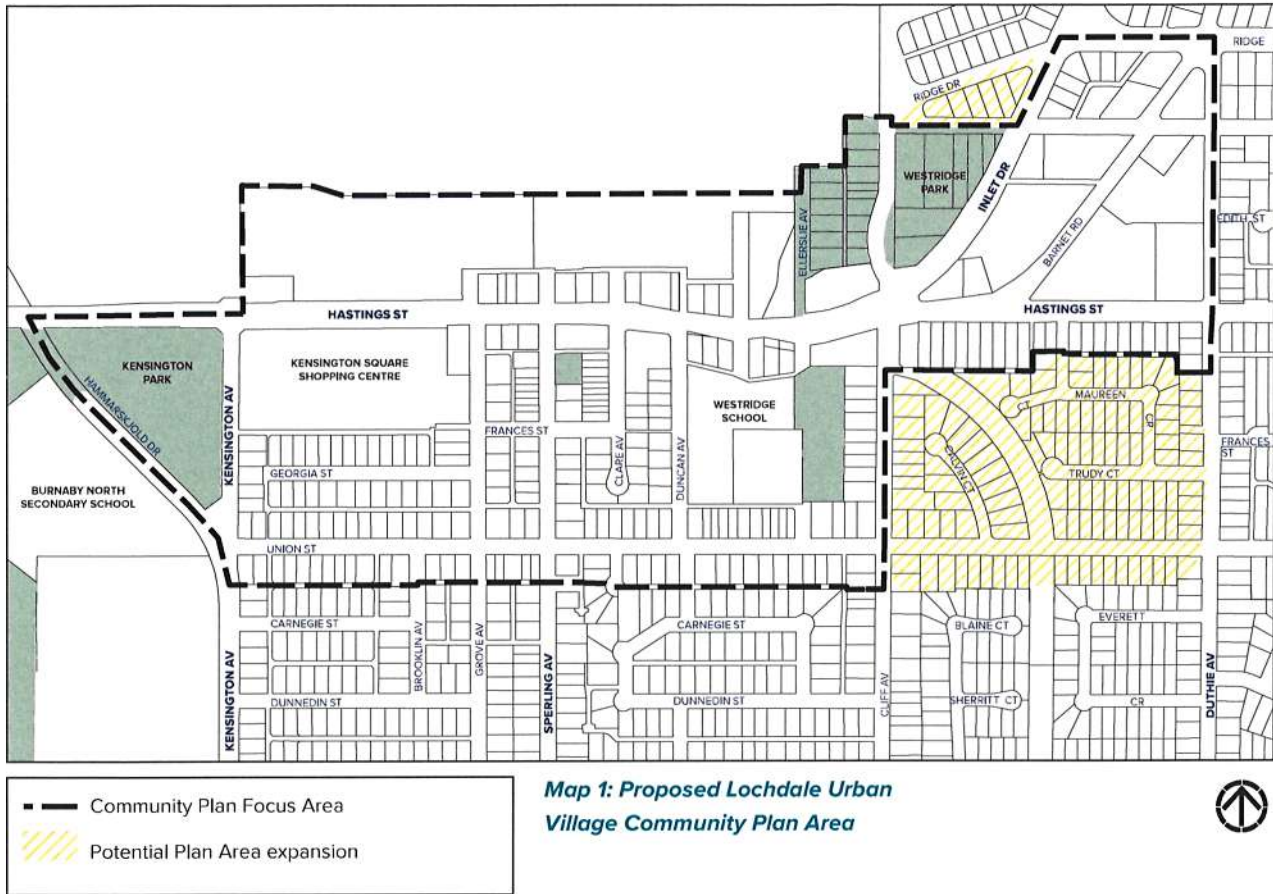
Setting the Community Plan Boundary

Following Phase 1 Public Consultation, we will define the preferred study area or Plan boundary for the Lochdale Urban Village Community Plan. An Urban Village is much more than its central commercial and retail area — it encompasses all components of a complete community, including housing, parks and community services. If an area is included within the plan boundary, it becomes part of the overall review process whereby future land uses, transportation networks, parks and amenities are considered as part of the wider Community Plan.

The preliminary land use framework study area for the Lochdale Urban Village is generally bounded Hammar skjold Drive, Ridge Drive, Duthie Avenue, and Union Street. Additional areas can be considered for inclusion in the plan area, including properties north of Inlet Drive and east of Cliff Avenue.



Lochdale pedestrian and cycling overpass at Hastings Street near Cliff Avenue



WE ENCOURAGE YOU TO
COMPLETE OUR ONLINE
SURVEY AS YOU REVIEW EACH
GOAL.

Visit: burnaby.ca/yourvoice-lochdale

PHASE 1

LOCHDALE URBAN VILLAGE
COMMUNITY PLAN

GOAL AREA 1:

COMMUNITY CHARACTER AND IDENTITY



THE HISTORY OF LOCHDALE

Burrard Inlet and the Burnaby Mountain area were rich in resources that were used by hənq̓'əmin'əḿ and Skwxwú7mesh speaking people. The area's timber resources attracted newcomers who altered the landscape through extensive logging.



A logging camp on Burnaby Mountain, circa 1904.
[HV977.140.2, Burnaby Village Museum]

A transportation network reached Lochdale in advance of settlement, and shaped the development of the neighbourhood. The first roads to serve the neighbourhood were the Hastings-Barnet Road (1903), and the Pole Line Road (now Sperling Avenue) built in 1905.

