



NO. S217956
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF 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 LMS992

RESPONSE TO PETITION

FILED BY: The Toronto-Dominion Bank ("TD")

THIS IS A RESPONSE TO the Petition filed on September 2, 2021

PART 1: ORDER(S) CONSENTED TO

TD consents to the granting of the Orders set out in the following paragraphs of Part 1 of the Petition on the following terms

nil

PART 2: ORDER(S) OPPOSED

TD opposes the granting of the Order(s) set out in the following paragraphs of Part 1 of the Petition

nil

PART 3: ORDER(S) ON WHICH NO POSITION IS TAKEN

TD takes no position on the granting of the Order(s) set out in the following paragraphs of Part 1 of the Petition

all (on condition proper notice is provided and on the condition that TD's interests are protected)

PART 4: FACTUAL BASIS

1. TD is the registered, legal and beneficial owner of the mortgages (the "TD Mortgages") registered against the LMS 992 Lands (in particular, against strata lots 6, 27, 30, 50, 54, 63 and 60).
2. The Petitioner seeks an Order cancelling the title for the LMS 992 Lands, including the Lands against which TD Mortgages are registered, and the priority of the TD Mortgages. TD does not oppose the process and the sale proposed in the Petition in this proceeding, on condition the sale results in all monies owing under the TD Mortgages being paid in full.

PART 5: LEGAL BASIS

1. *Strata Property Act*, SBC 1991, c. 43.
2. Land Title Act, R.S.B.C. 1991, c. 250.
3. The Court must be satisfied that the interest of financial charge holders are properly protected.


The Owners, Strata Plan NW422 v. Khlybov, 2016 BCSC 285 (CanLII) at para. 10

PART 6: MATERIAL TO BE RELIED ON

1. Affidavit #of Kate Gunnlaugson, to be sworn.
2. Such further and other material as this Honorable Court may allow.

The time estimated by TD for the Application is 30 minutes.

November 25, 2021



Signature of lawyer for The Toronto-Dominion Bank
Jonathan Van Netten

The Toronto-Dominion Bank address for service

c/o **GOWLING WLG (CANADA) LLP**

Lawyers

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Attention: **Jonathan Van Netten**

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JVN/mkb
file number V113661
