

## CERTIFICATE OF COMMISSIONER

I am the commissioner for taking affidavits who administered the oath to Yu-Chiao (Joy) Chiang with respect to the Affidavit attached. I confirm that I have complied with the Notice to the Profession issued by the Supreme Court of British Columbia and dated March 27, 2020 with respect to administering the oath to Yu-Chiao (Joy) Chiang. I am satisfied that due to health and safety concerns it was unsafe for Yu-Chiao (Joy) Chiang and myself to be physically present together when the oath was administered.

Dated: October 28, 2021

A handwritten signature in blue ink, appearing to read 'Crystal Law', is written over a horizontal line.

*Crystal Law*

*Forrester & Company Law Corporation  
300-171 Water Street  
Vancouver, BC, V6B 1A7*



This is the 1<sup>st</sup> Affidavit of Yu-Chiao (Joy) Chiang  
in this case and was made on October 28, 2021

No. S217202  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN:**

**THE BANK OF NOVA SCOTIA**

**PETITIONER**

**AND:**

**COMMUNITY MARINE CONCEPTS LTD., VICTORIA INTERNATIONAL MARINA  
LTD. ETERNALAND YUHENG INVESTMENT HOLDING LTD., AND 0736657 B.C.  
LTD.**

**RESPONDENTS**

**AFFIDAVIT**

I, Yu-Chiao (Joy) Chiang, of Forrester & Company Law Corporation, 300-171 Water Street, in the City of Vancouver, in the Province of British Columbia, **AFFIRM THAT:**

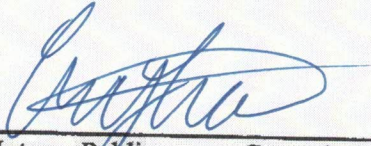
1. I am a paralegal at Forrester & Company, counsel for the Respondents in this Petition. As such, I have personal knowledge of the facts and matters hereinafter deposed to by me except where stated to be made upon information and belief and where so stated I believe those facts and matters to be true.
2. Now shown to me and attached hereto as **Exhibit A** is a true copy of the company summary for Community Marine Concepts Ltd.
3. Now shown to me and attached hereto as **Exhibit B** is a true copy of the company summary for Victoria International Marina Ltd.
4. Now shown to me and attached hereto as **Exhibit C** is a true copy of the company summary for Eternaland Yuheng Investment Holding Ltd.
5. Now shown to me and attached hereto as **Exhibit D** is a true copy of the company summary for 0736657 B.C. Ltd.
6. Now shown to me and attached hereto as **Exhibit E** is a true copy of the title search for 7629 Burris Street, Burnaby, BC, V5E 1Z2, PID 018-227-635.

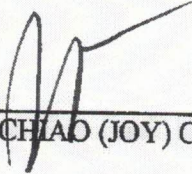
A handwritten signature in blue ink, appearing to be "JC" or similar, located in the bottom right corner of the page.



7. Now shown to me and attached hereto as **Exhibit F** is a true copy of the foreclosure proceedings in Vancouver Registry No. H210479 commenced on September 29, 2021 against 7629 Burris Street.
8. Now shown to me and attached hereto as **Exhibit G** is a true copy of the title search for 2389 McBain Avenue, Vancouver, BC, V6L 2C5, PID 018-841-161.
9. Now shown to me and attached hereto as **Exhibit H** is a true copy of the foreclosure proceedings in Vancouver Registry No. H210480 commenced on September 29, 2021 against 2389 McBain Avenue.

AFFIRMED BEFORE ME at the City of )  
Vancouver, in the Province of British )  
Columbia, Canada this 28<sup>th</sup> day of October, )  
2021 )

  
\_\_\_\_\_  
A Notary Public or a Commissioner  
for taking affidavits in the Province of BC )

  
\_\_\_\_\_  
YU-CHIAO (JOY) CHIANG )

Crystal Law, Barrister & Solicitor  
Forrester & Company Law Corporation  
300-171 Water Street  
Vancouver, BC, V6B 1A7

*This Affidavit is commissioned without the deponent being physically present before the commissioner. The commissioner has verified the identity of the deponent through video technology and have before each of them a paper copy of this Affidavit, including exhibits, and have together reviewed and verified each page of this Affidavit and have each initialed in the lower right-hand corner of each page.*







BC Registry  
Services

Mailing Address:  
PO Box 9431 Stn Prov Govt  
Victoria BC V8W 9V3  
www.corporateonline.gov.bc.ca

Location:  
2nd Floor - 940 Blanshard Street  
Victoria BC  
1 877 526-1526

## BC Company Summary

For  
**COMMUNITY MARINE CONCEPTS LTD.**

Date and Time of Search: September 14, 2021 04:26 PM Pacific Time  
Currency Date: September 07, 2021

### ACTIVE

Incorporation Number: BC0998190  
Name of Company: COMMUNITY MARINE CONCEPTS LTD.  
Business Number: 811003631 BC0001  
Recognition Date and Time: Incorporated on March 31, 2014 04:16 PM Pacific Time  
Last Annual Report Filed: March 31, 2020  
In Liquidation: No  
Receiver: No

### COMPANY NAME INFORMATION

Previous Company Name: 0998190 B.C. LTD.  
Date of Company Name Change: August 20, 2014

### REGISTERED OFFICE INFORMATION

Mailing Address: 2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA  
Delivery Address: 2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

### RECORDS OFFICE INFORMATION

Mailing Address: 2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA  
Delivery Address: 2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

This is Exhibit A referred to in the  
Affidavit of Ya-Chiao (Joy) Chiang  
sworn (or affirmed) before me at  
Vancouver, B.C.  
this 28 day of Oct, 2021.

[Signature]  
A Commissioner/Notary Public for the  
Province of British Columbia

### DIRECTOR INFORMATION

Last Name, First Name, Middle Name:  
ZHANG, HUAI YIN

Mailing Address:  
7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

Delivery Address:  
7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA



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**Last Name, First Name, Middle Name:**

ZHANG, DONGXIA

**Mailing Address:**

1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

**Delivery Address:**

1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

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NO OFFICER INFORMATION FILED AS AT March 31, 2020.

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*[Handwritten signature]*





BC Registry  
Services

Mailing Address:  
PO Box 9431 Stn Prov Govt  
Victoria BC V8W 8V3  
www.corporateonline.gov.bc.ca

Location:  
2nd Floor - 940 Blanshard Street  
Victoria BC  
1 877 526-1526

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## BC Company Summary

For  
VICTORIA INTERNATIONAL MARINA LTD.

Date and Time of Search: September 14, 2021 04:29 PM Pacific Time  
Currency Date: September 07, 2021

### ACTIVE

Incorporation Number: BC1159286  
Name of Company: VICTORIA INTERNATIONAL MARINA LTD.  
Business Number: 761931880 BC0001  
Recognition Date and Time: Incorporated on April 04, 2018 11:39 AM Pacific Time  
Last Annual Report Filed: April 04, 2020  
In Liquidation: No  
Receiver: No

### REGISTERED OFFICE INFORMATION

Mailing Address:  
2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

Delivery Address:  
2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

### RECORDS OFFICE INFORMATION

Mailing Address:  
2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

Delivery Address:  
2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

### DIRECTOR INFORMATION

Last Name, First Name, Middle Name:  
ZHANG, DONGXIA

Mailing Address:  
1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

Delivery Address:  
1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

This is Exhibit B referred to in the  
Affidavit of En-Chen Chai  
sworn (or affirmed) before me at  
Vancouver B.C.  
this 8 day of October 2021.

[Signature]  
A Commissioner/Notary Public for the  
Province of British Columbia

[Handwritten mark]





**Last Name, First Name, Middle Name:**

ZHANG, HUAI YIN

**Mailing Address:**

7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

**Delivery Address:**

7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

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NO OFFICER INFORMATION FILED AS AT April 04, 2020.

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BC Registry  
Services

Mailing Address:  
PO Box 9431 Stn Prov Govt  
Victoria BC V8W 9V3  
www.corporateonline.gov.bc.ca

Location:  
2nd Floor - 940 Blanshard Street  
Victoria BC  
1 877 526-1526

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## BC Company Summary

For

ETERNALAND YUHENG INVESTMENT HOLDING LTD.

Date and Time of Search: September 14, 2021 04:08 PM Pacific Time  
Currency Date: September 07, 2021

### ACTIVE

Incorporation Number: BC0986873  
Name of Company: ETERNALAND YUHENG INVESTMENT HOLDING LTD.  
Business Number: 828847038 BC0001  
Recognition Date and Time: Incorporated on November 28, 2013 06:57 PM Pacific Time  
Last Annual Report Filed: November 28, 2020  
In Liquidation: No  
Receiver: No

### REGISTERED OFFICE INFORMATION

Mailing Address:  
2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

Delivery Address:  
2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

### RECORDS OFFICE INFORMATION

Mailing Address:  
2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

Delivery Address:  
2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

### DIRECTOR INFORMATION

Last Name, First Name, Middle Name:  
ZHANG, HUAI YIN

Mailing Address:  
7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

Delivery Address:  
7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

This is Exhibit C referred to in the  
Affidavit of Yu-thao (Tony) Chiang  
sworn (or affirmed) before me at

Vancouver, B.C.  
this 29 day of October, 2021

[Signature]  
A Commissioner/Notary Public for the  
Province of British Columbia



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**Last Name, First Name, Middle Name:**  
ZHANG, DONGXIA

**Mailing Address:**  
1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

**Delivery Address:**  
1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

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NO OFFICER INFORMATION FILED AS AT November 28, 2020.

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BC Registry  
Services

Mailing Address:  
PO Box 9431 Stn Prov Govt  
Victoria BC V8W 9V3  
www.corporateonline.gov.bc.ca

Location:  
2nd Floor - 940 Blanshard Street  
Victoria BC  
1 877 526-1526

## BC Company Summary

For  
0736657 B.C. LTD.