Electric streetcar service was introduced on Hastings Street in 1913, terminating at Ellesmere Avenue. By 1949 a network of bus routes served the area. Vancouver-bound travellers could board an express bus at the Kootenay Loop by 1953. Express bus service continues today, with the introduction of the R5 Hastings Street in 2020.



The "Hastings Extension" streetcar at Ellesmere on Hastings Street in 1913.
[487-001, City of Burnaby Archives]



A North Burnaby bus stop in 1976.
[556-314, Alan Cook photograph, City of Burnaby Archives]



Hastings-Barnet Road in 1903, looking west from present day Sperling Avenue. Both roads were constructed to convey electricity brought across Burrard Inlet from the Buntzen Lake Generating Station.
[403-001, City of Burnaby Archives]

Early settlers farmed acreages in a close-knit community. Large lots were replaced after the war with suburban style housing.

Up until the 1950s, Lochdale was characterized by small acreages, where residents engaged in small scale agricultural production, growing food and raising livestock for family consumption and sale. The relative isolation of the area created a close-knit community.

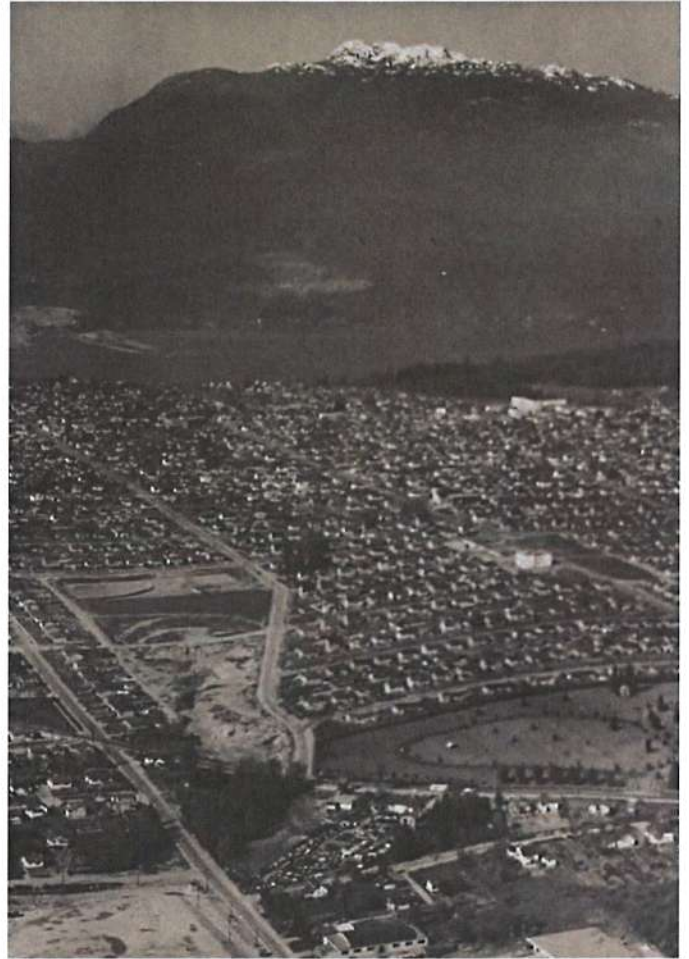
Burnaby's post-war population boom led to suburban development that re-shaped the Lochdale neighbourhood by increasing the density of residential areas. Westridge Elementary and Burnaby North Secondary School were built in response to the post-war population boom.



The Lochdale Community Hall at 490 Sperling served as a social centre for the relatively isolated early Lochdale community.
[BV005.20.7, Burnaby Village Museum]



John and Frances Wuzinski operated a berry farm and apiary on their 1-acre property at 6950 Hastings from 1944 to 1962.
[Courtesy of Janice Bobic/Burnaby Village Museum BV018.39.9]



1946 aerial photograph of North Burnaby.
[069-001, City of Burnaby Archives]



Houses under construction in the Westridge subdivision in 1949.
[VPL 80990A, Vancouver Public Library, Tom Christopherson photographer]

Commercial development in the Lochdale Urban Village has included both purpose-built commercial and mixed uses.

The earliest commercial buildings were located at Hastings and Sperling and served the immediate neighbourhood. Industrial land uses were later encouraged, including the establishment of a Shell Oil refinery during the Great Depression, and the designation of lands at the intersection of Hastings and Sperling as a node for light industrial development in the 1946 Zoning Bylaw. Though subsequent municipal land use studies and plans did not include industrial land designations, an eclectic blend of commercial, industrial, and residential uses persisted.



Hallett's Poultry at 6947 Hastings was established in 1940 and persisted as a mixed residential, commercial and agricultural operation until at least 1980.
[556-613, City of Burnaby Archives]



The Lochdale General Store was constructed at Hastings and Sperling in 1913 for proprietor Eudore (Dora) Lohead. When a Post Office was added in 1914, Lohead chose the name "Lochdale", which was a combination of her last name and "dale" to describe the surrounding geography.

