



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: First National Financial GP Corporation ("FNF")

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

PART 1: ORDER(S) CONSENTED TO

FNF consents to the granting of the Order(s) set out in the following paragraphs of Part 1 of the Petition on the following terms

nil

PART 2: ORDER(S) OPPOSED

FNF 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

FNF 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 FNF's interests are protected)

PART 4: FACTUAL BASIS

1. FNF is the registered, legal and beneficial owner of the mortgages (the "FNF Mortgages") registered against the LMS 992 Lands (in particular, against strata lots 37, 46 and 51).
2. The Petitioner seeks an Order cancelling the title for the LMS 992 Lands, including the Lands against which FNF Mortgages are registered, and the priority of the FNF Mortgages. FNF 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 FNF 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 Ekam Sidhu, to be sworn.
2. Such further and other material as this Honorable Court may allow.

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

November 26, 2021


Signature of lawyer for First National Financial GP Corporation
Jonathan Van Netten

First National Financial GP Corporation address for service

c/o **GOWLING WLG (CANADA) LLP**
Lawyers
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Attention: **Jonathan Van Netten**

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BETWEEN:

STRATA PROPERTY ACT, S.B.C. 1998, C.43 AND THE
APPLICATION FOR THE WIND-UP OF THE OWNERS, STRATA
PLAN LMS992

PETITIONER

AND:

AND OTHERS

RESPONDENTS

RESPONSE TO PETITION



GOWLING WLG (CANADA) LLP

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Attention: Jonathan Van Netten

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file number V113667
