



NO. S246230  
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

INTRACORP VANNESS LIMITED PARTNERSHIP

PLAINTIFF

AND

THE OWNERS, STRATA PLAN LMS992, and CROWE MACKAY &  
COMPANY LTD., AS LIQUIDATOR OF THE OWNERS, STRATA PLAN LMS992

DEFENDANTS

### APPLICATION RESPONSE

**Application Response of:** Crowe MacKay & Company Ltd., as Liquidator of the Owners, Strata Plan LMS992 (the "**Application Respondent**")

THIS IS A RESPONSE TO the Notice of Application of the Plaintiff, Intracorp Vaness Limited Partnership

The Application Respondent estimates that the application will take 90 minutes.

#### **Part 1: ORDERS CONSENTED TO**

The Application Respondent consents to the granting of the orders set out in the following paragraphs of Part 1 of the Notice of Application on the following terms: NIL

#### **Part 2: ORDERS OPPOSED**

The Application Respondent opposes the granting of the orders set out in paragraphs 1(a), (b) and (c), 2 and 3 of Part 1 of the Notice of Application.

#### **Part 3: ORDERS ON WHICH NO POSITION IS TAKEN**

The Application Respondent takes no position on the granting of the orders set out in paragraphs NIL of Part 1 of the Notice of Application.

**Part 4: FACTUAL BASIS**

1. Unless otherwise defined herein, the Application Respondent shall adopt and use the defined terms set out in the Notice of Application filed September 9, 2024.

**Part 5: LEGAL BASIS**

2. The issues raised by the Plaintiff, Intracorp Vaness Limited Partnership (“IVLP”), are not new and IVLP’s delay in bringing this application is, on its own, grounds to dismiss the application.

3. In making this effectively without notice application, IVLP has not made complete and candid disclosure to the court. In particular, IVLP has not put before the court any evidence relating to the prospect it may be required to pay a purchase price adjustment under Schedule G of the Agreement in the amount of approximately \$3.5 million. Any damages claim IVLP may have would be an offset to the purchase price adjustment.

4. In any event, IVLP has not established on the evidence before the court that the condition of the Property, and in particular the Townhouses, is materially different or worse than it was on January 11, 2021 when the Agreement was signed.

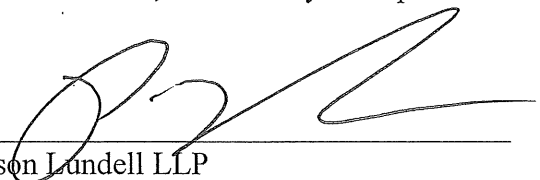
5. The Liquidator has adduced evidence that, since its confirmation on October 19, 2022, the Liquidator has, on the advice of third party professionals, completed all the immediate and life-safety system repairs required in the Townhouses. The Property, including the Townhouses, are probably in better physical condition now than they were on January 11, 2021.

**Part 6: MATERIAL TO BE RELIED ON**

6. Affidavit #1 of A. Cheng, sworn September 9, 2024.

The Application Respondent has filed in this proceeding a document that contains the Application Respondent’s address for service.

Dated at the City of Vancouver, in the Province of British Columbia, this 9th day of September, 2024.



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Lawson Lundell LLP  
Solicitors for the Application Respondent,  
Crow MacKay & Company Ltd. as  
Liquidator of the Owners, Strata Plan  
LM992

This Application Response is filed by Peter, J. Roberts K.C., of the law firm of Lawson Lundell LLP, whose place of business and address for delivery is 1600 – 925 West Georgia Street, Vancouver, British Columbia, V6C 3L2, e-mail address: [proberts@lawsonlundell.com](mailto:proberts@lawsonlundell.com); telephone number: 604-685-3456.