



Affidavit #2  
of D.B. Hyndman  
made May 20, 2021

Court File No. VLC-S-H-210155  
Vancouver Registry

## IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

BUSINESS DEVELOPMENT BANK OF CANADA

PETITIONER

AND:

WESTRIDGE MECHANICAL LTD.  
KEITH RICHARD WHITE  
VINCENT GRAHAM WHITE  
MNP LTD.

RESPONDENTS

### AFFIDAVIT

I, DOUGLAS B. HYNDMAN, Barrister and Solicitor, of 1100 One Bentall Centre, 505 Burrard Street, in the City of Vancouver, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. I am a Partner with the law firm of Kornfeld LLP, the solicitor for Business Development Bank of Canada, the Petitioner herein, and as such have personal knowledge of the facts and matters hereinafter deposed to save and except where stated to be upon information and belief and where so stated I verily believe them to be true.
2. I am authorized by the Petitioner to make this Affidavit.

3. Attached as **Exhibit “A”** to this my Affidavit is the State of Title Certificate of the property which is the subject of this proceeding (the “**Lands**”) which was obtained by the agents for Kornfeld LLP from the New Westminster Land Title Office on March 23, 2021, reflecting the Petitioner’s Certificate of Pending Litigation registered under number CA8861140 on March 23, 2021.
  
4. I have been advised by Ian Fong, Senior Account Manager employed by Business Development Bank of Canada, the Petitioner herein, and do verily believe the following:
  - (a) As of May 31, 2021, there will be justly due and owing by the Respondents, Westridge Mechanical Ltd., Keith Richard White and Vincent Graham White, jointly and severally, to the Petitioner pursuant to the Security and the Guarantee the sum of \$652,620.57;
  
  - (b) The Petitioner wishes to list the Lands for sale on an MLS basis with a major licensed firm of realtors and, if a suitable offer is obtained, to present that offer to this Honourable Court for approval;
  
  - (c) The Lands are vacant;
  
  - (d) The Mortgage is in default and demand was made on or about February 25, 2021;
  
  - (e) The Respondent, Westridge Mechanical Ltd., is bankrupt.
  
5. I have been advised by Crystal Peragon of Veranova Properties Limited, agent for the Petitioner, and do verily believe that in accordance with the

terms of the Mortgage, the Petitioner has incurred protective disbursements of \$1,559.40 to date, which amount is broken down as follows:

<i>Date</i>	<i>Description</i>	<i>Amount</i>
March 16 to April 27, 2021	Weekly property inspections (7 inspections @ \$78.75/week inclusive of GST)	\$551.25
April 30, 2021	Payment of strata fees for March, April and May, 2021 (3 x \$231.05)	\$693.15
April 30, 2021	Payment of Community Fire Prevention Ltd. invoice	\$315.00

6. The Respondent Westridge assigned itself into bankruptcy on or about February 4, 2021.
7. I have had several conversations with Greg Ibbott of MNP Ltd., Trustee in bankruptcy for the Respondent Westridge, and with Geoffrey Dabbs, counsel for the Respondents, Keith Richard White and Vincent Graham White, and both Messrs. Ibbott and Dabbs are in agreement that given the bankruptcy of the Respondent Westridge there should be a shortened redemption period and immediate conduct of sale to the Petitioner.
8. The day prior to the bankruptcy, the Respondent Westridge listed the Lands for sale with CDW & Associates for a listing price of \$925,000.00.
9. I have been informed by Mr. Ibbott of MNP Ltd. that there is currently no occupancy permit in place following some renovations having been done on the premises and minor final matters not having been completed to the satisfaction of the District of Mission. Those final minor matters include the updating of an electrical panel to reflect some of the renovations that were done, as well as updating engineering/architectural drawings. Arrangements are being made to remedy both and obtain a final inspection

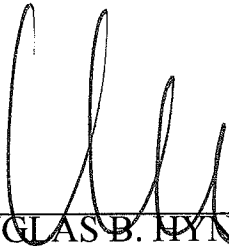
from the District of Mission with a view to obtaining the final Occupancy Permit.

- 10. I make this Affidavit in support of an application for an Order Nisi and an Order that the Lands and the Charged Property be listed for sale and that the Petitioner have exclusive conduct of such sale, and in support of an application for an order that the redemption period be set at one day.

SWORN BEFORE ME at the City of  
 Vancouver, in the Province of  
 British Columbia, this 10<sup>th</sup>  
 day of May, 2021.

\_\_\_\_\_  
 A Commissioner for taking Affidavits  
 for British Columbia.

**Jordan E. Langlois**  
 Barrister & Solicitor  
 Kornfeld LLP  
 1100 - 505 Burrard Street  
 Vancouver, B.C. V7X 1M5  
 Telephone: (604) 331-8315

  
 \_\_\_\_\_  
 DOUGLAS B. HYNDMAN

LAND TITLE OFFICE  
**STATE OF TITLE CERTIFICATE**

Certificate Number: STSR3238339

File Reference: BDC001WES211

KORNFELD LLP  
1100 - 505 BURRARD STREET  
VANCOUVER BC V7X 1M5

A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <https://apps.ltsa.ca/cert> (access code 315209).