Date and Time of Search: September 14, 2021 04:30 PM Pacific Time  
Currency Date: September 07, 2021

### ACTIVE

Incorporation Number: BC0736657  
Name of Company: 0736657 B.C. LTD.  
Business Number: 823653142 BC0001  
Recognition Date and Time: Incorporated on October 03, 2005 01:33 PM Pacific Time In Liquidation: No  
Last Annual Report Filed: October 03, 2020 Receiver: No

### COMPANY NAME INFORMATION

Previous Company Name	Date of Company Name Change
COMMUNITY MARINE CONCEPTS LTD.	August 20, 2014
0736657 B.C. LTD.	October 14, 2005


### REGISTERED OFFICE INFORMATION

Mailing Address:	Delivery Address:
2959 KINGSWAY	2959 KINGSWAY
VANCOUVER BC V5R 5J4	VANCOUVER BC V5R 5J4
CANADA	CANADA

### RECORDS OFFICE INFORMATION

Mailing Address:	Delivery Address:
2959 KINGSWAY	2959 KINGSWAY
VANCOUVER BC V5R 5J4	VANCOUVER BC V5R 5J4
CANADA	CANADA

### DIRECTOR INFORMATION

This is Exhibit D referred to in the  
Affidavit of Yu-Chiao Gloy Chiung  
sworn (or affirmed) before me at  
Vancouver, B.C.  
this 8 day of October, 2021.  
  
A Commissioner/Notary Public for the  
Province of British Columbia



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**Last Name, First Name, Middle Name:**

ZHANG, HUAI YIN

**Mailing Address:**

7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

**Delivery Address:**

7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

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**Last Name, First Name, Middle Name:**

ZHANG, DONGXIA

**Mailing Address:**

1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

**Delivery Address:**

1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

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NO OFFICER INFORMATION FILED AS AT October 03, 2020.

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W



**TITLE SEARCH PRINT**

File Reference: 1594

Declared Value \$9410000

2021-10-28, 06:33:17

Requestor: Joy Chiang

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\***

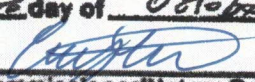
**Land Title District**  
Land Title Office  
NEW WESTMINSTER  
NEW WESTMINSTER

**Title Number**  
From Title Number  
CA4904491  
CA2749395

**Application Received**  
2015-12-31

**Application Entered**  
2016-01-05

**Registered Owner in Fee Simple**  
Registered Owner/Mailing Address:  
HAO RAN ZHANG, BUSINESSMAN  
7629 BURRIS STREET  
BURNABY, BC  
V5E 1Z2

This is Exhibit E referred to in the  
Affidavit of Yu-Chiao Chiang  
sworn (or affirmed) before me at  
Vancouver, B.C.  
this 28 day of October, 2021.  
  
A Commissioner/Notary Public for the  
Province of British Columbia

**Taxation Authority**  
Burnaby, City of

**Description of Land**  
Parcel Identifier: 018-227-635  
Legal Description:  
LOT 1 DISTRICT LOT 86 GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP10109

**Legal Notations**  
NONE

**Charges, Liens and Interests**

Nature: STATUTORY RIGHT OF WAY  
Registration Number: 349200C  
Registration Date and Time: 1964-01-31 12:17  
Registered Owner: DISTRICT OF BURNABY  
Remarks: STATUTORY RIGHT OF WAY OVER NORTH WESTERLY  
10 FEET (PLAN 26396) WITH ANCILLARY RIGHTS

Nature: COVENANT  
Registration Number: BG140749  
Registration Date and Time: 1993-04-29 12:29  
Registered Owner: CITY OF BURNABY  
Remarks: L.T.A. SEC. 215



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**TITLE SEARCH PRINT**

File Reference: 1594

Declared Value \$9410000

2021-10-28, 06:33:17

Requestor: Joy Chiang

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	BG140750
Registration Date and Time:	1993-04-29 12:29
Registered Owner:	CITY OF BURNABY
Remarks:	PLAN LMP10110
Nature:	STATUTORY RIGHT OF WAY
Registration Number:	BH347788
Registration Date and Time:	1994-09-26 12:27
Registered Owner:	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks:	PLAN LMP19219
Nature:	MORTGAGE
Registration Number:	CA4904492
Registration Date and Time:	2015-12-31 10:26
Registered Owner:	CANADIAN IMPERIAL BANK OF COMMERCE
Nature:	MORTGAGE
Registration Number:	CA5926852
Registration Date and Time:	2017-04-12 06:01
Registered Owner:	THE BANK OF NOVA SCOTIA
Nature:	ASSIGNMENT OF RENTS
Registration Number:	CA5926853
Registration Date and Time:	2017-04-12 06:01
Registered Owner:	THE BANK OF NOVA SCOTIA
Nature:	CERTIFICATE OF PENDING LITIGATION
Registration Number:	CA9405405
Registration Date and Time:	2021-10-01 14:28
Registered Owner:	THE BANK OF NOVA SCOTIA

**Duplicate Indefeasible Title**

NONE OUTSTANDING

**Transfers**

NONE

**Pending Applications**

NONE

W





Land Title Act

Charge, Notation or Filing

NEW WESTMINSTER LAND TITLE OFFICE

OCT 01 2021 14:28:22.001

CA9405405

## 1. Application

ANDREW KAVANAGH, BLAKE, CASSELS & GRAYDON  
LLP, BARRISTERS & SOLICITORS  
595 BURRARD STREET, P.O. BOX 49314  
SUITE 2600, THREE BENTALL CENTRE  
VANCOUVER BC V7X 1L3  
(604) 631-3300

c/m: 19350/90070

This is Exhibit F referred to in the  
Affidavit of Yu-Chiao Goy/Chiang  
sworn (or affirmed) before me at

Vancouver, B.C.  
this 28 day of October 2021

[Signature]  
A Commissioner/Notary Public for the  
Province of British Columbia

## 2. Description of Land

PID/Plan Number Legal Description

018-227-635 LOT 1 DISTRICT LOT 86 GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP10109

## 3. Nature of Charge, Notation, or Filing

Type

Affected Number

Additional Information

CERTIFICATE OF PENDING LITIGATION

## 4. Person Entitled to be Registered as Charge Owner

THE BANK OF NOVA SCOTIA  
40 KING STREET W., 26TH FLOOR  
TORONTO ON M5H 3Y2

## Electronic Signature

Your electronic signature is a representation that

(a) you are a subscriber under section 168.6 of the *Land Title Act*, RSBC 1996 c.250,  
and that you are authorized to electronically sign this application by an e-filing  
direction made under section 168.22(2) of the act, and

(b) if this application requires a supporting document, that you are a designate authorized to certify this application under section 168.4 of the *Land Title Act*,  
RSBC 1996 c.250, that you certify this application under section 168.43(3) of the act, and that the supporting document or a true copy of the supporting  
document, if a true copy is allowed under an e-filing direction, is in your possession.

Benjamin Peter  
Effa MWXHLX

Digitally signed by  
Benjamin Peter Effa MWXHLX  
Date: 2021-10-01  
13:03:11 -07:00



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FORM 31  
LAND TITLE ACTNature of Interest: Charge: **Certificate of Pending Litigation**

Herewith fee of \$

Legal Description and Parcel Identifier No:

PID: 018-227-635

LOT 1 DISTRICT LOT 86 GROUP  
NEW WESTMINSTER DISTRICT PLAN  
LMP10109Address of person entitled to register this  
certificate of pending litigation:The Bank of Nova Scotia  
40 King Street W., 26<sup>th</sup> Floor  
Toronto, ON M5H 3Y2Full name, address and telephone  
number of person presenting application:**Blake, Cassels & Graydon LLP**  
Barristers and Solicitors  
Suite 2600, Three Bentall Centre  
595 Burrard Street, PO Box 49314  
Vancouver, BC V7X 1L3  
Telephone: 604-631-3300  
**Attention: Peter Bychawski /**  
**Andrew Kavanagh**SUPREME COURT  
OF BRITISH COLUMBIA  
VANCOUVER REGISTRY

Signature of Solicitor

OCT 01 2021

No. H-210479  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

THE BANK OF NOVA SCOTIA

PETITIONER

AND

HAO RAN ZHANG

RESPONDENT

## CERTIFICATE OF PENDING LITIGATION

I certify that in a proceeding commenced in this court a claim is made for an estate or interest in land or a right of action in respect of land is given by an enactment other than the *Land Title Act*. The particulars are set out in the attached copy of the document by which this claim is made.

Given under my hand and the seal of the Court at Vancouver, British Columbia, this 1<sup>st</sup> day of October, 2021.

B. MANSON  
DEPUTY DISTRICT REGISTRAR

REGISTRAR



**SUPREME COURT  
OF BRITISH COLUMBIA  
VANCOUVER REGISTRY**

**SEP 29 2021**

**H-210479**

No.  
Vancouver Registry



IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

THE BANK OF NOVA SCOTIA

PETITIONER

AND

HAO RAN ZHANG

RESPONDENT

PETITION TO THE COURT

ON NOTICE TO:

Hao Ran Zhang  
7629 Burris Street  
Burnaby, BC V5E 1Z2

**This proceeding is brought for the relief set out in Part 1 below by The Bank of Nova Scotia**

If you intend to respond to this petition, you or your lawyer must

- (a) file a Response to Petition in Form 67 in the above-named Registry of this Court within the time for Response to Petition described below, and
- (b) serve on the Petitioner(s)
  - (i) 2 copies of the filed Response to Petition, and
  - (ii) 2 copies of each filed Affidavit on which you intend to rely at the hearing

**Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the Response to Petition within the time for response.**



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**Time for Response To Petition**

A Response to Petition must be filed and served on the Petitioner,

- (a) if you were served with the Petition anywhere in Canada, within 21 days after that service,
- (b) if you were served with the Petition anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the Petition anywhere else, within 49 days after that service, or
- (d) if the time for response has been set by order of the court, within that time.

(1)	The address of the registry is: 800 Smithe Street Vancouver, BC V6Z 2E1
(2)	The ADDRESS FOR SERVICE of the Petitioner is: Blake, Cassels & Graydon LLP Barristers & Solicitors Suite 2600, Three Bentall Centre 595 Burrard Street, PO Box 49314 Vancouver, BC V7X 1L3 Attention: Peter Bychawski / Andrew Kavanagh
	Fax number address for service of the Petitioner: N/A
	E-mail address for service of the Petitioner: Vancouver.service@blakes.com; peter.bychawski@blakes.com; and andrew.kavanagh@blakes.com
(3)	The name and office address of the Petitioner's lawyer is: Blake, Cassels & Graydon LLP Barristers & Solicitors Suite 2600, Three Bentall Centre 595 Burrard Street, PO Box 49314 Vancouver, BC V7X 1L3 Attention: Peter Bychawski / Andrew Kavanagh

**CLAIM OF THE PETITIONER****Part 1: ORDER SOUGHT**

1. A declaration that a mortgage registered in the New Westminster Land Title Office on April 12, 2017, under number CA5926852 (the "Mortgage"), is a charge on lands and premises more particularly known and described as:



- 3 -


Parcel Identifier: 018-227-635

Legal Description: Lot 1 District Lot 86 Group 1 New Westminster District Plan LMP10109

(the "Property")

ranking in priority to any right, title or interest of the Respondent and all persons claiming by, through or under the Respondent except the interests of secured creditors and statutory charge holders whose interests have priority over the Mortgage.