[HV976.62.1, Burnaby Village Museum]



The first phase of the Kensington Square Plaza shopping centre was constructed in the late 1960s, and later expanded in the late 1980s to form the Kensington Square Shopping Centre at 6500 Hastings.
[556-175, City of Burnaby Archives]



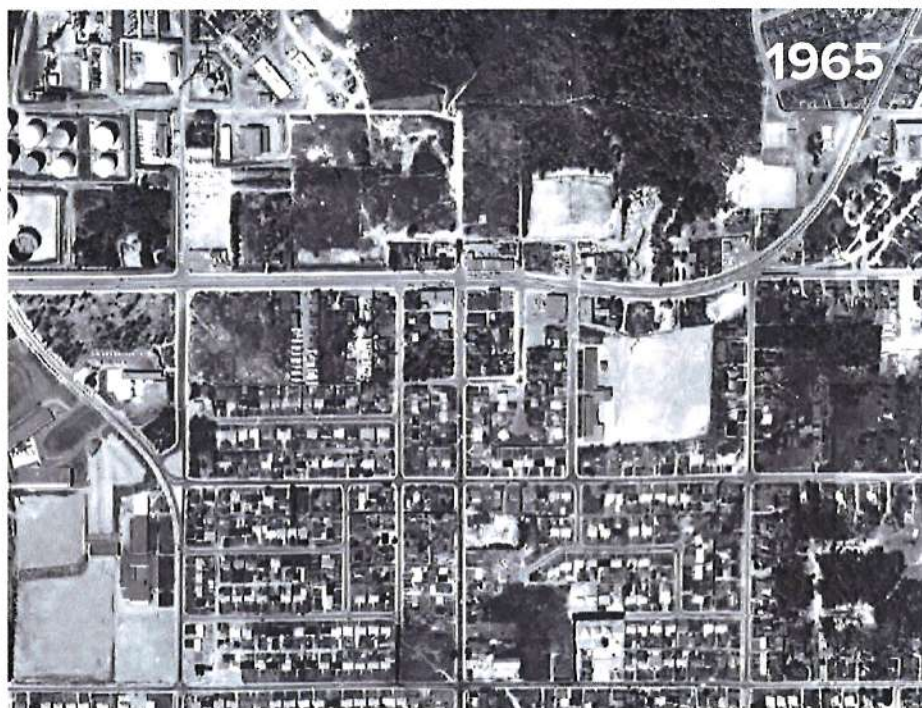
Employees in front of the main office at the Shell Oil refinery in 1935.
[370-231, City of Burnaby Archives]

The Evolution of the Lochdale Area

The Lochdale area has transitioned from rural and agricultural land uses to a mix of industrial and residential uses, supported by transportation and transit infrastructure.



Aerial Photo of the Lochdale Area, 1954. City of Burnaby



Aerial Photo of the Lochdale Area, 1965. City of Burnaby



Aerial Photo of the Lochdale Area, 1979. City of Burnaby



Aerial Photo of the Lochdale Area, 1995. City of Burnaby



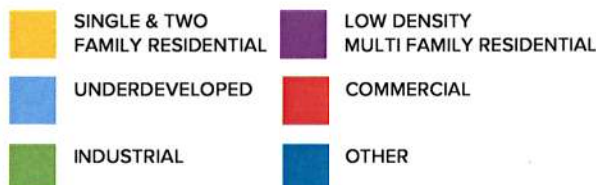
Looking to the Future

The Lochdale area along Hastings Street has long been a gathering place for the community, evolving over time from the construction of Hastings Street and Barnet Road (1903), to the extension of the electric streetcar east along Hastings Street to Ellesmere Street (1913), to what is now a rapid transit corridor through the community.

Looking ahead, there is the opportunity to transform Hastings Street into vibrant commercial high street for the community. The surrounding historic area can further establish an urban village character through the provision of diverse housing types, community amenities and services, enhanced parks and open spaces. Changes should be made in consideration of the cultural and historical assets of the community, which could be celebrated or preserved to maintain a unique sense of place.

POPULATION

2,741



Data Source: City of Burnaby



Lochdale commercial uses along Hastings Street, between Grove and Sperling avenues



Lochdale Community Hall on Sperling Avenue

Proposed Goal #1:

Lochdale will have its own unique character and identity that combines its rich history as a community hub and its future as a contemporary Urban Village.

Sub-Goals:

Establish a shared vision and identify for the future of the community as a re-conceptualized Urban Village.

Celebrate characteristics that have defined the neighbourhood, such as access to parks, strong community ties and the historic Lochdale Community Hall.

Create a network of community amenities and public spaces that foster social interaction and community.

PHASE 1

**LOCHDALE URBAN VILLAGE
COMMUNITY PLAN**

GOAL AREA 2:

**LOCAL ECONOMY
AND EMPLOYMENT**



Looking to the Future

When comparing the size and form of different commercial and residential centres, Urban Villages fall in between a Town Centre and a local convenience centre. They typically offer more amenities and retail spaces than a local convenience centre, with less density and action compared to a major Town Centre, such as Brentwood. The Urban Village designation for the Lochdale area aims to enhance the livability and economic viability of the area with added local commercial and employment uses.

In 2007, the City of Burnaby adopted the City's Economic Development Strategy (EDS), which contains 11 overarching community-wide strategies intended to make Burnaby a preferred location for business growth including: building a strong, livable, healthy community; making efficient use of land; creating urban character; and striving for a greener community. The Lochdale Community Plan preliminary land use framework supports these community-wide EDS strategies by proposing the replacement of suburban single-use commercial sites with more lively urban places, including a mix of housing, employment, retail, restaurants, entertainment and community amenities.



Mixed-use development along Hastings Street, Burnaby Heights

Local commercial, retail and employment uses are proposed to continue to be focused along both the north and south sides of Hastings Street, west of Clare Avenue. This section of Hastings Street is envisioned to have street level storefronts that frame the public realm and provide for individuals' everyday needs. Upper storey office, professional services and residential units would provide employment and housing opportunities. The creation of a walkable Village Centre that focuses commercial activity along several central blocks, rather than sprawling further east, aims to create a focused commercial and cultural hub for the community.

Commercial and work spaces that serve daily needs and provide opportunities for people to work close to home are proposed at the intersection of Pandora Street and Barnet Road. Consideration would also be given to live-work and commercial opportunities in strategic locations throughout the community.



