



This is the 1st Affidavit  
of Cale Simpson in this case  
and was made on March 28 2022

No. S217956  
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


**AFFIDAVIT**

I, Cale Simpson, Real Estate Agent of 3195 Oak Street V6H 2L2 in the City of Vancouver, Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. I am a Real Estate Agent with Oakwyn Realty, and as such, have personal knowledge of the facts and matters hereinafter referred to, save and except where such facts and matters are stated to be made upon information and belief, and as to such facts and matters, I verily believe them to be true.
2. I was retained by Westcoast Sunset Holdings Corporation ("Westcoast Sunset") to assist it in finding a commercial property to purchase.
3. Westcoast Sunset intended to purchase a commercial property in order to open and operate a retail cannabis store.
4. In June of 2021, I found the listing for 3378 Vanness Avenue, Vancouver, BC (the "Listing") and brought it to Westcoast Sunset's attention.
5. Prior to seeing the Listing, I did not know Kenneth Chan or Yuen Mei Lin Chan or have any dealings with them.
6. To the best of my knowledge, Westcoast Sunset also did not know Mr. and Mrs. Chan or have any prior dealings with them.
7. In June of 2021, Westcoast Sunset instructed me to make an offer to purchase 3378 of Vanness Avenue at full asking price of \$1,100,000.
8. In or around June 15, 2021, Westcoast Sunset and Mr. and Mrs. Chan entered into a purchase and sale agreement for 3378 Vanness Avenue (the "PSA").
9. The PSA was conditional on Westcoast Sunset getting the requisite City of Vancouver permits to operate a cannabis retail store.

10. In in the summer of 2021, I was advised that a strata wind-up resolution for Strata Plan LMS 992 ("Joyce Place") had been approved. I subsequently advised Westcoast Sunset of this.
11. Despite the wind-up resolution, Westcoast Sunset wanted to proceed with the purchase of 3378 Vanness Avenue subject to the conditions in the PSA.
12. Westcoast Sunset subsequently submitted an application to the City of Vancouver to get the necessary permits. The application was rejected.
13. Westcoast Sunset then sought an appeal of that decision and on February 8, 2022 a hearing was held with the City of Vancouver's Board of Variance (the "Hearing").
14. I attended the Hearing, along with a representative of Westcoast Sunset.
15. A strata council member of Joyce Place also attended the Hearing to oppose approval of the permits. The strata council member voiced concerns that Joyce Place would not have adequate insurance to cover any damage caused to Joyce Place's common property if Westcoast Sunset undertook renovations.
16. The strata council member also voiced concerns about the condition of Joyce Place's pipes.
17. Westcoast Sunset's appeal was ultimately unsuccessful, with the Board of Variance voting against approving the permits.
18. As a result, the PSA fell through.

SWORN BEFORE ME  
 at Vancouver, British Columbia  
 on 28 day of March, 2022.

  
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 A commissioner for taking  
 affidavits for British Columbia

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 Cale Simpson

**CLAIRE M. ARMSTRONG**  
*Barrister & Solicitor*  
 P.O. Box 49130  
 2900-595 BURRARD STREET  
 VANCOUVER, B.C. V7X 1J5  
 (604) 691-7542

CLARE M. ARMSTRONG  
Barrister & Solicitor  
P.O. Box 49130  
5900-555 BURNARD STREET  
VANCOUVER, B.C. V7X 1J5  
(604) 691-7542