2. A declaration that the Mortgage is in default.
3. A summary accounting of the amount due to the Petitioner pursuant to the Mortgage, including the Petitioner's legal costs and other expenses and costs incurred in enforcing the Mortgage, which includes but is not limited to the Petitioner's legal fees and disbursements on a solicitor and client basis, unless the court allows legal fees and disbursements to be paid on a different basis, and all other costs and expenses incurred by the Petitioner to protect the Petitioner's interest under the Mortgage, and a declaration of the amount of money required to redeem the Property (the "Redemption Amount").
4. An Order setting the redemption period.
5. An Order that, upon the Respondent paying the Redemption Amount into Court or to the solicitor for the Petitioner before pronouncement of an Order Absolute or an Order approving a sale of the Property, the Petitioner shall reconvey the Property free and clear of encumbrances in its favour and shall deliver up all documents in its custody relating to the Property to the Respondent.
6. An Order that if the Property is not redeemed, the Petitioner shall be at liberty to apply for an Order Absolute.
7. An Order for the sale of the Property, with vacant possession, subject to the approval of this Court, and for the Petitioner to have exclusive conduct of such sale.
8. An Order that the Petitioner be granted liberty to apply for a further summary accounting of any amounts which become due to the Petitioner for interest or otherwise become due to the Petitioner pursuant to the Mortgage.





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- 4 -

9. Judgment against the Respondent in an amount equal to the Redemption Amount.
10. An Order appointing a Receiver, or a Receiver and Manager, of the rents and profits of the Property and for the fixing of an occupational rent.
11. An Order for a Certificate of Pending Litigation.
12. An Order for costs of this proceeding.
13. An Order for any other relief the Court may deem just.

**Part 2: FACTUAL BASIS*****The Parties***

14. The Petitioner, The Bank of Nova Scotia (the "Bank"), is a Canadian Schedule I bank.
15. The Respondent, Hao Ran Zhang (the "Guarantor"), is the registered owner of the Property, being a residential property municipally located at 7629 Burris Street, Burnaby, British Columbia.

***The Guarantee and Mortgage Security***

16. Pursuant to an unlimited guarantee dated March 13, 2017 (the "Guarantee"), granted by the Guarantor in favour of the Bank, the Guarantor jointly and severally guaranteed payment to the Bank of all debts and liabilities, present or future, direct or indirect, absolute or contingent, matured or not, at any time owing by Community Marine Concepts Ltd. ("CMC") to the Bank or remaining unpaid by CMC to the Bank, whether arising from dealings between the Bank and CMC or from other dealings or proceedings by which the Bank may be or become in any manner whatever a creditor of CMC, and wherever incurred, and whether incurred by CMC alone or with another or others and whether as principal or surety, including all interest, commissions, legal and other costs, charges and expenses (such debts and liabilities being herein called the "Guaranteed Liabilities").

17. As security for his obligations under the Guarantee, the Guarantor granted the Bank the Mortgage over the Property. The Mortgage was registered in the New Westminster Land Title Office on April 12, 2017, under number CA5926852.



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***The Indebtedness***

18. CMC has been in default of its payment obligations owing to the Bank under a Commitment Letter dated October 2, 2018 (the "**Commitment Letter**"), which amended and restated an earlier commitment letter dated February 22, 2017, since April 30, 2020, when CMC failed to repay the loans and amounts owing under the Commitment Letter upon their becoming due.

19. The Guarantor acknowledged CMC's default (the "**CMC Default**") under the Commitment Letter in writing in October 2020 by signing a forbearance agreement among the Bank, as creditor, CMC, as debtor, the Guarantor, as guarantor, and other guarantors of CMC's obligations to the Bank (the "**Non-party Guarantors**").

20. On March 22, 2021, the Bank demanded that CMC, as debtor, the Guarantor, as guarantor, and the Non-party Guarantors, as additional guarantors, pay the amounts jointly and severally owing by them in connection with the CMC Default to the Bank.

21. On or about April 12, 2021, CMC, the Guarantor, and the Non-party Guarantors consented to the Bank's engagement of Alvarez & Marsal Canada ULC (the "**Financial Advisor**") as a consultant to the Bank with respect to the business, assets, affairs, and operations of CMC (the "**Financial Advisor Agreement**"). The fees and expenses of the Financial Advisor represent Guaranteed Liabilities.

22. In signing the Financial Advisor Agreement, the Guarantor again acknowledged in writing that CMC and the Guarantor are indebted to the Bank pursuant to the Commitment Letter.

23. As of September 29, 2021, CMC, the Guarantor, and the Non-party Guarantors remain in default of their payment obligations to the Bank, and the amount owed by CMC, the Guarantor, and the Non-party Guarantors to the Bank, jointly and severally, under the Commitment Letter, Guarantee, Mortgage, and Financial Advisor Agreement, as applicable, not including any penalty or bonus, is \$18,338,121.28 (inclusive of capital, interest, costs including legal and Financial Advisor fees and payment-in-kind interest), (the "**Indebtedness**"), with interest presently accruing at a daily rate of \$3,008.22.

24. There are no facts which would constitute a defense to the claim or part of the claim of the Bank against the Guarantor for payment of the Indebtedness.

- 6 -

**Part 3: LEGAL BASIS**

25. Rules 16-1 and 21-7 of the *Supreme Court Civil Rules*.
26. Section 15 of the *Law and Equity Act*, R.S.B.C. 1996, c. 253.

**Part 4: MATERIALS TO BE RELIED ON**

27. Affidavit No. 1 of Beatriz Martinez, sworn September 29, 2021.
28. Affidavit No. 1 of Sandra Brown-John, sworn September 28, 2021.

The Petitioner estimates that the hearing of the Petition will take one hour.

Date: September 29, 2021

Signature of Peter Bychawski / Andrew Kavanagh  
Lawyers for the Petitioner

**To be completed by the court only:**

Order made

- ☐ in the terms requested in paragraphs ..... of Part 1 of this petition
- ☐ with the following variations and additional terms:

.....

.....

.....

Date: ....[dd/mm/yyyy].....

Signature of ☐ Judge ☐ Master



**TITLE SEARCH PRINT**

File Reference: 1594

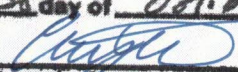
Declared Value \$4850000

2021-10-28, 07:55:45

Requestor: Joy Chiang

**\*\*CURRENT AND CANCELLED INFORMATION SHOWN\*\***

<b>Land Title District</b>	VANCOUVER
<b>Land Title Office</b>	VANCOUVER
<b>Title Number</b>	CA4476316
<b>From Title Number</b>	CA2032741
<b>Application Received</b>	2015-06-19
<b>Application Entered</b>	2015-06-23
<b>Registered Owner in Fee Simple</b>	
<b>Registered Owner/Mailing Address:</b>	DONG XIA ZHANG, MANAGER 2389 MCBAIN AVENUE VANCOUVER, BC V6L 2C5
<b>Taxation Authority</b>	Vancouver, City of
<b>Description of Land</b>	
<b>Parcel Identifier:</b>	008-841-161
<b>Legal Description:</b>	LOT 32 BLOCK 554 DISTRICT LOT 526 PLAN 8905
<b>Legal Notations</b>	NONE
<b>Charges, Liens and Interests</b>	
<b>Nature:</b>	MORTGAGE
<b>Registration Number:</b>	CA2032742
<b>Registration Date and Time:</b>	2011-05-30 13:36
<b>Registered Owner:</b>	BANK OF MONTREAL
<b>Cancelled By:</b>	CA4504498
<b>Cancelled Date:</b>	2015-06-30
<b>Nature:</b>	MORTGAGE
<b>Registration Number:</b>	CA2321250
<b>Registration Date and Time:</b>	2011-12-19 13:53
<b>Registered Owner:</b>	JUN CHEN JIANHUA CHEN AS JOINT TENANTS
<b>Cancelled By:</b>	CA4478668
<b>Cancelled Date:</b>	2015-06-22

This is Exhibit "G" referred to in the  
Affidavit of Joy Chiang  
sworn (or affirmed) before me at  
Vancouver B.C.  
this 28 day of October 2021  
  
A Commissioner/Notary Public for the  
Province of British Columbia





**TITLE SEARCH PRINT**

File Reference: 1594

Declared Value \$4850000

2021-10-28, 07:55:45

Requestor: Joy Chiang

Nature: MORTGAGE  
Registration Number: CA4476317  
Registration Date and Time: 2015-06-19 12:39  
Registered Owner: CANADIAN IMPERIAL BANK OF COMMERCE

Nature: MORTGAGE  
Registration Number: CA5926850  
Registration Date and Time: 2017-04-12 06:01  
Registered Owner: THE BANK OF NOVA SCOTIA

Nature: ASSIGNMENT OF RENTS  
Registration Number: CA5926851  
Registration Date and Time: 2017-04-12 06:01  
Registered Owner: THE BANK OF NOVA SCOTIA

Nature: CERTIFICATE OF PENDING LITIGATION  
Registration Number: CA9405406  
Registration Date and Time: 2021-10-01 14:28  
Registered Owner: THE BANK OF NOVA SCOTIA

**Duplicate Indefeasible Title** NONE OUTSTANDING

**Transfers** NONE

**Pending Applications** NONE

**Corrections** NONE





Land Title Act

Charge, Notation or Filing

NEW WESTMINSTER LAND TITLE OFFICE

OCT 01 2021 14:28:22.002

CA9405406

## 1. Application

ANDREW KAVANAGH, BLAKE, CASSELS & GRAYDON  
LLP, BARRISTERS & SOLICITORS  
595 BURRARD STREET, P.O. BOX 49314  
SUITE 2600, THREE BENTALL CENTRE  
VANCOUVER BC V7X 1L3  
(604) 631-3300

c/m: 19350/90070

This is Exhibit H referred to in the  
Affidavit of Ya-Chiao (Joy) Chiang  
sworn (or affirmed) before me at  
Vancouver, B.C.  
this 28 day of October 2021  
[Signature]  
A Commissioner/Notary Public for the  
Province of British Columbia

## 2. Description of Land

PID/Plan Number	Legal Description
008-841-161	LOT 32 BLOCK 554 DISTRICT LOT 526 PLAN 8905

## 3. Nature of Charge, Notation, or Filing

Type	Affected Number	Additional Information
CERTIFICATE OF PENDING LITIGATION		

## 4. Person Entitled to be Registered as Charge Owner

THE BANK OF NOVA SCOTIA  
40 KING STREET W., 26TH FLOOR  
TORONTO ON M5H 3Y2

## Electronic Signature

Your electronic signature is a representation that

(a) you are a subscriber under section 168.6 of the *Land Title Act*, RSBC 1996 c.250, and that you are authorized to electronically sign this application by an e-filing direction made under section 168.22(2) of the act, and(b) if this application requires a supporting document, that you are a designate authorized to certify this application under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this application under section 168.43(3) of the act, and that the supporting document or a true copy of the supporting document, if a true copy is allowed under an e-filing direction, is in your possession.