Pub fronting public plaza, Wesbrook Village, UBC



Active commercial uses along University High Street, SFU

Proposed Goal #2:

Lochdale will establish Hastings Street, west of Clare Avenue, as a walkable mixed-use Village Centre that is complemented by a smaller commercial node at Pandora Street and Barnet Road.

Sub-Goals:

Establish a mixed-use Urban Village Centre along Hastings Street, west of Clare Avenue, that helps to animate the public realm, serve residents' daily needs and provide opportunities for employment close to home.

Avoid the sprawl of commercial uses by replacing more auto-oriented suburban uses along Hastings Street, east of Clare Avenue, with new multiple-family housing opportunities.

Allow for a smaller-scale mixed-use commercial node at Pandora Street and Barnet Road to serve nearby residents that are further removed from the Hastings Street Urban Village Centre.

PHASE 1

**LOCHDALE URBAN VILLAGE
COMMUNITY PLAN**

GOAL AREA 3:

**BUILT FORM
AND COMMUNITY
DESIGN**



Looking to the Future

The Lochdale area is presently characterized by older suburban single and two-storey commercial buildings along Hastings Street, including the Kensington Square Shopping Centre (1968) and older commercial buildings. These commercial uses, with ample surface parking, are generally oriented towards vehicles. The existing residential component of the Lochdale area includes a mix of post-war single- and two-family housing and primarily older low-to-medium density mixed-use and multiple family housing developments.

Over the next several decades, the Lochdale neighbourhood has the opportunity to replace some of the aging building stock with the creation of a mixed-use Urban Village that provides new housing options, employment opportunities, amenities and public spaces. The urban form and character along Hastings Street, west of Clare Avenue, is envisioned have street level storefronts with colourful signage, display windows, outdoor seating areas, weather protection, landscaping and quality urban design. The urban form and building heights directly along Hastings Street would be at a comfortable scale to help prioritize sunlight access for pedestrians. The upper storey mix of uses, such as office, professional services and residential units would help to add vibrancy and life to the street throughout the day.

The residential heart of the community surrounding the Hastings Street Village Centre would provide a mix of multiple-family residential

development, including townhouses, row-houses, low-rise apartments and higher mid-rise apartment forms in select locations. Two of the largest properties in the Lochdale area that may be appropriate for the higher residential building forms set further back from Hastings Street are the former golf driving range site (6555 Hastings Street) and the suburban Kensington Square Shopping Centre (6500 Hastings Street). These sites have significant potential to help achieve the vision and goals for a complete Urban Village, including new forms of affordable housing, added employment and commercial uses, community amenities, and new pedestrian-friendly public spaces and connections. Single- and two-family neighbourhoods in the Plan area would also be considered for a mix of multiple-family housing options, such as apartment and townhouse building forms that transition down in scale towards the periphery of the neighbourhood. Residential buildings directly adjacent to single- and two family housing on the edge of the Plan area would be at the lowest scale, such as two to three storey townhouses that are extensively landscaped.

The built environment will also include a network of enhanced public spaces that allow for social connection, recreation, and convenient access to services, residential neighbourhoods, and public transportation. These public spaces may include wide sidewalks, lighting, landscaping, trees, public art, seating, plazas, parks and other elements to engage with the local community.



Varied building forms, Olympic Village, Vancouver



Mix of uses framing the street, University High Street, SFU

Proposed Goal #3:

Lochdale will offer a high-quality built form that helps create a sense of place.

Sub-Goals:

Ensure high quality building designs and varied building heights that transition from the Urban Village Centre down to existing low-rise residential neighbourhoods.

Define the edges of public spaces with attractive buildings and vibrant commercial uses along mixed-use sections of Hastings Street and Barnet Road.

Explore opportunities for well-designed low-rise multiple family residential infill options in existing neighbourhoods.

PHASE 1

**LOCHDALE URBAN VILLAGE
COMMUNITY PLAN**

GOAL AREA 4:

**PUBLIC REALM,
PARKS AND
OPEN SPACES**



Looking to the Future

The City of Burnaby Official Community Plan speaks to providing an attractive public realm — including a range of public parks and open spaces sufficient to meet the changing needs of the community. The Lochdale neighbourhood is currently well served by parks, recreational facilities and schools, including Lochdale Community Hall, Westridge Park, Westridge School Park, Kensington Park and Complex, Westridge Elementary, Burnaby North Secondary and Duthie Union School Park. It serves as a gateway from the west to Simon Fraser University, the UniverCity neighbourhood and the Burnaby Mountain Conservation Area.

The Lochdale Plan would identify opportunities for new or enhanced public spaces within the Plan area that can integrate within the significant existing network of parks and open space. These opportunities within the plan area could include the potential to expand park area along to Cliff Avenue.

Other community amenities to be considered through the Lochdale planning process include opportunities for new or improved greenways and pedestrian and cycling connections,

including major enhancements to the quality and alignment of the Trans Canada Trail through Lochdale, and the connections between parks such as Kensington Park and Westridge Park and trails such as Drummond's Walk and Burnaby Mountain's Urban Trail. In addition, there is an opportunity to consider new public amenities and street standards, such as outdoor plazas, wider sidewalks, added trees and landscaping, street furniture and public art.

Through the Lochdale planning process, approaches to enhance the natural environment would also be outlined. Planning for an enhanced public realm and open space network will be part of a strategy to provide residents with great access to nature, parks and open space amenities within a short walking or cycling distance of their home.



