



No. S-236296
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA
IN THE MATTER OF THE *STRATA PROPERTY ACT*, R.S.B.C. 1998, c.43

and

**IN THE MATTER OF THE APPLICATION FOR THE WIND-UP OF
STRATA PLAN NW2599**

Between

THE OWNERS, STRATA PLAN NW2599,
CROWE MACKAY & COMPANY LTD., AS LIQUIDATOR OF
THE OWNERS, STRATA PLAN NW2599,
and each of the parties set out in Appendix "A" to the Petition

Petitioners

and

VANCOUVER CITY SAVINGS CREDIT UNION,
RELIABLE MORTGAGES INVESTMENT CORP.,
TORONTO DOMINION BANK,
COAST CAPITAL SAVINGS FEDERAL CREDIT UNION,
ROYAL BANK OF CANADA,
SCOTIA MORTGAGE CORPORATION,
COMPUTERSHARE TRUST COMPANY OF CANADA,
CANADIAN IMPERIAL BANK OF COMMERCE,
FIRST WEST CREDIT UNION,
THE BANK OF NOVIA SCOTIA,
THE CROWN IN RIGHT OF BRITISH COLUMBIA,
CITY OF CHILLIWACK
and each of the parties set out in Appendix "B" to the Petition

Respondents

RESPONSE TO PETITION

Filed by: His Majesty the King in right of the Province of British Columbia (the
"Province")

THIS IS A RESPONSE TO the petition filed by the Petitioners on September 12, 2023.

Part 1: ORDERS CONSENTED TO

The Province consents to the granting of the orders set out in the following paragraphs of Part 1 of the petition:

None.

Part 2: ORDERS OPPOSED

The Province opposes the granting of the orders set out in the following paragraphs of Part 1 of the petition:

None.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The Province takes no position on the granting of the orders set out in the following paragraphs of Part 1 of the petition:

All.

Part 4: FACTUAL BASIS

1. The respondent Jose Morales is a registered owner of lands and premises legally described as:

PID: 008-041-181

STRATA LOT 16 DISTRICT LOT 332 GROUP 2 NEW WESTMINSTER
DISTRICT STRATA PLAN NW2599 TOGETHER WITH AN INTEREST IN THE
COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF
THE STRATA LOT AS SHOWN ON FORM 1

("Lot 16")

2. On May 18, 2023, the Province registered a lien under the *Speculation and Vacancy Tax Act* ("SVTA") against Lot 16 under registration number CB630743. The lien consists of amounts owing by Jose Morales under the SVTA for the 2018 and 2020 tax years. As of September 20, 2023, the amount owing under the lien is \$4,935.67 with interest accruing at the prescribed rate.

3. The petitioner Avnatz Holdings Ltd. is a registered owner of lands and premises legally described as:

PID: 008-041-342

STRATA LOT 32 DISTRICT LOT 332 GROUP 2 NEW WESTMINSTER
DISTRICT STRATA PLAN NW2599 TOGETHER WITH AN INTEREST IN THE

COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF
THE STRATA LOT AS SHOWN ON FORM 1

("Lot 32")

4. On May 17, 2023, the Province registered a lien under the SVTA against Lot 32 under registration number CB624442 (the "First Avnatz Lien"). The First Avnatz Lien consists of amounts owing by Avnatz Holdings Ltd. under the SVTA for the 2021 tax year. As of September 20, 2023, the amount owing under the First Avnatz Lien is \$38,771.23 with interest accruing at the prescribed rate.
5. On September 20, 2023, the Province registered a lien under the SVTA against the Lot 32 under registration number CB902356 (the "Second Avnatz Lien"). The Second Avnatz Lien consists of amounts owing by Avnatz Holdings Ltd. under the SVTA for the 2022 tax year. As of September 20, 2023, the amount owing under the Second Avnatz Lien is \$42,115.46 with interest accruing at the prescribed rate.

Part 5: LEGAL BASIS

1. The Province will rely on, *inter alia*:
 - a. *Land Title Act*, R.S.B.C. 1996, c. 250, s. 28;
 - b. *Speculation and Vacancy Tax Act*, S.B.C. 2018, c. 46;
 - c. *Supreme Court Civil Rules*, Rules 14-1; and
 - d. *Strata Property Act*, S.B.C. 1998, c. 43, s. 116.

Part 6: MATERIAL TO BE RELIED ON

1. The documents and pleadings filed in this proceeding.
2. Such further affidavits and other materials as counsel may advise.

The Province estimates the application will take 60 minutes.



Dated: September 29, 2023

Isabel J. Gowda
Counsel for the Province

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