Benjamin Peter  
Effa MWXHLX

Digitally signed by  
Benjamin Peter Effa MWXHLX  
Date: 2021-10-01  
13:04:05 -07:00



FORM 31  
LAND TITLE ACT

Nature of Interest: Charge: **Certificate of Pending Litigation**

Herewith fee of \$

Legal Description and Parcel Identifier No:

PID: 008-841-161  
LOT 32 BLOCK 554 DISTRICT LOT 526  
PLAN 8905

Address of person entitled to register this  
certificate of pending litigation:

The Bank of Nova Scotia  
40 King Street W., 26<sup>th</sup> Floor  
Toronto, ON M5H 3Y2

Full name, address and telephone  
number of person presenting application:

**Blake, Cassels & Graydon LLP**  
Barristers and Solicitors  
Suite 2600, Three Bentall Centre  
595 Burrard Street, PO Box 49314  
Vancouver, BC V7X 1L3  
Telephone: 604-631-3300  
**Attention: Peter Bychawski /**  
**Andrew Kavanagh**

Signature of Solicitor

SUPREME COURT  
OF BRITISH COLUMBIA  
VANCOUVER REGISTRY

OCT 01 2021

No. H-210480  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

THE BANK OF NOVA SCOTIA

PETITIONER

AND

DONG XIA ZHANG

RESPONDENT

**CERTIFICATE OF PENDING LITIGATION**

I certify that in a proceeding commenced in this court a claim is made for an estate or interest in land or a right of action in respect of land is given by an enactment other than the *Land Title Act*. The particulars are set out in the attached copy of the document by which this claim is made.

Given under my hand and the seal of the Court at Vancouver, British Columbia, this 1<sup>st</sup> day of October, 2021.

REGISTRAR

B. MANSUN  
DEPUTY DISTRICT REGISTRAR



**SUPREME COURT  
OF BRITISH COLUMBIA  
VANCOUVER REGISTRY**

**SEP 29 2021**

**H-210480**

No.  
Vancouver Registry



**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN**

**THE BANK OF NOVA SCOTIA**

**PETITIONER**

**AND**

**DONG XIA ZHANG**

**RESPONDENT**

**PETITION TO THE COURT**

**ON NOTICE TO:**

Dong Xia Zhang  
2369 McBain Avenue  
Vancouver, BC V6L 2C5

**This proceeding is brought for the relief set out in Part 1 below by The Bank of Nova Scotia**

If you intend to respond to this petition, you or your lawyer must

- (a) file a Response to Petition in Form 67 in the above-named Registry of this Court within the time for Response to Petition described below, and
- (b) serve on the Petitioner(s)
  - (i) 2 copies of the filed Response to Petition, and
  - (ii) 2 copies of each filed Affidavit on which you intend to rely at the hearing

**Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the Response to Petition within the time for response.**

- 2 -

**Time for Response To Petition**

A Response to Petition must be filed and served on the Petitioner,

- (a) if you were served with the Petition anywhere in Canada, within 21 days after that service,
- (b) if you were served with the Petition anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the Petition anywhere else, within 49 days after that service, or
- (d) if the time for response has been set by order of the court, within that time.

(1)	The address of the registry is: 800 Smithe Street Vancouver, BC V6Z 2E1
(2)	The ADDRESS FOR SERVICE of the Petitioner is: Blake, Cassels & Graydon LLP Barristers & Solicitors Suite 2600, Three Bentall Centre 595 Burrard Street, PO Box 49314 Vancouver, BC V7X 1L3 Attention: Peter Bychawski / Andrew Kavanagh
	Fax number address for service of the Petitioner: N/A
	E-mail address for service of the Petitioner: Vancouver.service@blakes.com; peter.bychawski@blakes.com; and andrew.kavanagh@blakes.com
(3)	The name and office address of the Petitioner's lawyer is: Blake, Cassels & Graydon LLP Barristers & Solicitors Suite 2600, Three Bentall Centre 595 Burrard Street, PO Box 49314 Vancouver, BC V7X 1L3 Attention: Peter Bychawski / Andrew Kavanagh

**CLAIM OF THE PETITIONER****Part 1: ORDERS SOUGHT**

1. A declaration that a mortgage registered in the New Westminster Land Title Office on April 12, 2017, under number CA5926850 (the "Mortgage"), is a charge on lands and premises more particularly known and described as:

51279523



- 3 -

Parcel Identifier: 008-841-161

Legal Description: Lot 32 Block 554 District Lot 526 Plan 8905

(the "Property")

ranking in priority to any right, title or interest of the Respondent and all persons claiming by, through or under the Respondent except the interests of secured creditors and statutory charge holders whose interests have priority over the Mortgage.

2. A declaration that the Mortgage is in default.
3. A summary accounting of the amount due to the Petitioner pursuant to the Mortgage, including the Petitioner's legal costs and other expenses and costs incurred in enforcing the Mortgage, which includes but is not limited to the Petitioner's legal fees and disbursements on a solicitor and client basis, unless the court allows legal fees and disbursements to be paid on a different basis and all other costs and expenses incurred by the Petitioner to protect the Petitioner's interest under the Mortgage, and a declaration of the amount of money required to redeem the Property (the "Redemption Amount").
4. An Order settling the redemption period.
5. An Order that, upon the Respondent paying the Redemption Amount into Court or to the solicitor for the Petitioner before pronouncement of an Order Absolute or an Order approving a sale of the Property, the Petitioner shall reconvey the Property free and clear of encumbrances in its favour and shall deliver up all documents in its custody relating to the Property to the Respondent.
6. An Order that if the Property is not redeemed, the Petitioner shall be at liberty to apply for an Order Absolute.
7. An Order for the sale of the Property, with vacant possession, subject to the approval of this Court, and for the Petitioner to have exclusive conduct of such sale.
8. An Order that the Petitioner be granted liberty to apply for a further summary accounting of any amounts which become due to the Petitioner for interest or otherwise become due to the Petitioner pursuant to the Mortgage.

51279523



- 4 -

9. Judgment against the Respondent in an amount equal to the Redemption Amount.
10. An Order appointing a Receiver, or a Receiver and Manager, of the rents and profits of the Property and for the fixing of an occupational rent.
11. An Order for a Certificate of Pending Litigation.
12. An Order for costs of this proceeding.
13. An Order for any other relief the Court may deem just.

**Part 2: FACTUAL BASIS*****The Parties***

14. The Petitioner, The Bank of Nova Scotia (the "Bank"), is a Canadian Schedule I bank.
15. The Respondent, Dong Xia Zhang (the "Guarantor"), is the registered owner of the Property, a residential property municipally located at 2389 McBain Avenue, Vancouver, British Columbia.

***The Guarantee and Mortgage Security***

16. Pursuant to an unlimited guarantee dated February 23, 2017 (the "Guarantee"), granted by the Guarantor in favour of the Bank, the Guarantor jointly and severally guaranteed payment to the Bank of all debts and liabilities, present or future, direct or indirect, absolute or contingent, matured or not, at any time owing by Community Marine Concepts Ltd. ("CMC") to the Bank or remaining unpaid by CMC to the Bank, whether arising from dealings between the Bank and CMC or from other dealings or proceedings by which the Bank may be or become in any manner whatever a creditor of CMC, and wherever incurred, and whether incurred by CMC alone or with another or others and whether as principal or surety, including all interest, commissions, legal and other costs, charges and expenses (such debts and liabilities being herein called the "Guaranteed Liabilities").
17. As security for her obligations under the Guarantee, the Guarantor granted the Bank the Mortgage over the Property. The Mortgage was registered in the New Westminster Land Title Office on April 12, 2017, under number CA5926850.





27

- 5 -

***The Indebtedness***

18. CMC has been in default of its payment obligations owing to the Bank under a Commitment Letter dated October 2, 2018 (the "**Commitment Letter**"), which amended and restated an earlier commitment letter dated February 22, 2017, since April 30, 2020, when CMC failed to repay the loans and amounts owing under the Commitment Letter upon their becoming due.

19. The Guarantor acknowledged CMC's default (the "**CMC Default**") under the Commitment Letter in writing in October 2020 by signing a forbearance agreement among the Bank, as creditor, CMC, as debtor, the Guarantor, as guarantor, and other guarantors of CMC's obligations to the Bank (the "**Non-party Guarantors**").

20. On March 22, 2021, the Bank demanded that CMC, as debtor, the Guarantor, as guarantor, and the Non-party Guarantors, as additional guarantors, pay the amounts jointly and severally owing by them in connection with the CMC Default to the Bank.

21. On or about April 12, 2021, CMC, the Guarantor, and the Non-party Guarantors consented to the Bank's engagement of Alvarez & Marsal Canada ULC (the "**Financial Advisor**") as a consultant to the Bank with respect to the business, assets, affairs, and operations of CMC (the "**Financial Advisor Agreement**"). The fees and expenses of the Financial Advisor represent Guaranteed Liabilities.

22. In signing the Financial Advisor Agreement, the Guarantor again acknowledged in writing that CMC and the Guarantor are indebted to the Bank pursuant to the Commitment Letter.

23. As of September 29, 2021, CMC, the Guarantor, and the Non-party Guarantors remain in default of their payment obligations to the Bank, and the amount owed by CMC, the Guarantor, and the Non-party Guarantors to the Bank, jointly and severally, under the Commitment Letter, Guarantee, Mortgage, and Financial Advisor Agreement, as applicable, not including any penalty or bonus, is \$16,338,121.28 (inclusive of capital, interest, costs including legal and Financial Advisor fees and payment-in-kind interest) (the "**Indebtedness**"), with interest presently accruing at a daily rate of \$3,008.22.

51279523

27

- 6 -

24. There are no facts which would constitute a defense to the claim or part of the claim of the Bank against the Guarantor for payment of the Indebtedness.