Kensington Park in Lochdale



Residential doors frame a neighbourhood park, Wesbrook Village, UBC

Proposed Goal #4:

Lochdale will be a pedestrian-friendly neighbourhood with a well-connected network of parks and open space.

Sub-Goals:

Develop a hierarchy of neighbourhood parks, pocket parks, urban plazas and other publicly accessible open spaces that address the diverse recreational, cultural and social needs of the community.

Develop a linear east-west greenway north of Hastings Street that connects to the regional trail network.

Enhance and expand existing park space to better serve the neighbourhood.

PHASE 1

LOCHDALE URBAN VILLAGE
COMMUNITY PLAN

GOAL AREA 5:

**HOUSING,
COMMUNITY
AMENITIES
AND SERVICES**

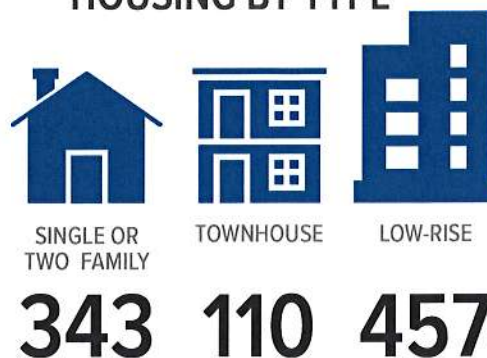


Looking to the Future

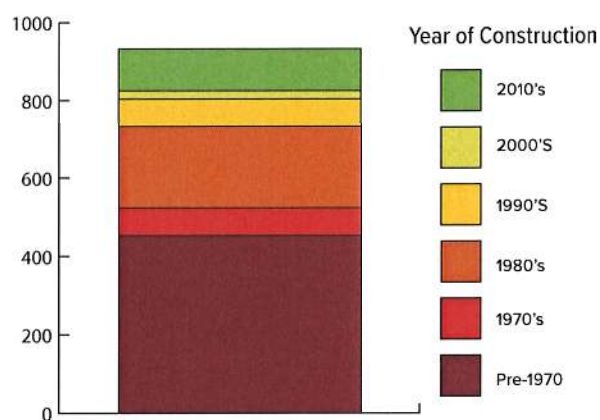
Housing in the Lochdale study area is made up of low-rise apartments (457 units), townhouses (110 units) and single- and two-family housing (343 units). Of these units, there are currently 268 purpose built market rental units and 96 non-market rental units. While the area's housing is generally well maintained, the majority is now over 50 years old. The adoption of a Community Plan for the area would help to guide future development proposals in a manner that is consistent with Official Community Plan's Urban Village designation and the directions arising from this planning process.

Urban Village areas share a common purpose to accommodate varied multiple-family housing options near local commercial services, recreation, schools, and transit facilities. In this neighbourhood, the future redevelopment of the suburban commercial uses and larger undeveloped portions of land along Hasting Street is an opportunity new market and affordable housing options above or adjacent to a mix of commercial uses. Recognizing that the area's housing stock is mature and continues to age, surrounding residential areas may also present

HOUSING BY TYPE



AGE OF HOUSING STOCK



Ground-level townhomes, Wesbrook Village, UBC



Apartment building, Riley Park, Vancouver

opportunities to introduce new housing types that further diversify the community's housing options. Lochdale is well positioned to achieve a true range of housing tenures, including both market and non-market units, rental and ownership-based units, and housing types, including transit-oriented mixed-use apartments, apartments in park-like settings and townhouses or other attached housing forms.

Local housing policy for this community will be further informed by several City-led initiatives working to address issues related to a lack of housing supply, diversity and affordability. These initiatives include the Mayor's Task Force on Community Housing, the Rental Use Zoning Policy, and the ongoing Burnaby Housing Needs Assessment and Housing and Homelessness Strategy. These policy initiatives establish expectations for the development of new market and non-market rental housing, the replacement of rental units lost to redevelopment, assistance for existing tenants needing to relocate due to redevelopment, and the future housing needs of the community.

As this Urban Village evolves with new housing, a priority needs to be placed on creating places and spaces where people can come together

as a community. Mixed-use sites along or nearby Hastings Street are intended to provide many common services for existing and future residents, such as everyday shopping needs, health services, community amenities and other facilities. Other community services, amenities or small-scale commercial uses which fit within a residential context, such as a daycare, neighbourhood space or a corner café, could potentially be spread throughout the community.

Some needs may be addressed by new facilities within the Community Plan area; others may be addressed by community amenities and services that are planned or already exist in the surrounding area. In both cases, the Plan will work to enhance connections within and beyond the Community Plan area so that new and existing residents in the broader area can enjoy community amenities and services.



Ground-level townhomes, Irmin Street, Burnaby



Mid-rise residential building forms, SFU



Mixed-use residential development, Hastings Street, Burnaby Heights



Urban Village housing forms, False Creek, Vancouver

Proposed Goal #5:

Lochdale will be an inclusive community that provides for a range of housing types and forms as well as a variety of community amenities and services.

Sub-Goals:

Focus residential density in or near the Village Centre to support the demand for local commercial, employment uses and public transit facilities.

Provide a range of housing opportunities including market and non-market rental units, and an expanded offering of housing types for individuals, couples, families, seniors, and those with mobility and other challenges.

Incorporate existing and evolving policy direction from the Mayor's Task Force on Community Housing.

Provide a range of spaces, services and amenities that support human connection and interaction, and address diverse community needs.