I certify this to be an accurate reproduction of title number **CA7606526** at 10:42 this 23rd day of March, 2021.

REGISTRAR OF LAND TITLES



**Title Issued Under** STRATA PROPERTY ACT (Section 249)

**Land Title District** NEW WESTMINSTER  
Land Title Office NEW WESTMINSTER

**Title Number** CA7606526  
From Title Number CA3366791

**Application Received** 2019-07-05

**Application Entered** 2019-07-09

**Registered Owner in Fee Simple**  
Registered Owner/Mailing Address: WESTRIDGE MECHANICAL LTD., INC.NO. BC1030555  
203-22471 LOUGHEED HIGHWAY  
MAPLE RIDGE, BC  
V2X 2T8

**Taxation Authority** Mission, District of

This is Exhibit "A" referred to in the Affidavit of Douglas B. Hyndman sworn before me this 20th day of

May, 2021

A Commissioner for taking Affidavits within British Columbia

LAND TITLE OFFICE  
**STATE OF TITLE CERTIFICATE**

Certificate Number: STSR3238339

**Description of Land**

Parcel Identifier: 027-862-551  
Legal Description:  
STRATA LOT 3 SECTION 19 TOWNSHIP 17 GROUP 1 NEW WESTMINSTER DISTRICT  
STRATA PLAN BCS3384  
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT  
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

**Legal Notations**

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL  
GOVERNMENT ACT, SEE BB643829 EXPIRES 2010.03/17

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL  
GOVERNMENT ACT, SEE BT4222

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL  
GOVERNMENT ACT, SEE BX427906

**Charges, Liens and Interests**

Nature: COVENANT  
Registration Number: BJ179821  
Registration Date and Time: 1995-06-20 13:12  
Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
Remarks: INTER ALIA  
S.215 L.T.A.

Nature: COVENANT  
Registration Number: BX407015  
Registration Date and Time: 2005-01-27 11:22  
Registered Owner: DISTRICT OF MISSION  
Remarks: INTER ALIA

Nature: COVENANT  
Registration Number: BX407068  
Registration Date and Time: 2005-01-27 11:28  
Registered Owner: DISTRICT OF MISSION  
Remarks: INTER ALIA

Nature: STATUTORY RIGHT OF WAY  
Registration Number: BX524578  
Registration Date and Time: 2005-04-15 14:53  
Registered Owner: FORTISBC ENERGY INC.  
INCORPORATION NO. 0778288  
Transfer Number: CA2365787  
Remarks: INTER ALIA

LAND TITLE OFFICE

**STATE OF TITLE CERTIFICATE**

Certificate Number: STSR3238339

Nature: STATUTORY BUILDING SCHEME  
Registration Number: BX237120  
Registration Date and Time: 2005-05-25 13:42  
Remarks: INTER ALIA

Nature: STATUTORY RIGHT OF WAY  
Registration Number: BX73923  
Registration Date and Time: 2005-12-14 10:54  
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY  
Remarks: INTER ALIA

Nature: STATUTORY RIGHT OF WAY  
Registration Number: BX73924  
Registration Date and Time: 2005-12-14 10:54  
Registered Owner: TELUS COMMUNICATIONS INC.  
INCORPORATION NO. A55547  
Remarks: INTER ALIA

Nature: COVENANT  
Registration Number: BB940390  
Registration Date and Time: 2009-05-15 11:55  
Registered Owner: DISTRICT OF MISSION  
Remarks: INTER ALIA

Nature: MORTGAGE  
Registration Number: CA7606567  
Registration Date and Time: 2019-07-05 15:13  
Registered Owner: BUSINESS DEVELOPMENT BANK OF CANADA

Nature: ASSIGNMENT OF RENTS  
Registration Number: CA7606568  
Registration Date and Time: 2019-07-05 15:13  
Registered Owner: BUSINESS DEVELOPMENT BANK OF CANADA

Nature: CAVEAT  
Registration Number: CA8790492  
Registration Date and Time: 2021-02-23 11:43  
Registered Owner: MNP LTD.  
INCORPORATION NO. N/A

Nature: CERTIFICATE OF PENDING LITIGATION  
Registration Number: CA8861140  
Registration Date and Time: 2021-03-23 10:38  
Registered Owner: BUSINESS DEVELOPMENT BANK OF CANADA

**Duplicate Indefeasible Title** NONE OUTSTANDING

4

LAND TITLE OFFICE

## STATE OF TITLE CERTIFICATE

Certificate Number: STSR3238339

**Transfers** NONE

**Pending Applications** NONE

*This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).*



**IN THE SUPREME COURT OF BRITISH  
COLUMBIA**

BETWEEN:

BUSINESS DEVELOPMENT BANK OF CANADA

PETITIONER

AND:

WESTRIDGE MECHANICAL LTD.  
KEITH RICHARD WHITE  
VINCENT GRAHAM WHITE  
MNP LTD.

RESPONDENTS

---

**AFFIDAVIT**

---

**KORNFELD LLP**

*Barristers & Solicitors*  
1100 One Bentall Centre  
505 Burrard Street

Box 11

Vancouver, British Columbia, Canada V7X 1M5

Telephone: (604) 331-8300

Fax: (604) 683-0570

---

D.B. Hyndman  
File: BDC001/WES211