

NO. S-217956
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE STRATA PROPERTY ACT, S.B.C. 1998, C.43

and

IN THE MATTER OF THE APPLICATION FOR THE WIND-UP OF THE OWNERS,
STRATA PLAN LMS 992

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE
JUSTICE **FRANCIS**

FRIDAY
~~THURSDAY~~, THE 4th DAY OF
OCTOBER, 2024.

ON THE APPLICATION, without notice, of the Crowe MacKay & Company Ltd., liquidator of the Owners, Strata Plan LMS992 (the "**Liquidator**"), coming on for hearing at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia, on the 4th day of October, 2024, and on hearing Peter J. Roberts, K.C., counsel for the Liquidator, and no one else appearing although duly served, and on reading the materials filed herein;

THIS COURT ORDERS that:

1. It is confirmed that that the Liquidator has authority to defend, on behalf of itself and the former strata corporation The Owners, Strata Plan LMS 992 and its members (the "**Joyce Place Strata**"), the claim commenced by Intracorp Vanness Limited Partnership ("**Intracorp**"), Vancouver Reg. Action No. S-246230 (the "**Intracorp Claim**").
2. The Liquidator be and is hereby granted leave and authority to commence and prosecute a claim (the "**Strata Claim**") against Intracorp to enforce the purchase price adjustment provisions contained in Schedule G of the Purchase and Sale Agreement dated

January 11, 2021, as amended, between the Joyce Place Strata, as vendor, and Intracorp, as purchaser.

3. It is confirmed that the Liquidator has the authority to retain, at its discretion, funds held to the credit of the Joyce Place Strata and its former members, including monies in the contingency reserve fund, operating fund and special levy funds of the Joyce Place Strata (collectively, the "**Strata Funds**").

4. The Liquidator shall be entitled to the benefit of and is hereby granted a charge (the "**Liquidator's Charge**") on all of the Strata Funds, as security for their professional fees and disbursements incurred at the standard rates and charges for the Liquidator, both before and after the making of this Order, in respect of these proceedings, the Intracorp Claim and the Strata Claim. The Liquidator's Charge shall constitute a first charge on the Strata Funds and shall rank in priority to all other claims, statutory or otherwise, in favour of any person.

5. The Liquidator and its legal counsel shall pass their accounts from time to time, and for this purpose the accounts of the Liquidator and its legal counsel are referred to a judge of the Supreme Court of British Columbia and may be heard on a summary basis.

6. Prior to the passing of its accounts, the Liquidator shall be at liberty from time to time to apply reasonable amounts, out of the Strata Funds, against its fees and disbursements, including legal fees, disbursements and taxes, incurred at the standard rates and charges of the Liquidator or its counsel, and such amounts shall constitute advances against its remuneration and disbursements when and as approved by this Court

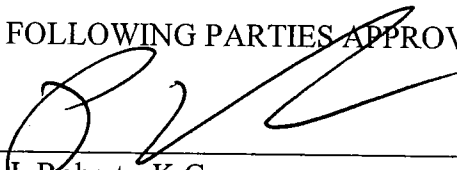
7. The Liquidator is awarded costs of this application on a solicitor and client basis, and such costs shall be paid from the Strata Funds.

8. The parties to this proceeding be at liberty to apply to Court for such further and other directions and orders as may be necessary to carry out and complete the liquidation of the Joyce Place Strata.

9. An Order that the endorsement as to form of this order may be done electronically and in counterpart and that the endorsement as to form of this order by any party appearing in person be dispensed with.

10. ~~Such further and other relief as this Honourable Court deems just~~

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER:



Peter J. Roberts, K.C.
COUNSEL FOR THE APPLICANT,
Crowe MacKay & Company Ltd.

BY THE COURT



REGISTRAR

FORM
CHECKED
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