PHASE 1

LOCHDALE URBAN VILLAGE
COMMUNITY PLAN

GOAL AREA 6:

**ENVIRONMENTAL
SUSTAINABILITY**



Looking to the Future

Through the Lochdale planning process, approaches to enhance the area's natural environment will be considered, such as the addition of open public space, trees, landscaping, greenways and trail systems. This includes access to greenspaces within and surrounding the neighbourhood (e.g. Capitol Hill Conservation Area, Barnet Marine Park, Burnaby Mountain Conservation Area).

The built environment and transportation network will also have to advance bold sustainability and environmental goals in the City, including the target for Burnaby to be carbon neutral by 2050. This would be guided by Burnaby's ongoing Climate Action Framework that outlines "Big Moves and Fast Track Actions" to achieve carbon neutrality by 2050. As an Urban Village, opportunities will be explored for emerging forms of sustainable development, such as mass timber buildings taller than six storeys, green buildings with zero emissions and improvements provided through new development that promotes more active and sustainable modes of travel (e.g. electric vehicle charging stations, bike facilities,

new sidewalks and cycling connections). There are also other opportunities that the City can leverage through new development, including expectations to minimize energy use, water use, waste production and carbon emissions.

THIS IS CLIMATE ACTION

The City of Burnaby has committed to being carbon neutral by 2050

- » 45% Reduction in community carbon emissions by 2030
- » 75% Reduction in carbon emissions by 2030
- » 100% Carbon neutral by 2050

- City of Burnaby Climate Action Framework



Urban tree canopy, Arbutus Walk, Vancouver



Public Bike Share, Wesbrook Village, UBC

Proposed Goal #6:

Lochdale will be an environmentally sustainable Urban Village.

Sub-Goals:

Prioritize open space to increase habitat and tree cover and to provide enjoyment for residents and visitors.

Establish sustainability and climate action policies that are specific to the Lochdale Urban Village and in-line with City-wide strategies.

Develop green buildings that minimize energy use, water use, waste production and carbon emissions.

PHASE 1

LOCHDALE URBAN VILLAGE
COMMUNITY PLAN

GOAL AREA 7:

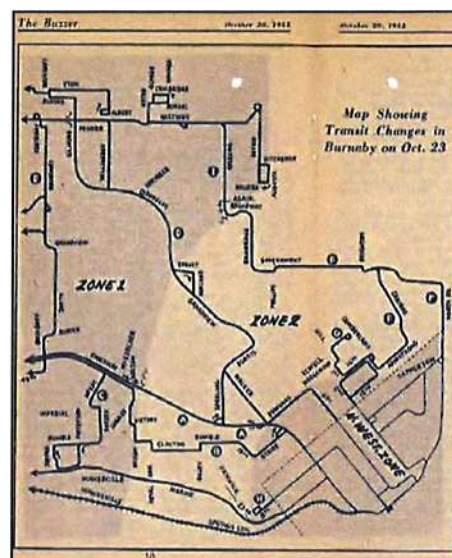
**MOBILITY AND
CONNECTIVITY**



Looking to the Future

Focusing growth within Urban Villages can help support the creation of a complete community where one can make shorter daily trips by living close to work, schools, amenities and recreation. That said, the Lochdale neighbourhood can continue to benefit from its convenient access to surrounding communities via Hastings Street, Barnet Highway, Kensington and Sperling avenues. There is also a strong network of trails, cycling connections and transit routes that can be further enhanced in the future. East-west connections include the Trans Canada Trail and the Hastings rapid transit bus route, while north-south routes include Drummond's Walk, Burnaby Mountain's Urban Trail, Cliff Avenue (cycling route) and the #123 bus route.

The ongoing update of the Burnaby Transportation Plan will set the long-term vision for moving people, goods and services in the City, while integrating and achieving environmental, social, economic and community development goals. The Lochdale Plan would identify local opportunities to achieve City-wide goals to shift to sustainable modes of travel, while remaining even more connected to the local and regional transportation networks. Improvements to the transportation network would include adding new



Transit Map, The Buzzer, October 1953

public streets, multi-use paths and trails, especially when major sites are redeveloped. There are also opportunities to improve designs for active or sustainable forms of transportation, such as wider sidewalks, increased transit access and safe cycling infrastructure. Modern Urban Village street designs with lighting, landscaping, public art, seating, plazas, pocket parks and other elements would also make public spaces and connections more welcoming and pleasant for all users.



Trans Canada Trail through Lochdale, Burnaby



Wide sidewalks with landscaping, trees and seating, SFU

Proposed Goal #7:

Lochdale will provide a walking, biking and transit friendly Urban Village.

Sub-Goals:

Enhance or introduce new pedestrian and cycling connections to major destinations, adjacent neighbourhoods and nearby trail systems.

Establish Urban Village design standards to ensure that new and existing streets meet the needs of all users, including provisions for landscaping, trees, lighting, sidewalks and cycling facilities.

Leverage new development to secure amenities and infrastructure improvements that support more sustainable transportation choices, including walking, cycling, transit and public car share.

Extend a fine-grain network of new public streets, plazas, and connections to break up large privately owned suburban sites, such as the former driving range site and the Kensington Square Shopping Centre.

