



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

BEFORE MASTER CAMERON

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MONDAY, THE 31ST DAY  
OF MAY, 2021.

**ORDER MADE AFTER APPLICATION**

**ORDER NISI AND ORDER FOR CONDUCT OF SALE**

ON THE APPLICATION of the Petitioner coming on for hearing by Microsoft Teams at the Courthouse, 800 Smithe Street, Vancouver, British Columbia, on May 31, 2021; and on hearing Douglas B. Hyndman, Lawyer for the Petitioner;

THIS COURT DECLARES AND ORDERS THAT:

1. the mortgage and assignment of rents (collectively, the “**Mortgage**”) made in writing dated July 4, 2019, between the Respondent, Westridge Mechanical Ltd. (“**Westridge**”), as Mortgagor and the Petitioner as

Mortgagee, which Mortgage was registered in the New Westminster Title Office on July 5, 2019 under Nos. CA7606567 and CA7606568, is a mortgage which is the first financial charge against the following lands:

Parcel Identifier No.: 027-862-551  
Strata Lot 3 Section 19 Township 17 Group 1 New Westminster  
District Strata Plan BCS3384

(the “**Lands**”).

2. a general security agreement executed by the Respondent Westridge on or about July 4, 2019 (the “**Security Agreement**”) and registered in the Personal Property Registry on the 5th day of July, 2019, under Base Registration No. 617337L, is a financial charge on all of the present and after-acquired personal property of the Respondent Westridge, wherever situate and as described in the Security Agreement (the “**Charged Property**”) in priority to the interest therein or claims thereto of the Respondents.
3. the Mortgage and the Security Agreement (collectively, the “**Security**”) are in default and that all monies secured by the Security are now due and owing.
4. the amount of money due and owing under the Security and the amount of money required to redeem the Lands and the Charged Property is the sum of \$652,620.57 as at May 31, 2021, plus interest thereon in accordance with the terms of the Security, from and including the 1st day of June, 2021, up to and including the date of payment, to accrue until the Security is redeemed or the Lands and the Charged Property are sold, whether or not redemption or sale occurs prior to or after the last date set for redemption,

all as set out below, plus the costs of the Petitioner on a solicitor and client basis, plus any Summary Accounting Amounts (all of which amounts are collectively referred to as the “**Redemption Amount**”).

5. the last date for redemption shall be June 1, 2021 (the “**Redemption Date**”).
6. upon the Respondents, or any of them, prior to pronouncement of Order Absolute of Foreclosure or an Order confirming the sale of the Lands and/or the Charged Property, paying into Court at 800 Smithe Street, Vancouver, British Columbia, to the credit of this proceeding or to the solicitor of record for the Petitioner the Amount Required to Redeem, then the Petitioner shall reconvey the Lands and/or the Charged Property free and clear of encumbrances done by the Petitioner or by any person claiming by, through or under the Petitioner, and shall deliver up, upon oath if required, all deeds, titles and documents in the Petitioner’s custody relating to the Lands and/or the Charged Property to the Respondent or Respondents who made payment or to whom they shall appoint.
7. if the Lands and the Charged Property are not redeemed prior to the Redemption Date, then the Petitioner shall be at liberty to apply for an Order Absolute of Foreclosure and upon pronouncement of Order Absolute of Foreclosure each of the Respondents, their heirs, executors, administrators, successors and assigns and all persons claiming by, through or under them shall thenceforth stand absolutely debarred and foreclosed of and from all right, title, interest and equity of redemption in or to the Lands and/or the Charged Property and all monies paid under the Security shall become the property of the Petitioner free from any right of the Respondents

and that thereupon the Respondents shall immediately deliver to the Petitioner vacant possession of the Lands and/or the Charged Property.

8. the Respondents, Keith Richard White and Vincent Graham White, and each of them, pay to the Petitioner the sum of \$652,620.57 together with the Petitioner's costs of this proceeding at Scale A.
9. the Respondent, Westridge Mechanical Ltd., pay costs of this proceeding at Scale A to the Petitioner and that such costs form a part of the amount of money due and owing under the Security and the amount of money required to redeem the Lands and/or the Charged Property.
10. the Petitioner be at liberty to apply for a further summary accounting of amounts owed to the Petitioner for interest or as reimbursement for payments made for protective disbursements relating to taxes, arrears of taxes, insurance premiums or appraisals or for inspecting, repairing or maintaining the Charged Property or the Lands and any premises located thereon, or for other expenses or costs which the Petitioner may incur before or after the date of the Order Nisi, before a Master in Chambers or by reference to the office of the District Registrar (the "**Summary Accounting Amounts**").
11. commencing June 2, 2021, the Petitioner be entitled to list the Lands and/or the Charged Property for sale, free and clear of all encumbrances save and except the reservations, provisos, exceptions and conditions contained in the original grant thereof from the Crown.
12. the Petitioner have exclusive conduct of the sale and be at liberty to list the Lands and/or the Charged Property for sale commencing June 2, 2021, to

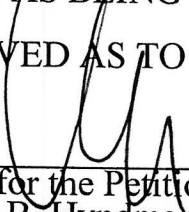
expire on further Order herein and shall be at liberty to do all things reasonably incidental thereto including paying to any real estate agent or firm that may arrange a sale a commission of not more than 7% of the first \$100,000.00 of the gross selling price and not more than 2½% of the balance of the gross selling price, that commission to be paid from the proceeds of the sale.

13. any sale be subject to the approval of this Honourable Court unless agreed to by all parties of record.
14. any person or persons in possession of the Lands and/or the Charged Property, including any tenant or tenants, do immediately and during the currency of this Order permit any duly authorized agent of the Petitioner to inspect or appraise the Lands and/or the Charged Property and the interior thereof and show the Lands and/or the Charged Property and the interior thereof to prospective purchasers between the hours of 9:00 a.m. and 7:00 p.m. on any day, and to post signs on the Lands and/or the Charged Property indicating that the Lands and/or the Charged Property are offered for sale.
15. the Petitioner or any duly authorized agent of the Petitioner be entitled to force entry to any buildings on the Lands, and the interior thereof, in the event they are abandoned or vacated.

16. the balance of the relief sought in the Petition be and it is hereby adjourned generally.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lawyer for the Petitioner  
Douglas B. Hyndman  
Kornfeld LLP

  
BY THE COURT

DEPUTY DISTRICT REGISTRAR

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**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*

Attention: Douglas B. Hyndman  
File No.: BDC001/WES211

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