



No. S235348
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

MCEOWN AND ASSOCIATES LTD. in its capacity as
RECEIVER OF 8655 GRANVILLE LIMITED PARTNERSHIP

PETITIONER

AND:

RED BUFFALO 8655 HOLDINGS LTD.

RESPONDENT

RESPONSE TO PETITION

Filed by: 114506 B.C. Ltd ("the Petition Respondent")

THIS IS A RESPONSE TO the Petition of July 27, 2023.

PART 1: ORDERS CONSENTED TO

These Application Respondents consent to the granting of none of the Orders set out in the paragraphs of Part 1 of the Notice of Application.

PART 2: ORDERS OPPOSED

These Application Respondents oppose the granting of all of the Orders set out in the paragraphs of Part 3 of the Notice of Application.

PART 3: ORDERS ON WHICH NO POSITION IS TAKEN

The Application Respondents take no position on the granting of the Orders set out in the paragraphs of Part 1 and 2 of the Notice of Application.

PART 4: FACTUAL BASIS

1. 1145063 B.C. Ltd holds 15.1% of the unit in the Limited Partnership of which the Respondent is the general partner (the "Granville Partnership").

2. 1145063 B.C. Ltd is one of two 50% shareholders in Red Buffalo 8655 Holdings Ltd., the Respondent. 11056 B.C. Ltd and 1146503 B.C. Ltd are related parties.

3. Those parties allege that: (1) the appointment of the Receiver, by resolution was invalid; (2) the appointment was brought about as a result of the breach of fiduciary duty of Hong Xu, and conspiracy

entered into by Sunshine Treasure Hunt Development Ltd, Hong Xu and David Sui and 8655 KQ Project Limited Partnership.

4. The claims of these 1145063 B.C. Ltd are set forth in Affidavit #1 of Hong Yuan (Andy) Ren filed in Action No. VLC-S-S-234478, Vancouver Registry.

5. The cause of action is not yet complete. Unless and until the property is in the property in which the Partnership has a beneficial interest is sold, 1140563 B.C. Ltd. will unable to assert the amount of damages it has suffered.

6. These Respondents take no position with result to the relief sought. In the within Petition, without prejudice and without reserving its rights to advance its claims against the parties identified in paragraph 3 as more particularly set forth in Exhibit "A" to the said affidavit of Andy Ren.

PART 5: LEGAL BASIS

1. A tortious claim as distinct from a breach of contract claim, is not complete until damages have been suffered.

2. Until the property is sold, the amount of damages occasioned by the conduct of the proposed defendants in Exhibit 'A' to the Affidavit of Andy Ren will not be complete.

3. The Respondents are not in a position to commence their proceedings at this time but reserve their rights to do so when the property sells and their cause of action is complete.

PART 6: MATERIAL TO BE RELIED UPON

1. Affidavit #1 of Hong Yuan (Andy) Ren in Action VLC-S-S-233478.

2. The Petition Respondent estimates that the Application will take 10 minutes.

Dated: August 1, 2023



H.C. Ritchie Clark, K.C.
Lawyer for the Petition Respondent

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