**Part 3: LEGAL BASIS**

25. Rules 16-1 and 21-7 of the *Supreme Court Civil Rules*.

26. Section 15 of the *Law and Equity Act*, R.S.B.C. 1996, c. 253.

**Part 4: MATERIALS TO BE RELIED ON**

27. Affidavit No. 1 of Beatriz Martinez, sworn September 29, 2021.

28. Affidavit No. 1 of Sandra Brown-John, sworn September 28, 2021.

The Petitioner estimates that the hearing of the Petition will take one hour.

Date: September 29, 2021



Signature of Peter Bychawski / Andrew Kavanagh  
Lawyers for the Petitioner

**To be completed by the court only:**

Order made

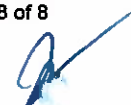
☐ in the terms requested in paragraphs ..... of Part 1 of this petition

☐ with the following variations and additional terms:

.....  
.....  
.....

Date: ....[dd/mm/yyyy].....

.....  
Signature of ☐ Judge ☐ Master





This is the 1<sup>st</sup> Affidavit of Yu-Chiao (Joy) Chiang  
in this case and was made on October 28, 2021

No. S217202  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

THE BANK OF NOVA SCOTIA

PETITIONER

AND:

COMMUNITY MARINE CONCEPTS LTD., VICTORIA INTERNATIONAL MARINA  
LTD. ETERNALAND YUHENG INVESTMENT HOLDING LTD., AND 0736657 B.C.  
LTD.

RESPONDENTS

**AFFIDAVIT**

I, Yu-Chiao (Joy) Chiang, of Forrester & Company Law Corporation, 300-171 Water Street, in  
the City of Vancouver, in the Province of British Columbia, AFFIRM THAT:

1. I am a paralegal at Forrester & Company, counsel for the Respondents in this Petition. As  
such, I have personal knowledge of the facts and matters hereinafter deposed to by me except  
where stated to be made upon information and belief and where so stated I believe those facts  
and matters to be true.
2. Now shown to me and attached hereto as **Exhibit A** is a true copy of the company summary  
for Community Marine Concepts Ltd.
3. Now shown to me and attached hereto as **Exhibit B** is a true copy of the company summary  
for Victoria International Marina Ltd.
4. Now shown to me and attached hereto as **Exhibit C** is a true copy of the company summary  
for Eternaland Yuheng Investment Holding Ltd.
5. Now shown to me and attached hereto as **Exhibit D** is a true copy of the company summary  
for 0736657 B.C. Ltd.
6. Now shown to me and attached hereto as **Exhibit E** is a true copy of the title search for 7629  
Burris Street, Burnaby, BC, V5E 1Z2, PID 018-227-635.

*ca*

7. Now shown to me and attached hereto as **Exhibit F** is a true copy of the foreclosure proceedings in Vancouver Registry No. H210479 commenced on September 29, 2021 against 7629 Burris Street.
8. Now shown to me and attached hereto as **Exhibit G** is a true copy of the title search for 2389 McBain Avenue, Vancouver, BC, V6L 2C5, PID 018-841-161.
9. Now shown to me and attached hereto as **Exhibit H** is a true copy of the foreclosure proceedings in Vancouver Registry No. H210480 commenced on September 29, 2021 against 2389 McBain Avenue.

AFFIRMED BEFORE ME at the City of )  
Vancouver, in the Province of British )  
Columbia, Canada this 28<sup>th</sup> day of October, )  
2021 )

\_\_\_\_\_  
A Notary Public or a Commissioner )  
for taking affidavits in the Province of BC )

\_\_\_\_\_  
YU-CHIAO (JOY) CHIANG

Crystal Law, Barrister & Solicitor  
Forrester & Company Law Corporation  
300-171 Water Street  
Vancouver, BC, V6B 1A7

*This Affidavit is commissioned without the deponent being physically present before the commissioner. The commissioner has verified the identity of the deponent through video technology and have before each of them a paper copy of this Affidavit, including exhibits, and have together reviewed and verified each page of this Affidavit and have each initialed in the lower right-hand corner of each page.*

cl





BC Registry  
Services

Mailing Address:  
PO Box 9431 Stn Prov Govt  
Victoria BC V8W 9V3  
www.corporateonline.gov.bc.ca

Location:  
2nd Floor - 940 Blanshard Street  
Victoria BC  
1 877 526-1526

## BC Company Summary

For  
**COMMUNITY MARINE CONCEPTS LTD.**

Date and Time of Search: September 14, 2021 04:26 PM Pacific Time

Currency Date: September 07, 2021

### ACTIVE

Incorporation Number: BC0998190

Name of Company: COMMUNITY MARINE CONCEPTS LTD.

Business Number: 811003631 BC0001

Recognition Date and Time: Incorporated on March 31, 2014 04:16 PM Pacific Time In Liquidation: No

Last Annual Report Filed: March 31, 2020 Receiver: No

### COMPANY NAME INFORMATION

Previous Company Name

0998190 B.C. LTD.

Date of Company Name Change

August 20, 2014

### REGISTERED OFFICE INFORMATION

Mailing Address:

2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

Delivery Address:

2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

### RECORDS OFFICE INFORMATION

Mailing Address:

2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

Delivery Address:

2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

This is Exhibit " " referred to in the  
Affidavit of  
sworn (or affirmed) before me at

\_\_\_\_\_, B.C.  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

### DIRECTOR INFORMATION

Last Name, First Name, Middle Name:

ZHANG, HUAI YIN

Mailing Address:

7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

Delivery Address:

7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

A Commissioner/Notary Public for the  
Province of British Columbia

CL

**Last Name, First Name, Middle Name:**

ZHANG, DONGXIA

**Mailing Address:**

1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

**Delivery Address:**

1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

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NO OFFICER INFORMATION FILED AS AT March 31, 2020.

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u





BC Registry  
Services

Mailing Address:  
PO Box 9431 Stn Prov Govt  
Victoria BC V8W 9V3  
www.corporateonline.gov.bc.ca

Location:  
2nd Floor - 940 Blanshard Street  
Victoria BC  
1 877 526-1526

## BC Company Summary

For  
VICTORIA INTERNATIONAL MARINA LTD.

Date and Time of Search: September 14, 2021 04:29 PM Pacific Time  
Currency Date: September 07, 2021

### ACTIVE

Incorporation Number: BC1159286  
Name of Company: VICTORIA INTERNATIONAL MARINA LTD.  
Business Number: 761931880 BC0001  
Recognition Date and Time: Incorporated on April 04, 2018 11:39 AM Pacific Time  
Last Annual Report Filed: April 04, 2020  
In Liquidation: No  
Receiver: No

### REGISTERED OFFICE INFORMATION

Mailing Address:  
2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

Delivery Address:  
2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

### RECORDS OFFICE INFORMATION

Mailing Address:  
2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

Delivery Address:  
2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

### DIRECTOR INFORMATION

Last Name, First Name, Middle Name:  
ZHANG, DONGXIA

Mailing Address:  
1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

Delivery Address:  
1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

This is Exhibit " " referred to in the  
Affidavit of  
sworn (or affirmed) before me at

\_\_\_\_\_, B.C.  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CL

**Last Name, First Name, Middle Name:**

ZHANG, HUAI YIN

**Mailing Address:**

7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

**Delivery Address:**

7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

---

NO OFFICER INFORMATION FILED AS AT April 04, 2020.

---

ca





BC Registry  
Services

Mailing Address:  
PO Box 9431 Stn Prov Govt  
Victoria BC V8W 9V3  
www.corporateonline.gov.bc.ca

Location:  
2nd Floor - 940 Blanshard Street  
Victoria BC  
1 877 526-1526

## BC Company Summary

For

ETERNALAND YUHENG INVESTMENT HOLDING LTD.

Date and Time of Search: September 14, 2021 04:08 PM Pacific Time

Currency Date: September 07, 2021

### ACTIVE

Incorporation Number: BC0986873

Name of Company: ETERNALAND YUHENG INVESTMENT HOLDING LTD.

Business Number: 828847038 BC0001

Recognition Date and Time: Incorporated on November 28, 2013 06:57 PM Pacific Time

In Liquidation: No

Last Annual Report Filed: November 28, 2020

Receiver: No

### REGISTERED OFFICE INFORMATION

**Mailing Address:**

2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

**Delivery Address:**

2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

### RECORDS OFFICE INFORMATION

**Mailing Address:**

2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

**Delivery Address:**

2959 KINGSWAY  
VANCOUVER BC V5R 5J4  
CANADA

### DIRECTOR INFORMATION

Last Name, First Name, Middle Name:

ZHANG, HUAI YIN

**Mailing Address:**

7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

**Delivery Address:**

7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

This is Exhibit " " referred to in the  
Affidavit of  
sworn (or affirmed) before me at  
this day of 20.

cl

**Last Name, First Name, Middle Name:**

ZHANG, DONGXIA

**Mailing Address:**

1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

**Delivery Address:**

1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

---

NO OFFICER INFORMATION FILED AS AT November 28, 2020.

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cl





BC Registry  
Services

Mailing Address:  
PO Box 9431 Stn Prov Govt  
Victoria BC V8W 9V3  
www.corporateonline.gov.bc.ca

Location:  
2nd Floor - 940 Blanshard Street  
Victoria BC  
1 877 526-1526

## BC Company Summary

For  
0736657 B.C. LTD.

Date and Time of Search: September 14, 2021 04:30 PM Pacific Time  
Currency Date: September 07, 2021

### ACTIVE

Incorporation Number: BC0736657  
Name of Company: 0736657 B.C. LTD.  
Business Number: 823653142 BC0001  
Recognition Date and Time: Incorporated on October 03, 2005 01:33 PM Pacific Time In Liquidation: No  
Last Annual Report Filed: October 03, 2020 Receiver: No

### COMPANY NAME INFORMATION

Previous Company Name	Date of Company Name Change
COMMUNITY MARINE CONCEPTS LTD.	August 20, 2014
0736657 B.C. LTD.	October 14, 2005

### REGISTERED OFFICE INFORMATION

Mailing Address:	Delivery Address:
2959 KINGSWAY	2959 KINGSWAY
VANCOUVER BC V5R 5J4	VANCOUVER BC V5R 5J4
CANADA	CANADA

### RECORDS OFFICE INFORMATION

Mailing Address:	Delivery Address:
2959 KINGSWAY	2959 KINGSWAY
VANCOUVER BC V5R 5J4	VANCOUVER BC V5R 5J4
CANADA	CANADA

### DIRECTOR INFORMATION

This is Exhibit " " referred to in the  
Affidavit of \_\_\_\_\_  
sworn (or affirmed) before me at \_\_\_\_\_, B.C.  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

A Commissioner/Notary Public for the  
Province of British Columbia

cl

**Last Name, First Name, Middle Name:**

ZHANG, HUAI YIN

**Mailing Address:**

7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

**Delivery Address:**

7371 LOMBARD ROAD  
RICHMOND BC V7C 3M9  
CANADA

---

**Last Name, First Name, Middle Name:**

ZHANG, DONGXIA

**Mailing Address:**

1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

**Delivery Address:**

1263 BALFOUR AVENUE  
VANCOUVER BC V6H 1X6  
CANADA

---

NO OFFICER INFORMATION FILED AS AT October 03, 2020.

