



No. H180143
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

ALL CANADIAN INVESTMENT CORPORATION

PETITIONERS

AND:

CENSORIO GROUP (AGNES & ELLIOT) HOLDINGS LTD., CHISA PROPERTIES LTD., PETER CENSORIO, CENSORIO GROUP (PARKING) HOLDINGS LTD., LEAH FUNK, CARL FUNK, 1110438 B.C. LTD., FISGARD CAPITAL CORPORATION AND THE OWNERS, STRATA PLAN EPS4196

RESPONDENTS

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE) TUESDAY, THE 19TH DAY OF
MR. JUSTICE WALKER) MAY, 2020
)

ON THE APPLICATION of the petitioner, All Canadian Investment Corporation, coming on for hearing by telephone conference at Vancouver, British Columbia, on the 19th day of May, 2020 and on hearing Jeremy D. West, counsel for the petitioner, All Canadian Investment Corporation, and no one else appearing although duly served, and upon reading the amended petition, the affidavits of Ryan Eagleton, Chelsey Cochrane, John McEown, Joseline Kwok, and Donald Bergman, sworn and filed, and the pleadings and proceedings filed herein;

THIS COURT ORDERS AND DECLARES that:

1. The sale of the following lands and premises:

<u>PID No.</u>	<u>Legal Description</u>
030-122-686	Strata Lot 126 Block 19 New Westminster District Strata Plan EPS4196 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form V

(“Unit 1801”)

- to Dominik Sindalski and Maria Elena Tamayo Grisales (the “Purchasers”) on the terms and conditions set out in the contract of purchase and sale dated April 22, 2020 between the Purchasers and All Canadian Investment Corporation, for \$760,000.00 plus applicable GST (the “Contract”) is approved.
2. Upon filing a certified copy of this order in the New Westminster Land Title Office, together with a letter from the solicitor for the petitioner, All Canadian Investment Corporation, authorizing such registration, and subject to the terms of this Order, Unit 1801 be conveyed to and vest in the Purchasers in fee simple, free and clear of any estate, right, title, interest, equity of redemption, and other claims of the parties, together with any other charges, liens, encumbrances, caveats, or certificates of pending litigation registered against Unit 1801 subsequent to All Canadian Investment Corporation’s certificate of pending litigation, but subject to the reservations, provisos, exceptions, and conditions expressed in the original grants thereof from the Crown and subject to any existing tenancies.
 3. Vacant possession of Unit 1801, subject to existing tenancies, be delivered to the Purchasers at 11:59 am on June 27, 2020, or such earlier date following completion of the sale, unless extended pursuant to the terms of this order.
 4. The net purchase price after the usual adjustments between vendor and Purchasers shall be paid to Watson Goepel LLP, in trust, and shall be paid out in accordance with the following priorities and without further order:
 - a. first, in payment of any arrears of property taxes, water and sewer rates, interest and penalties thereon;

- b. second, in payment of real estate commission;
 - c. third, in payment of the expenses of All Canadian Investment Corporation in the amount of \$2,500.00 related to the completion of the sale of Unit 1801;
 - d. fourth in payment to the respondent, the Owners, strata plan EPS4196 (the “Strata”) of the Strata’s outstanding strata fees and special levies in the total amount of \$ 15,079.18 (plus such further strata fees and special levies as occur after May 19, 2020 and prior to closing of the Contract) and, pursuant to ss. 116-118 of the *Strata Property Act*, lien fees and disbursements in the amount of \$460.00 and legal fees and disbursements in the amount of \$1,333.33;
 - e. fifth, the balance of the proceeds of the sale, to be paid into court to the credit of this petition and to be held pending further order of this Court.
5. For the purposes of determining the nature and priority of claims to the net proceeds from the sale of Unit 1801, the net proceeds of sale shall stand in the place and stead of Unit 1801, and shall attach to the net proceeds from the sale of Unit 1801 with the same priority as they had with respect to Unit 1801 immediately prior to the sale, as if Unit 1801 had not been sold and remained in the possession or control of All Canadian Investment Corporation.
6. For the purpose of issuing title in respect of Unit 1801, the following charges, liens, encumbrances, caveats, mortgages, and certificates of pending litigation be cancelled insofar as they apply to Unit 1801:

<u>Party:</u>	<u>Nature of Charge (all <i>inter alia</i>):</u>	<u>Registration Nos.:</u>
All Canadian Investment Corporation	Mortgage with modifications and transfer	CA3154208 CA4229497 CA4318776 CA7421271

All Canadian Investment Corporation	Assignment of rents with modifications and transfer	CA3154209 CA4229498 CA7421272
1110438 B.C. LTD.	Claim of builders lien	CA6289356
The Owners, Strata Plan EPS4196	Strata Property Act lien	CA6613321
1110438 B.C. LTD.	Certificate of pending litigation	CA6645071
All Canadian Investment Corporation	Certificate of pending litigation	CA6718657
Her Majesty the Queen in Right of Canada	Judgment	CA6892027

together with any other charges, liens, encumbrances, caveats, or certificates of pending litigation registered against Unit 1801 subsequent to the certificate of pending litigation of the petitioner, All Canadian Investment Corporation.

7. All Canadian Investment Corporation be at liberty to concur with the Purchasers in extending the completion, possession, and adjustment dates of the sale by up to ten (10) business days.

8. The parties may apply for such further direction as may be necessary to carry out this order.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



Signature of Jeremy D. West
Counsel for the petitioner,
All Canadian Investment Corporation

**Digitally signed by
Walker, J**

By the Court.

Digitally signed by
Kazim Mohammed

Registrar

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FUNK, 1110438 B.C. LTD., FISGARD CAPITAL
CORPORATION AND THE OWNERS, STRATA
PLAN EPS4196

RESPONDENTS

Order Made After Application

File No.: 228558-0002
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