



This is the 1st affidavit
of Tasha Sandhu in this case
and was made on 7/Apr/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, Tasha Sandhu, of 2200 – 885 West Georgia Street, Vancouver, British Columbia, SWEAR
that:

1. I am a Legal Administrative Assistant employed by Cassels Brock & Blackwell LLP, lawyers for Intracorp Vanness Limited Partnership ("**Intracorp**"), and as such have personal knowledge of the facts and matters deposed to in this affidavit, except where they are stated to be on information and belief, and those matters I believe to be true.
2. Attached hereto and marked as **Exhibit "A"** is a true copy of a letter dated February 8, 2022, sent by counsel for Intracorp, Ms. Jordanna Cytrynbaum, to counsel for the Petition Respondents, Ms. Claire Armstrong.

This is Exhibit “ A ” referred to in the
affidavit of Tasha Sandhu
sworn before me at Vancouver ,
Province of British Columbia on this
 7 day of April , 20 22



A Commissioner for taking Affidavits in the
Province of British Columbia

Cassels

February 8, 2022

WITH PREJUDICE

Via E-Mail (carmstrong@pettitandco.com)

jcytrynbaum@cassels.com

tel: +1 778 372 7666

fax: +1 778 372 7848

Kenneth Kwok Ying Chan and Wei Lin Yuen Chan,
Registered Owners of Strata Lot 9, Strata Plan LMS
992
c/o Pettit and Company
Suite 301-2609 Westview Drive
North Vancouver, BC V7N 4M2

Attention: **Claire Armstrong**
*Counsel for Kenneth Kwok Ying Chan and
Wei Lin Yuen Chan*

Che Wing Chan and Yat Sin Wong, Registered Owners
of Strata Lot 10, Strata Plan LMS 992
c/o Pettit and Company
Suite 301-2609 Westview Drive
North Vancouver, BC V7N 4M2

Attention: **Claire Armstrong**
*Counsel for Che Wing Chan and Yat Sin
Wong*

0837963 B.C. Ltd., Registered Owner of Strata Lot 11,
Strata Plan LMS 992
c/o Pettit and Company
Suite 301-2609 Westview Drive
North Vancouver, BC V7N 4M2

Attention: **Claire Armstrong**
Counsel for 0837963 B.C. Ltd.

Dear Sirs/Mesdames:

**Re: THE OWNERS, STRATA PLAN LMS 992 v. Kenneth Kwok Ying Chan et al.,
S.C.B.C. No. S217956, Vancouver Registry**

t: 604 691 6100

f: 604 691 6120

cassels.com

Cassels Brock & Blackwell LLP

Suite 2200, HSBC Building, 885 West Georgia Street

Vancouver, BC V6C 3E8 Canada

I write further to our discussions regarding a resolution of your clients' opposition to the Strata Corporation's Petition seeking winding-up orders and corollary relief.

We have instructions to resolve the owners of strata lots 9, 10 and 11 (your clients) on the following terms:

- Intracorp will separately make a top up payment (“**Top-up Payment**”) to the owners of strata lot 9, strata lot 10 and strata lot 11 (the “**Strata Lots**”). For each Strata Lot, the Top -Up Payment will be equal to (A) the assessed value (as of July 1, 2020) of the Strata Lot minus (B) the schedule amount that the owner of the Strata Lot is entitled to as part of the windup. This results in the following Top-up Payments:
 - For Strata Lot 9, the Top-up Payment is equal to **\$115,737** (being: (A) assessed value of Strata Lot 9 (\$605,600) minus (B) the schedule amount (\$489,863)); and
 - For Strata Lot 10, the Top-up Payment is equal to **\$142,808** (being: (A) assessed value of Strata Lot 10 (\$818,000) minus (B) the schedule amount (\$675,192).
 - For Strata Lot 11, the Top-up Payment is equal to **\$122,044** (being: (A) assessed value of Strata Lot 11 (\$814,000) minus (B) the schedule amount (\$691,956).
- The Top-up Payment will be payable to the owner of each of the Strata Lots upon Intracorp obtaining vacant possession of the respective Strata Lot.
- Each owner of the Strata Lots will represent, covenant and agree that:
 - Each such owner owns their respective Strata Lot that they have the right to enter into a contract with Intracorp to resolve their concerns regarding the Strata Corporation's application for an order winding-up the Strata;
 - That the leases for their respective Strata Lots (as applicable) provided to Intracorp through their counsel (the “**Leases**”) are current and complete, and that each Strata Lot owner has accurately represented the terms of those Leases.
 - They will not modify the Leases and will not grant any further leases for their respective Strata Lot, without Intracorp's prior written approval.
- Intracorp will agree to assume the Leases upon the Strata Corporation being wound-up.
- Each Strata Lot owner will take no position in response to the Strata Corporation's Petition, and will file an Amended Petition Response confirming that they take no position.

January 28, 2022
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- The parties will enter into a written agreement incorporating the above terms, in a form to be provided by Intracorp's counsel.

Given your clients' position stated in their Petition Response they had a reasonable expectation that they would receive at least the assessed values for their Strata Lots in the event of a strata wind up sale, we trust that this proposal will resolve their opposition to the Petition.