PHASE 1

LOCHDALE URBAN VILLAGE
COMMUNITY PLAN

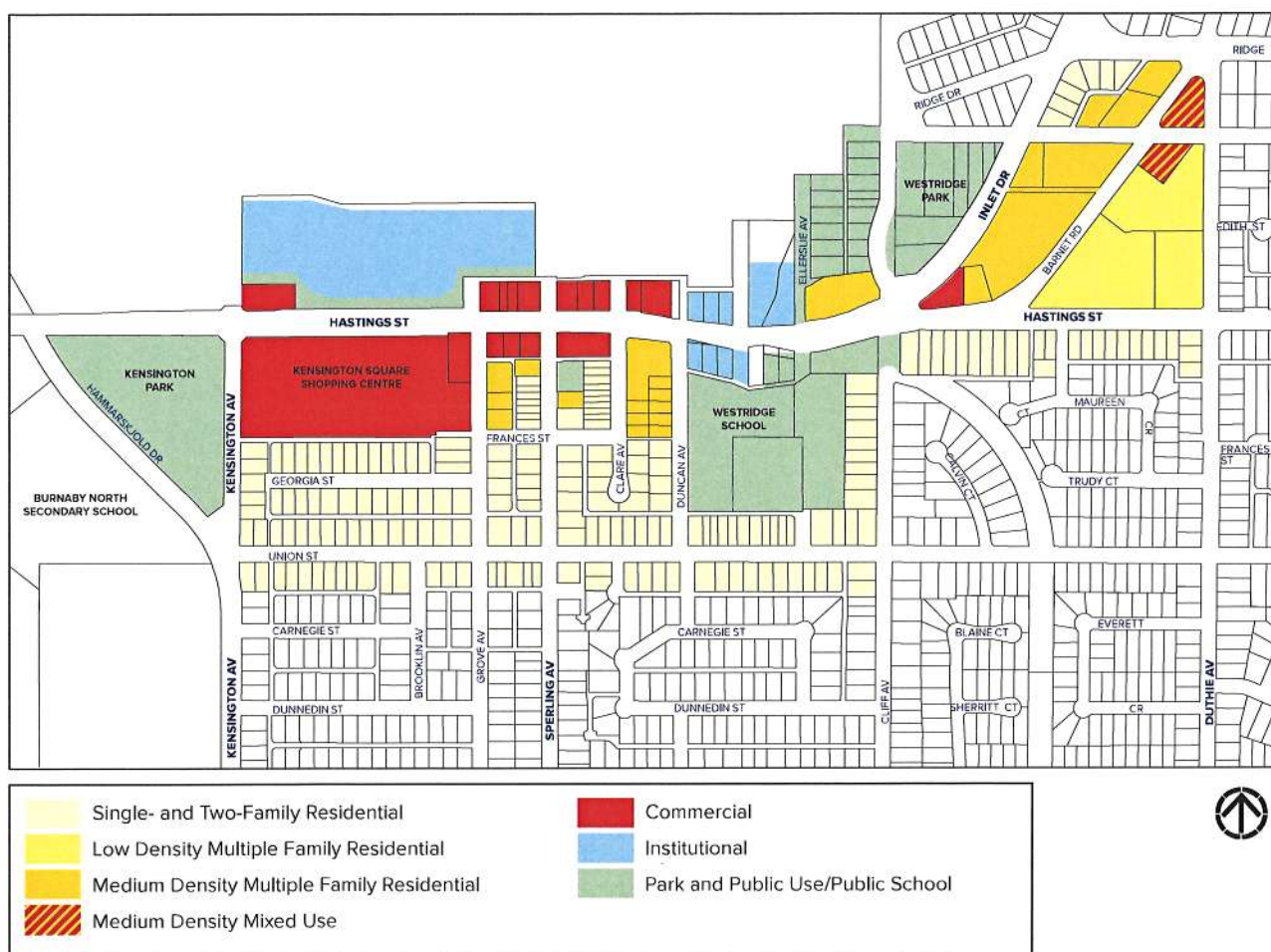
**PRELIMINARY
LAND USE
FRAMEWORK**

Lochdale Urban Village

Existing Land Use Designations

The existing land use designations in the Lochdale area are based on direction in the Official Community Plan and previous planning studies, such as the 1969 Apartment Study and the 1998 Official Community Plan. In the existing land use framework, properties are designated for a single set of land uses, including local commercial along portion of Hastings Street, multiple family residential, and single and two family residential.

The Lochdale Community Planning process will explore new urban form and land use designations that for the Lochdale area to deliver varied housing options, commercial services, employment and office uses, and community amenities for the benefit of existing and future residents.