---

u



**TITLE SEARCH PRINT**

File Reference: 1594

Declared Value \$9410000

2021-10-28, 06:33:17

Requestor: Joy Chiang

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\*****Land Title District**

Land Title Office

NEW WESTMINSTER

NEW WESTMINSTER

**This is Exhibit "....." referred to in the  
Affidavit of .....****sworn (or affirmed) before me at****....., B.C.  
this \_\_\_\_ day of ..... 20\_\_.****Title Number**

From Title Number

CA4904491

CA2749395

**Application Received**

2015-12-31

**A Commissioner/Notary Public for the  
Province of British Columbia****Application Entered**

2016-01-05

**Registered Owner in Fee Simple**

Registered Owner/Mailing Address:

HAO RAN ZHANG, BUSINESSMAN  
7629 BURRIS STREET  
BURNABY, BC  
V5E 1Z2**Taxation Authority**

Burnaby, City of

**Description of Land**

Parcel Identifier:

018-227-635

Legal Description:

LOT 1 DISTRICT LOT 86 GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP10109

**Legal Notations**

NONE

**Charges, Liens and Interests**

Nature:

STATUTORY RIGHT OF WAY

Registration Number:

349200C

Registration Date and Time:

1964-01-31 12:17

Registered Owner:

DISTRICT OF BURNABY

Remarks:

STATUTORY RIGHT OF WAY OVER NORTH WESTERLY  
10 FEET (PLAN 26396) WITH ANCILLARY RIGHTS

Nature:

COVENANT

Registration Number:

BG140749

Registration Date and Time:

1993-04-29 12:29

Registered Owner:

CITY OF BURNABY

Remarks:

L.T.A. SEC. 215

a

**TITLE SEARCH PRINT**

File Reference: 1594

Declared Value \$9410000

2021-10-28, 06:33:17

Requestor: Joy Chiang

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	BG140750
Registration Date and Time:	1993-04-29 12:29
Registered Owner:	CITY OF BURNABY
Remarks:	PLAN LMP10110
Nature:	STATUTORY RIGHT OF WAY
Registration Number:	BH347788
Registration Date and Time:	1994-09-26 12:27
Registered Owner:	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks:	PLAN LMP19219
Nature:	MORTGAGE
Registration Number:	CA4904492
Registration Date and Time:	2015-12-31 10:26
Registered Owner:	CANADIAN IMPERIAL BANK OF COMMERCE
Nature:	MORTGAGE
Registration Number:	CA5926852
Registration Date and Time:	2017-04-12 06:01
Registered Owner:	THE BANK OF NOVA SCOTIA
Nature:	ASSIGNMENT OF RENTS
Registration Number:	CA5926853
Registration Date and Time:	2017-04-12 06:01
Registered Owner:	THE BANK OF NOVA SCOTIA
Nature:	CERTIFICATE OF PENDING LITIGATION
Registration Number:	CA9405405
Registration Date and Time:	2021-10-01 14:28
Registered Owner:	THE BANK OF NOVA SCOTIA

**Duplicate Indefeasible Title**

NONE OUTSTANDING

**Transfers**

NONE

**Pending Applications**

NONE





Land Title Act

## Charge, Notation or Filing

NEW WESTMINSTER LAND TITLE OFFICE

OCT 01 2021 14:28:22.001

CA9405405

## 1. Application

ANDREW KAVANAGH, BLAKE, CASSELS & GRAYDON  
LLP, BARRISTERS & SOLICITORS  
595 BARRARD STREET, P.O. BOX 49314  
SUITE 2600, THREE BENTALL CENTRE  
VANCOUVER BC V7X 1L3  
(604) 631-3300

c/m: 19350/90070

This is Exhibit " " referred to in the  
Affidavit of  
sworn (or affirmed) before me at

\_\_\_\_\_, B.C.  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

A Commissioner/Notary Public for the  
Province of British Columbia

## 2. Description of Land

PID/Plan Number

Legal Description

018-227-635

LOT 1 DISTRICT LOT 86 GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP10109

## 3. Nature of Charge, Notation, or Filing

Type

Affected Number

Additional Information

CERTIFICATE OF PENDING LITIGATION

## 4. Person Entitled to be Registered as Charge Owner

THE BANK OF NOVA SCOTIA  
40 KING STREET W., 26TH FLOOR  
TORONTO ON M5H 3Y2

## Electronic Signature

Your electronic signature is a representation that

(a) you are a subscriber under section 168.6 of the *Land Title Act*, RSBC 1996 c.250,  
and that you are authorized to electronically sign this application by an e-filing  
direction made under section 168.22(2) of the act, and

(b) if this application requires a supporting document, that you are a designate authorized to certify this application under section 168.4 of the *Land Title Act*,  
RSBC 1996 c.250, that you certify this application under section 168.43(3) of the act, and that the supporting document or a true copy of the supporting  
document, if a true copy is allowed under an e-filing direction, is in your possession.

Benjamin Peter  
Effa MWXHLX

Digitally signed by  
Benjamin Peter Effa MWXHLX  
Date: 2021-10-01  
13:03:11 -07:00



FORM 31  
LAND TITLE ACT

Nature of Interest: Charge: **Certificate of Pending Litigation**

Herewith fee of \$

Legal Description and Parcel Identifier No:

PID: 018-227-635

LOT 1 DISTRICT LOT 86 GROUP  
NEW WESTMINSTER DISTRICT PLAN  
LMP10109


Address of person entitled to register this  
certificate of pending litigation:

The Bank of Nova Scotia  
40 King Street W., 26<sup>th</sup> Floor  
Toronto, ON M5H 3Y2

Full name, address and telephone  
number of person presenting application:

**Blake, Cassels & Graydon LLP**  
Barristers and Solicitors  
Suite 2600, Three Bentall Centre  
595 Burrard Street, PO Box 49314  
Vancouver, BC V7X 1L3  
Telephone: 604-631-3300  
**Attention: Peter Bychawski /**  
**Andrew Kavanagh**

SUPREME COURT  
OF BRITISH COLUMBIA  
VANCOUVER REGISTRY

  
Signature of Solicitor

OCT 01 2021

No. H-210479  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

THE BANK OF NOVA SCOTIA

PETITIONER

AND

HAO RAN ZHANG

RESPONDENT

CERTIFICATE OF PENDING LITIGATION

I certify that in a proceeding commenced in this court a claim is made for an estate or interest in land or a right of action in respect of land is given by an enactment other than the *Land Title Act*. The particulars are set out in the attached copy of the document by which this claim is made.

Given under my hand and the seal of the Court at Vancouver, British Columbia, this 1<sup>st</sup> day of October, 2021.

  
B. MANSON  
DEPUTY DISTRICT REGISTRAR  
REGISTRAR

ca

SUPREME COURT  
OF BRITISH COLUMBIA  
VANCOUVER REGISTRY

SEP 29 2021



IN THE SUPREME COURT OF BRITISH COLUMBIA

H-210479

No.  
Vancouver Registry

BETWEEN

THE BANK OF NOVA SCOTIA

PETITIONER

AND

HAO RAN ZHANG

RESPONDENT

PETITION TO THE COURT

**ON NOTICE TO:**

Hao Ran Zhang  
7629 Burris Street  
Burnaby, BC V5E 1Z2

**This proceeding is brought for the relief set out in Part 1 below by The Bank of Nova Scotia**

If you intend to respond to this petition, you or your lawyer must

(a) file a Response to Petition in Form 67 in the above-named Registry of this Court within the time for Response to Petition described below, and

(b) serve on the Petitioner(s)

(i) 2 copies of the filed Response to Petition, and

(ii) 2 copies of each filed Affidavit on which you intend to rely at the hearing

**Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the Response to Petition within the time for response.**

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- 2 -

**Time for Response To Petition**

A Response to Petition must be filed and served on the Petitioner,

- (a) if you were served with the Petition anywhere in Canada, within 21 days after that service,
- (b) if you were served with the Petition anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the Petition anywhere else, within 49 days after that service, or
- (d) if the time for response has been set by order of the court, within that time.

(1)	The address of the registry is: 800 Smithe Street Vancouver, BC V6Z 2E1
(2)	The ADDRESS FOR SERVICE of the Petitioner is: Blake, Cassels & Graydon LLP Barristers & Solicitors Suite 2600, Three Bentall Centre 595 Burrard Street, PO Box 49314 Vancouver, BC V7X 1L3 Attention: Peter Bychawski / Andrew Kavanagh
	Fax number address for service of the Petitioner: N/A
	E-mail address for service of the Petitioner: Vancouver.service@blakes.com; peter.bychawski@blakes.com; and andrew.kavanagh@blakes.com
(3)	The name and office address of the Petitioner's lawyer is: Blake, Cassels & Graydon LLP Barristers & Solicitors Suite 2600, Three Bentall Centre 595 Burrard Street, PO Box 49314 Vancouver, BC V7X 1L3 Attention: Peter Bychawski / Andrew Kavanagh

**CLAIM OF THE PETITIONER****Part 1: ORDER SOUGHT**

1. A declaration that a mortgage registered in the New Westminster Land Title Office on April 12, 2017, under number CA5926852 (the "**Mortgage**"), is a charge on lands and premises more particularly known and described as:



- 3 -

Parcel Identifier: 018-227-635

Legal Description: Lot 1 District Lot 86 Group 1 New Westminster District Plan LMP10109

(the "Property")

ranking in priority to any right, title or interest of the Respondent and all persons claiming by, through or under the Respondent except the interests of secured creditors and statutory charge holders whose interests have priority over the Mortgage.