Please note that this offer is made on a "with prejudice" basis with the intention of bringing this letter to the attention of the Court at the hearing of the Petition.

This offer will remain open for acceptance until the determination of the issues in the Petition proceeding, unless otherwise revoked.

Yours truly,

Cassels Brock & Blackwell LLP



Jordanna Cytrynbaum
Partner

JC/jyt

cc: Jonathan S Carter (via email)
Client

ADMIN*3133773.1

This is Exhibit “ B ” referred to in the
affidavit of Tasha Sandhu
sworn before me at Vancouver ,
Province of British Columbia on this
 7 day of April , 20 22



A Commissioner for taking Affidavits in the
Province of British Columbia

Log in (<https://www.bccassessment.ca/Home/LoginInfo/>) | Register (<https://auth.bccassessment.ca/register>)



BC ASSESSMENT

How BC Assessment works

BC Assessment provides a stable base for property taxation in British Columbia. To meet its mandate, BC Assessment completes a property assessment for over 2 million properties in B.C. every year.

BC Assessment mails individual assessment notices to all property owners in the province, and presents the assessments to various tax jurisdictions: municipal governments, regional districts and the Ministries of Education and Health. Our property assessments provide the foundation to raise billions of dollars in property tax revenues each year. In turn, this helps fund the many community services provided by local governments as well as public education and health care.

How we assess properties

BC Assessment estimates the assessed value of most properties (e.g. residential homes and industrial, commercial and investment properties) as of **July 1 each year**. Each January, your annual assessment notice provides an assessed value based on the market value that your property would have sold for on or about the previous July 1.

Learn more about BC Assessment's key dates. (</Services-products/Understanding-the-assessment-process/key-dates>)

In determining the assessed value and the property type, our appraisers may give consideration to:

- present use,
- location,
- original cost,
- replacement cost,
- revenue or rental value,
- selling price of the land and improvements and comparable land
- improvements, economic and functional obsolescence
- and other circumstances affecting the value of the land and improvements
(https://www.bclaws.ca/civix/document/id/complete/statreg/00_96020_01#section19.1).

Appraisers also consider a wide variety of physical factors such as size, age, quality and condition of the improvements (buildings) as well as location, availability of services, shape and topography of the land.

Assessment and Classification

The *Assessment Act* (https://www.bclaws.ca/civix/document/id/complete/statreg/96020_01) includes nine property classes (</Services-products/property-classes-and-exemptions/understanding-property-classes-and-exemptions>). Independent of BC Assessment, taxation authorities set the tax rates for each of the classifications.

How BC Assessment values these common property types:

(/Services-products/Understanding-the-assessment-process)

(/Services-products/Understanding-the-assessment-process)

Residential (/Services-products/Understanding-the-assessment-process)

(/about/Pages/industrial-commercial-investment.aspx)

(/about/Pages/industrial-commercial-investment.aspx)

Industrial, Commercial and Investment (ICI)

(/about/Pages/industrial-commercial-investment.aspx)

(/Services-products/property-classes-and-exemptions/farm-land-assessment/about-farm-land-assessment) (/Services-products/property-classes-and-exemptions/farm-land-assessment/about-farm-land-assessment)

Farm (/services-and-products/Pages/Classifying%20Farm%20Land.aspx)

products/Pages/Classifying%20Farm%20Land.aspx)

Understanding Market Value

The supply of properties available for sale and demand from willing buyers affects the rate of change in market values. Market values typically increase during a seller's market, where supply is low and demand is high. On the other hand, market values typically decrease during a buyer's market, where supply is high and demand is low. Market values are stable where supply and demand are balanced.

Changes to properties including new construction, renovations, property classification and eligibility for an exemption are also reflected on the annual property assessments.

Appraisers look to the market to determine the market value of a property. Only comparable sales within a market area that have similar potential uses are considered and analyzed.

Learn more on the:

Potential impact of changes in official community plans (OCPs) on property assessments

Potential impact of changes in rezoning on property assessments

Our information

BC Assessment maintains an extensive and up-to-date information database on all properties in British Columbia. Public access to this electronic database is available through our online assessment search service (<https://www.bcaassessment.ca/Property/AssessmentSearch?bclogin=1>).

BC Assessment provides accurate property and value information to (/services-and-products/Pages/Buy-and-Exchange-Data.aspx): tax authorities; property owners; municipal, provincial and federal government agencies; realtors, appraisers, lawyers, bankers, title search companies; other private and public agencies.

[About BC Assessment \(/About-Us/about-BC-Assessment\)](#)

- [Board of Directors](#)

[\(/About-Us/how-bc-assessment-works/Board-of-Directors\)](#) - [Our Executive Team \(/About-Us/how-bc-assessment-works/executive-management-team\)](#)

[How BC Assessment Works \(/About-Us/how-bc-assessment-works\)](#)

- [Legislation \(/About-Us/how-bc-assessment-works/legislation\)](#)

[Our Vision Mission and Values \(/About-Us/vision-mission-values\)](#)

[Customer Service Commitments \(/about/pages/customer-service-commitments.aspx\)](#)

[History \(/About-Us/about-BC-Assessment/history\)](#)

[Reports and plans \(/About-Us/reports-and-plans\)](#)

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