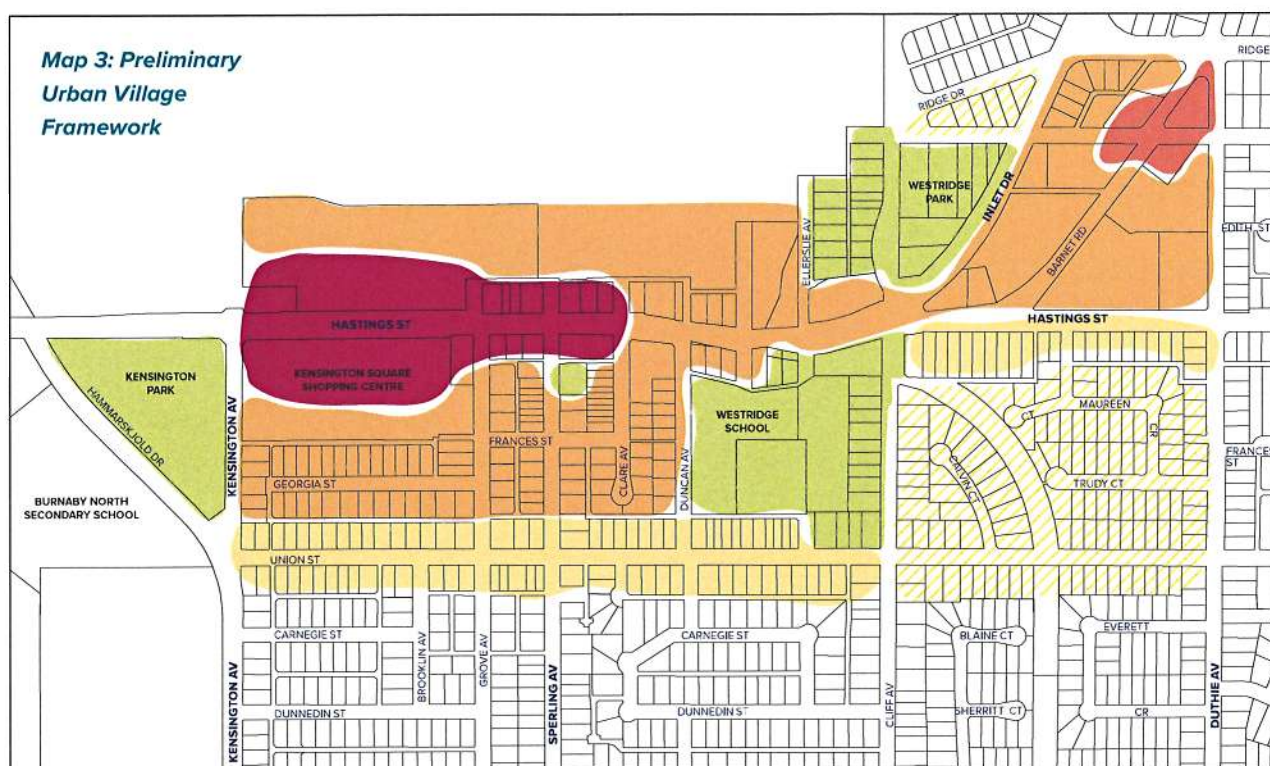


Lochdale Urban Village

Preliminary Land Use Framework

The preliminary Urban Village framework provides a high-level overview of the potential urban forms and land uses that could be incorporated into the Lochdale area. As shown below, there are five character areas proposed as part of this framework: Village Centre, Neighborhood Mixed-Use, Urban Residential, Transitional Residential, and Parks and Open Space.

**Map 3: Preliminary
Urban Village
Framework**



VILLAGE CENTRE – Oriented toward Hastings Street with ground-level commercial and employment, and residential uses above, and with public spaces that are inviting for the pedestrian.

NEIGHBOURHOOD MIXED-USE – A secondary mixed-use node that includes smaller-scale commercial uses to help meet the day-to-day needs of nearby residents.

URBAN RESIDENTIAL – A residential neighbourhood characterized by a diverse mix of public spaces, community amenities, and housing options, including townhouses, rowhouses, low-rise apartments, and mid-rise apartment forms in select locations adjacent to the Village Centre.

TRANSITIONAL RESIDENTIAL – An area that provides a respectful transition to residential neighbourhoods adjacent to existing neighbourhoods, and would include townhouses, rowhouses and low-rise apartment forms.

PARKS AND PUBLIC OPEN SPACE – The area is served by a number of parks and public facilities including Lochdale Community Hall, Westridge Park, Westridge School Park.

 Potential Plan Boundary expansion



Village Centre

The Village Centre is proposed along Hastings Street, between Kensington Avenue and Clare Avenue, where the focus of commercial uses exist today. This area is envisioned to have street level storefronts that provide an inviting and lively place to shop, run errands or stroll. Upper storey office, professional services and residential units would provide employment and housing opportunities within a central and walkable location near public transit.

Neighborhood Mixed-Use

The Neighbourhood Mixed-Use area would provide a secondary smaller mixed-use area at the intersection of Barnet Road and Pandora Street that includes existing smaller-scale commercial uses that would serve the day-to-day needs of immediate nearby residents. These smaller scale commercial uses create a meeting place for residents in the immediate area, who would benefit from uses such as cafes, smaller grocery stores and other small retailers or service providers.

Urban Residential

The Urban Residential area, extending west to Kensington Avenue, east to Duthie Avenue, south to Georgia Street and north to Ridge Drive, is intended to be characterized by a mix of multiple-family residential development, including townhouses, rowhouses, low-rise apartments and mid-rise apartment forms. Larger sites directly north and south of the Village Centre may be considered for higher building forms based on their adjacency to the Village Centre and their significant potential to deliver rental and affordable housing options.

The Urban Residential area proposes to change the land use along Hastings Street, east of Clare Street, from its existing auto-oriented and service-based commercial uses to multi-unit residential forms. This change aims to create a more centralized and walkable Village Centre that focuses commercial activity along three central blocks, rather than sprawling further east.

Lastly, the Urban Residential area includes the existing single family neighbourhoods north of Pandora Street and south of Hastings Street. Planning for multiple-family residential development in these areas would involve some site assemblies and new low-rise apartment and townhouse forms.

Transitional Residential

The Transitional Residential area is located along both sides of Union Street, from Kensington to Invergarry avenues. This area provides a respectful transition to residential neighbourhoods adjacent to the proposed Lochdale Plan area, and would include townhouses, rowhouses and low-rise apartment forms. Buildings directly adjacent to single family neighbourhoods should be limited in scale and building height with setbacks that are extensively landscaped.

Park or Public Use

The Lochdale area is served by a number of park and public facilities, including Lochdale Community Hall, Westridge Park, Westridge School Park, with Kensington Park and the Kensington Complex located immediately west of the Plan area. Westridge School Park has minimal greenspace and limited access due to single-family development surrounding the park along Cliff Avenue and Union Street. As part of the Lochdale planning process, the potential for future City parkland acquisition of residential properties, as they become available over the long term, could be explored to expand and improve access to Westridge School Park.

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**THIS IS»»
CLIMATE
ACTION**