2. A declaration that the Mortgage is in default.
3. A summary accounting of the amount due to the Petitioner pursuant to the Mortgage, including the Petitioner's legal costs and other expenses and costs incurred in enforcing the Mortgage, which includes but is not limited to the Petitioner's legal fees and disbursements on a solicitor and client basis, unless the court allows legal fees and disbursements to be paid on a different basis, and all other costs and expenses incurred by the Petitioner to protect the Petitioner's interest under the Mortgage, and a declaration of the amount of money required to redeem the Property (the "Redemption Amount").
4. An Order setting the redemption period.
5. An Order that, upon the Respondent paying the Redemption Amount into Court or to the solicitor for the Petitioner before pronouncement of an Order Absolute or an Order approving a sale of the Property, the Petitioner shall reconvey the Property free and clear of encumbrances in its favour and shall deliver up all documents in its custody relating to the Property to the Respondent.
6. An Order that if the Property is not redeemed, the Petitioner shall be at liberty to apply for an Order Absolute.
7. An Order for the sale of the Property, with vacant possession, subject to the approval of this Court, and for the Petitioner to have exclusive conduct of such sale.
8. An Order that the Petitioner be granted liberty to apply for a further summary accounting of any amounts which become due to the Petitioner for interest or otherwise become due to the Petitioner pursuant to the Mortgage.

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- 4 -

9. Judgment against the Respondent in an amount equal to the Redemption Amount.
10. An Order appointing a Receiver, or a Receiver and Manager, of the rents and profits of the Property and for the fixing of an occupational rent.
11. An Order for a Certificate of Pending Litigation.
12. An Order for costs of this proceeding.
13. An Order for any other relief the Court may deem just.

## **Part 2: FACTUAL BASIS**

### ***The Parties***

14. The Petitioner, The Bank of Nova Scotia (the "**Bank**"), is a Canadian Schedule I bank.
15. The Respondent, Hao Ran Zhang (the "**Guarantor**"), is the registered owner of the Property, being a residential property municipally located at 7629 Burris Street, Burnaby, British Columbia.

### ***The Guarantee and Mortgage Security***

16. Pursuant to an unlimited guarantee dated March 13, 2017 (the "**Guarantee**"), granted by the Guarantor in favour of the Bank, the Guarantor jointly and severally guaranteed payment to the Bank of all debts and liabilities, present or future, direct or indirect, absolute or contingent, matured or not, at any time owing by Community Marine Concepts Ltd. ("**CMC**") to the Bank or remaining unpaid by CMC to the Bank, whether arising from dealings between the Bank and CMC or from other dealings or proceedings by which the Bank may be or become in any manner whatever a creditor of CMC, and wherever incurred, and whether incurred by CMC alone or with another or others and whether as principal or surety, including all interest, commissions, legal and other costs, charges and expenses (such debts and liabilities being herein called the "**Guaranteed Liabilities**").
17. As security for his obligations under the Guarantee, the Guarantor granted the Bank the Mortgage over the Property. The Mortgage was registered in the New Westminster Land Title Office on April 12, 2017, under number CA5926852.

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- 5 -

***The Indebtedness***

18. CMC has been in default of its payment obligations owing to the Bank under a Commitment Letter dated October 2, 2018 (the "**Commitment Letter**"), which amended and restated an earlier commitment letter dated February 22, 2017, since April 30, 2020, when CMC failed to repay the loans and amounts owing under the Commitment Letter upon their becoming due.

19. The Guarantor acknowledged CMC's default (the "**CMC Default**") under the Commitment Letter in writing in October 2020 by signing a forbearance agreement among the Bank, as creditor, CMC, as debtor, the Guarantor, as guarantor, and other guarantors of CMC's obligations to the Bank (the "**Non-party Guarantors**").

20. On March 22, 2021, the Bank demanded that CMC, as debtor, the Guarantor, as guarantor, and the Non-party Guarantors, as additional guarantors, pay the amounts jointly and severally owing by them in connection with the CMC Default to the Bank.

21. On or about April 12, 2021, CMC, the Guarantor, and the Non-party Guarantors consented to the Bank's engagement of Alvarez & Marsal Canada ULC (the "**Financial Advisor**") as a consultant to the Bank with respect to the business, assets, affairs, and operations of CMC (the "**Financial Advisor Agreement**"). The fees and expenses of the Financial Advisor represent Guaranteed Liabilities.

22. In signing the Financial Advisor Agreement, the Guarantor again acknowledged in writing that CMC and the Guarantor are indebted to the Bank pursuant to the Commitment Letter.

23. As of September 29, 2021, CMC, the Guarantor, and the Non-party Guarantors remain in default of their payment obligations to the Bank, and the amount owed by CMC, the Guarantor, and the Non-party Guarantors to the Bank, jointly and severally, under the Commitment Letter, Guarantee, Mortgage, and Financial Advisor Agreement, as applicable, not including any penalty or bonus, is \$16,338,121.28 (inclusive of capital, interest, costs including legal and Financial Advisor fees and payment-in-kind interest), (the "**Indebtedness**"), with interest presently accruing at a daily rate of \$3,008.22.

24. There are no facts which would constitute a defense to the claim or part of the claim of the Bank against the Guarantor for payment of the Indebtedness.



- 6 -

**Part 3: LEGAL BASIS**

25. Rules 16-1 and 21-7 of the *Supreme Court Civil Rules*.
26. Section 15 of the *Law and Equity Act*, R.S.B.C. 1996, c. 253.

**Part 4: MATERIALS TO BE RELIED ON**

27. Affidavit No. 1 of Beatriz Martinez, sworn September 29, 2021.
28. Affidavit No. 1 of Sandra Brown-John, sworn September 28, 2021.

The Petitioner estimates that the hearing of the Petition will take one hour.

Date: September 29, 2021



Signature of Peter Bychawski / Andrew Kavanagh  
Lawyers for the Petitioner

***To be completed by the court only:***

Order made

☐ in the terms requested in paragraphs ..... of Part 1 of this petition

☐ with the following variations and additional terms:

.....  
.....  
.....

Date: ....[dd/mm/yy].....

.....  
Signature of [ ] Judge [ ] Master



**TITLE SEARCH PRINT**

File Reference: 1594

Declared Value \$4850000

2021-10-28, 07:55:45

Requestor: Joy Chiang

**\*\*CURRENT AND CANCELLED INFORMATION SHOWN\*\*****Land Title District**

Land Title Office

VANCOUVER

VANCOUVER

This is Exhibit "\_\_\_\_\_" referred to in the  
Affidavit of \_\_\_\_\_  
sworn (or affirmed) before me at \_\_\_\_\_

\_\_\_\_\_, B.C.  
this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
A Commissioner/Notary Public for the  
Province of British Columbia

**Title Number**

From Title Number

CA4476316

CA2032741

**Application Received**

2015-06-19

**Application Entered**

2015-06-23

**Registered Owner in Fee Simple**

Registered Owner/Mailing Address:

DONG XIA ZHANG, MANAGER  
2389 MCBAIN AVENUE  
VANCOUVER, BC  
V6L 2C5

**Taxation Authority**

Vancouver, City of

**Description of Land**

Parcel Identifier:

008-841-161

Legal Description:

LOT 32 BLOCK 554 DISTRICT LOT 526 PLAN 8905

**Legal Notations**

NONE

**Charges, Liens and Interests**

Nature:

MORTGAGE

Registration Number:

CA2032742

Registration Date and Time:

2011-05-30 13:36

Registered Owner:

BANK OF MONTREAL

**Cancelled By:****CA4504498****Cancelled Date:****2015-06-30**

Nature:

MORTGAGE

Registration Number:

CA2321250

Registration Date and Time:

2011-12-19 13:53

Registered Owner:

JUN CHEN  
JIANHUA CHEN  
AS JOINT TENANTS

**Cancelled By:****CA4478668****Cancelled Date:****2015-06-22**

**TITLE SEARCH PRINT**

File Reference: 1594

Declared Value \$4850000

2021-10-28, 07:55:45

Requestor: Joy Chiang

Nature:	MORTGAGE
Registration Number:	CA4476317
Registration Date and Time:	2015-06-19 12:39
Registered Owner:	CANADIAN IMPERIAL BANK OF COMMERCE

Nature:	MORTGAGE
Registration Number:	CA5926850
Registration Date and Time:	2017-04-12 06:01
Registered Owner:	THE BANK OF NOVA SCOTIA

Nature:	ASSIGNMENT OF RENTS
Registration Number:	CA5926851
Registration Date and Time:	2017-04-12 06:01
Registered Owner:	THE BANK OF NOVA SCOTIA

Nature:	CERTIFICATE OF PENDING LITIGATION
Registration Number:	CA9405406
Registration Date and Time:	2021-10-01 14:28
Registered Owner:	THE BANK OF NOVA SCOTIA

<b>Duplicate Infeasible Title</b>	NONE OUTSTANDING
-----------------------------------	------------------

<b>Transfers</b>	NONE
------------------	------

<b>Pending Applications</b>	NONE
-----------------------------	------

<b>Corrections</b>	NONE
--------------------	------







Land Title Act  
**Charge, Notation or Filing**

NEW WESTMINSTER LAND TITLE OFFICE  
OCT 01 2021 14:28:22.002  
**CA9405406**

## 1. Application

ANDREW KAVANAGH, BLAKE, CASSELS & GRAYDON  
LLP, BARRISTERS & SOLICITORS  
595 BURRARD STREET, P.O. BOX 49314  
SUITE 2600, THREE BENTALL CENTRE  
VANCOUVER BC V7X 1L3  
(604) 631-3300

c/m: 19350/90070

This is Exhibit " " referred to in the  
**Affidavit of**  
**sworn (or affirmed) before me at**  
\_\_\_\_\_, B.C.  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**A Commissioner/Notary Public for the  
Province of British Columbia**

## 2. Description of Land

PID/Plan Number	Legal Description
008-841-161	LOT 32 BLOCK 554 DISTRICT LOT 526 PLAN 8905

## 3. Nature of Charge, Notation, or Filing

Type	Affected Number	Additional Information
CERTIFICATE OF PENDING LITIGATION		

## 4. Person Entitled to be Registered as Charge Owner

THE BANK OF NOVA SCOTIA  
40 KING STREET W., 26TH FLOOR  
TORONTO ON M5H 3Y2

**Electronic Signature**

Your electronic signature is a representation that  
(a) you are a subscriber under section 168.6 of the *Land Title Act*, RSBC 1996 c.250,  
and that you are authorized to electronically sign this application by an e-filing  
direction made under section 168.22(2) of the act, and

(b) if this application requires a supporting document, that you are a designate authorized to certify this application under section 168.4 of the *Land Title Act*,  
RSBC 1996 c.250, that you certify this application under section 168.43(3) of the act, and that the supporting document or a true copy of the supporting  
document, if a true copy is allowed under an e-filing direction, is in your possession.

**Benjamin Peter  
Effa MWXHLX**

Digitally signed by  
Benjamin Peter Effa MWXHLX  
Date: 2021-10-01  
13:04:05 -07:00

FORM 31  
LAND TITLE ACT

Nature of Interest: Charge: **Certificate of Pending Litigation**

Herewith fee of \$

Legal Description and Parcel Identifier No:

PID: 008-841-161  
LOT 32 BLOCK 554 DISTRICT LOT 526  
PLAN 8905

Address of person entitled to register this  
certificate of pending litigation:

The Bank of Nova Scotia  
40 King Street W., 26<sup>th</sup> Floor  
Toronto, ON M5H 3Y2

Full name, address and telephone  
number of person presenting application:

**Blake, Cassels & Graydon LLP**  
Barristers and Solicitors  
Suite 2600, Three Bentall Centre  
595 Burrard Street, PO Box 49314  
Vancouver, BC V7X 1L3  
Telephone: 604-631-3300  
**Attention: Peter Bychawski /  
Andrew Kavanagh**

Signature of Solicitor

SUPREME COURT  
OF BRITISH COLUMBIA  
VANCOUVER REGISTRY

OCT 01 2021

No. H-210480  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

THE BANK OF NOVA SCOTIA

PETITIONER

AND


DONG XIA ZHANG

RESPONDENT

**CERTIFICATE OF PENDING LITIGATION**

I certify that in a proceeding commenced in this court a claim is made for an estate or interest in land or a right of action in respect of land is given by an enactment other than the *Land Title Act*. The particulars are set out in the attached copy of the document by which this claim is made.

Given under my hand and the seal of the Court at Vancouver, British Columbia, this 15<sup>th</sup> day of October, 2021.

  
S. MANSON  
DEPUTY DISTRICT REGISTRAR  
REGISTRAR

*a*

SUPREME COURT  
OF BRITISH COLUMBIA  
VANCOUVER REGISTRY

SEP 29 2021



H-210480

No.  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

THE BANK OF NOVA SCOTIA

PETITIONER

AND

DONG XIA ZHANG

RESPONDENT

PETITION TO THE COURT

**ON NOTICE TO:**

Dong Xia Zhang  
2389 McBain Avenue  
Vancouver, BC V6L 2C5

**This proceeding is brought for the relief set out in Part 1 below by The Bank of Nova Scotia**

If you intend to respond to this petition, you or your lawyer must

- (a) file a Response to Petition in Form 67 in the above-named Registry of this Court within the time for Response to Petition described below, and
- (b) serve on the Petitioner(s)
  - (i) 2 copies of the filed Response to Petition, and
  - (ii) 2 copies of each filed Affidavit on which you intend to rely at the hearing

**Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the Response to Petition within the time for response.**

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- 2 -

**Time for Response To Petition**

A Response to Petition must be filed and served on the Petitioner,

- (a) if you were served with the Petition anywhere in Canada, within 21 days after that service,
- (b) if you were served with the Petition anywhere in the United States of America, within 35 days after that service,
- (c) if you were served with the Petition anywhere else, within 49 days after that service, or
- (d) if the time for response has been set by order of the court, within that time.

(1)	The address of the registry is: 800 Smithe Street Vancouver, BC V6Z 2E1
(2)	The ADDRESS FOR SERVICE of the Petitioner is: Blake, Cassels & Graydon LLP Barristers & Solicitors Suite 2600, Three Bentall Centre 595 Burrard Street, PO Box 49314 Vancouver, BC V7X 1L3 Attention: Peter Bychawski / Andrew Kavanagh
	Fax number address for service of the Petitioner: N/A
	E-mail address for service of the Petitioner: Vancouver.service@blakes.com; peter.bychawski@blakes.com; and andrew.kavanagh@blakes.com
(3)	The name and office address of the Petitioner's lawyer is: Blake, Cassels & Graydon LLP Barristers & Solicitors Suite 2600, Three Bentall Centre 595 Burrard Street, PO Box 49314 Vancouver, BC V7X 1L3 Attention: Peter Bychawski / Andrew Kavanagh

**CLAIM OF THE PETITIONER****Part 1: ORDERS SOUGHT**

1. A declaration that a mortgage registered in the New Westminster Land Title Office on April 12, 2017, under number CA5926850 (the "**Mortgage**"), is a charge on lands and premises more particularly known and described as:

51279523

- 3 -

Parcel Identifier: 008-841-161

Legal Description: Lot 32 Block 554 District Lot 526 Plan 8905

(the "**Property**")

ranking in priority to any right, title or interest of the Respondent and all persons claiming by, through or under the Respondent except the interests of secured creditors and statutory charge holders whose interests have priority over the Mortgage.

2. A declaration that the Mortgage is in default.

3. A summary accounting of the amount due to the Petitioner pursuant to the Mortgage, including the Petitioner's legal costs and other expenses and costs incurred in enforcing the Mortgage, which includes but is not limited to the Petitioner's legal fees and disbursements on a solicitor and client basis, unless the court allows legal fees and disbursements to be paid on a different basis and all other costs and expenses incurred by the Petitioner to protect the Petitioner's interest under the Mortgage, and a declaration of the amount of money required to redeem the Property (the "**Redemption Amount**").

4. An Order setting the redemption period.

5. An Order that, upon the Respondent paying the Redemption Amount into Court or to the solicitor for the Petitioner before pronouncement of an Order Absolute or an Order approving a sale of the Property, the Petitioner shall reconvey the Property free and clear of encumbrances in its favour and shall deliver up all documents in its custody relating to the Property to the Respondent.

6. An Order that if the Property is not redeemed, the Petitioner shall be at liberty to apply for an Order Absolute.

7. An Order for the sale of the Property, with vacant possession, subject to the approval of this Court, and for the Petitioner to have exclusive conduct of such sale.

8. An Order that the Petitioner be granted liberty to apply for a further summary accounting of any amounts which become due to the Petitioner for interest or otherwise become due to the Petitioner pursuant to the Mortgage.

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9. Judgment against the Respondent in an amount equal to the Redemption Amount.
10. An Order appointing a Receiver, or a Receiver and Manager, of the rents and profits of the Property and for the fixing of an occupational rent.
11. An Order for a Certificate of Pending Litigation.
12. An Order for costs of this proceeding.
13. An Order for any other relief the Court may deem just.

## **Part 2: FACTUAL BASIS**

### ***The Parties***

14. The Petitioner, The Bank of Nova Scotia (the "**Bank**"), is a Canadian Schedule I bank.
15. The Respondent, Dong Xia Zhang (the "**Guarantor**"), is the registered owner of the Property, a residential property municipally located at 2389 McBain Avenue, Vancouver, British Columbia.

### ***The Guarantee and Mortgage Security***

16. Pursuant to an unlimited guarantee dated February 23, 2017 (the "**Guarantee**"), granted by the Guarantor in favour of the Bank, the Guarantor jointly and severally guaranteed payment to the Bank of all debts and liabilities, present or future, direct or indirect, absolute or contingent, matured or not, at any time owing by Community Marine Concepts Ltd. ("**CMC**") to the Bank or remaining unpaid by CMC to the Bank, whether arising from dealings between the Bank and CMC or from other dealings or proceedings by which the Bank may be or become in any manner whatever a creditor of CMC, and wherever incurred, and whether incurred by CMC alone or with another or others and whether as principal or surety, including all interest, commissions, legal and other costs, charges and expenses (such debts and liabilities being herein called the "**Guaranteed Liabilities**").
17. As security for her obligations under the Guarantee, the Guarantor granted the Bank the Mortgage over the Property. The Mortgage was registered in the New Westminster Land Title Office on April 12, 2017, under number CA5926850.



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### ***The Indebtedness***

18. CMC has been in default of its payment obligations owing to the Bank under a Commitment Letter dated October 2, 2018 (the "**Commitment Letter**"), which amended and restated an earlier commitment letter dated February 22, 2017, since April 30, 2020, when CMC failed to repay the loans and amounts owing under the Commitment Letter upon their becoming due.

19. The Guarantor acknowledged CMC's default (the "**CMC Default**") under the Commitment Letter in writing in October 2020 by signing a forbearance agreement among the Bank, as creditor, CMC, as debtor, the Guarantor, as guarantor, and other guarantors of CMC's obligations to the Bank (the "**Non-party Guarantors**").

20. On March 22, 2021, the Bank demanded that CMC, as debtor, the Guarantor, as guarantor, and the Non-party Guarantors, as additional guarantors, pay the amounts jointly and severally owing by them in connection with the CMC Default to the Bank.

21. On or about April 12, 2021, CMC, the Guarantor, and the Non-party Guarantors consented to the Bank's engagement of Alvarez & Marsal Canada ULC (the "**Financial Advisor**") as a consultant to the Bank with respect to the business, assets, affairs, and operations of CMC (the "**Financial Advisor Agreement**"). The fees and expenses of the Financial Advisor represent Guaranteed Liabilities.

22. In signing the Financial Advisor Agreement, the Guarantor again acknowledged in writing that CMC and the Guarantor are indebted to the Bank pursuant to the Commitment Letter.

23. As of September 29, 2021, CMC, the Guarantor, and the Non-party Guarantors remain in default of their payment obligations to the Bank, and the amount owed by CMC, the Guarantor, and the Non-party Guarantors to the Bank, jointly and severally, under the Commitment Letter, Guarantee, Mortgage, and Financial Advisor Agreement, as applicable, not including any penalty or bonus, is \$16,338,121.28 (inclusive of capital, interest, costs including legal and Financial Advisor fees and payment-in-kind interest) (the "**Indebtedness**"), with interest presently accruing at a daily rate of \$3,008.22.

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24. There are no facts which would constitute a defense to the claim or part of the claim of the Bank against the Guarantor for payment of the Indebtedness.

**Part 3: LEGAL BASIS**

25. Rules 16-1 and 21-7 of the *Supreme Court Civil Rules*.

26. Section 15 of the *Law and Equity Act*, R.S.B.C. 1996, c. 253.

**Part 4: MATERIALS TO BE RELIED ON**

27. Affidavit No. 1 of Beatriz Martinez, sworn September 29, 2021.

28. Affidavit No. 1 of Sandra Brown-John, sworn September 28, 2021.

The Petitioner estimates that the hearing of the Petition will take one hour.

Date: September 29, 2021



Signature of Peter Bychawski / Andrew Kavanagh  
Lawyers for the Petitioner

**To be completed by the court only:**

Order made

☐ in the terms requested in paragraphs ..... of Part 1 of this petition

☐ with the following variations and additional terms:

.....  
.....  
.....

Date: ....[dd/mm/yyyy].....

Signature of ☐ Judge ☐ Master

