



NO. S198522
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF
SECTION 179.1 (FORMERLY SECTION 152)
OF THE *SECURITIES ACT*, RSBC 1996, C. 418

BETWEEN:

BRITISH COLUMBIA SECURITIES COMMISSION

PETITIONER

AND:

SIU MUI "DEBBIE" WONG
SIU KON "BONNIE" SOO
ORIGIN BUSINESS PARK INC. formerly known as WHEATLAND
INDUSTRIAL PARK INC.
1300302 ALBERTA INC.
D & E ARCTIC INVESTMENTS INC.

RESPONDENTS

NOTICE OF APPLICATION

Name of Applicant:

MNP Ltd. (the "**Applicant**"), in its capacity as receiver, without security, of certain assets undertakings and property of Siu Mui "Debbie" Wong, Siu Kon "Bonnie" Soo, Origin Business Park Inc. formerly known as Wheatland Industrial Park Inc., 1300302 Alberta Inc. and D & E Arctic Investments Inc.

To:

Owen Bird Law Corporation

Attention: Terence Yu
Owen Bird Law Corporation
2900 – 595 Burrard St.
Vancouver, BC V7X 1J5
(tyu@owenbird.com)

Farm Credit Canada

Attention: Adnan Habib
Baker Newby LLP
200 – 2955 Gladwin Road
Abbotsford, B.C. V2T 5T4
(ahabib@bakernewby.com)
(estewart@bakernewby.com)

**Austin Wong and Derek Wong
in their capacities as joint executors
of the Estate of Gilbert Wong**

Attention: J. Reilly Pollard
Lindsay Kenney LLP
1800 – West Georgia Street
Vancouver, BC V6B 5A1
(rpollard@lklaw.ca)

Siu Mui “Debbie” Wong
16863 – 58A Avenue
Surrey, BC V3S 8P1
(debbie16863@hotmail.com)

Kwok Kie Soo

Attention: Andrew Leung
Chen and Leung
Barristers and Solicitors
Unit 1530 1200 - West 73rd Avenue
Vancouver, BC V6B 1Z6
(aleung@cclawyers.ca)

Siu Kon “Bonnie” Soo
9680 Gilhurst Crescent
Richmond, BC V7A 1P2
(siukonsoo@hotmail.com)

TAKE NOTICE that an application will be made via MS Teams by the Applicant to the presiding Judge at the courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia on Friday, the 7th day of January, 2022, at 9:45 a.m. for the Order set out in Part 1 below.

Part 1: ORDER SOUGHT

1. An Order that Owen Bird Law Corporation (“**Owen Bird**”) pay to the Applicant the sum of \$51,003.68 by delivering to Lawson Lundell LLP, 1600 – 925 West Georgia Street, Vancouver, B.C. V6C 3L2, a trust cheque made payable to “Lawson Lundell LLP – In Trust for MNP Ltd.” within 7 business days of receiving a copy of the entered order made after this application.

Part 2: FACTUAL BASIS

2. Pursuant to a liability decision dated June 16, 2016, and sanctions decision dated February 20, 2017, the British Columbia Securities Commission (the “**Commission**”) ordered that Siu Mui “Debbie” Wong (“**Ms. Wong**”), Siu Kon “Bonnie” Soo (“**Ms. Soo**”) and their related companies, among other things, disgorge over \$9 million and pay an administrative penalties exceeding \$12 million in relation to a securities fraud perpetrated by those parties.

Affidavit of Catherine Palmer, sworn July 30, 2019, Ex. D and E

3. To facilitate an orderly recovery and distribution of funds to investors, the Commission commenced these proceedings seeking the appointment of the Applicant as receiver.
4. Pursuant to an Order pronounced October 3, 2019, the Applicant was appointed as receiver, without security, of the assets, undertakings and property of Ms. Wong and Ms. Soo and their related companies.

Receivership Order, entered October 3, 2019

5. As set out in Schedule B of the Receivership Order, the property and assets that are subject of the Receivership Order included Respondents' interest in the net sale proceeds of \$204,014.69 (the "**Sale Proceeds**") from lands and premises located at 33136 Dewdney Trunk Road, Mission, BC and legally described as follows:

PID: 011-946-288
 Lot 1 except; Parcel "A" (Reference Plan 10352), Section 33 Township 17
 New Westminster District Plan 1072
 (the "**Property**").

6. Prior to the sale of the Property, the registered owners of the Property were: Ms. Wong and her (deceased) husband Gilbert Wai Hung Wong ("**Mr. Wong**"), as joint tenants as to 50%, and Ms. Soo and her husband Kwok Kie Soo ("**Mr. Soo**"), as joint tenants as to the remaining 50% (collectively, the "**Vendors**"). Upon the death of Mr. Wong, his interest passed as a matter of law to Ms. Wong.

Affidavit of Linda Alexander, sworn August 27, 2020, Ex. B

7. Accordingly, the Applicant seeks an order authorizing the distribution of 75% of the Sale Proceeds, being \$153,011.01.
8. The sale of the Property completed on December 22, 2015. At the time of sale, the Property was subject to a *Securities Act* charge under registration number BB3013226 (the "**Securities Act Charge**"). Prior to closing, the Commission agreed to remove the *Securities Act* Charge to facilitate the completion of the sale of the Property providing that the Vendors' solicitor agreed to hold the Sale Proceeds in trust on his undertaking that the net sale proceeds would not be paid out to any party, save and except:
- a. with the consent of each of:
 - i. the Vendors;
 - ii. the Commission; and
 - iii. the Plaintiffs in SCBC Action No. S139102, Vancouver Registry, and the Plaintiffs in SCBC Action No. S149050, Vancouver Registry (collectively, the "**Plaintiffs**"); or
 - b. upon Court Order directing payment or disbursement of all or a portion net sale proceeds, on notice to each of:
 - i. Harper Grey LLP (attention: Rod Anderson) on behalf of Ms. Wong and Ms. Soo;
 - ii. Owen Bird Law Corporation (attention: Trevor Yu) on behalf of the Vendors;
 - iii. Forrester & Company (attention: Glen Forrester) on behalf of all of the Plaintiffs; and

- iv. Lawson Lundell LLP (attention: William Roberts) on behalf of the Commission.

Affidavit of Linda Alexander, sworn August 27, 2020, Ex. C

9. On December 2, 2014, a mareva order was made in SCBC Action No. 149050 enjoining the Vendors from selling the Property (the “**Mareva Order**”). Prior to the sale of the Property, the Mareva Order was varied to permit the sale of the Property.

Affidavit of Linda Alexander, sworn August 27, 2020, Ex. G & H

10. Mr. Wong passed away on June 28, 2018. As the surviving joint tenant, Ms. Wong now has an undivided 50% interest in the Property and its proceeds.

Affidavit of Linda Alexander, sworn August 27, 2020, Ex. F

11. On December 3, 2020, this Honourable Court varied the Mareva Order such that it no longer applied to the Sale Proceeds.

Affidavit of Lorleen Langhorn, sworn December 8, 2021, Ex. A

12. On December 3, 2020, this Honourable Court ordered that Owen Bird release 50% of the Sale Proceeds to the Applicant, and that the remainder would remain in trust until further order of the Court.

Order Made After Application, entered February 4, 2021

13. On March 31, 2020, this Honourable Court ordered that Owen Bird release 25% of the Sale Proceeds to Mr. Soo.

Order Made After Application, entered March 31, 2021

14. Consequently, the Applicant has brought this application seeking payment of the remaining 25% of the Sale Proceeds, which represent Ms. Wong’s remaining interest in the Property.

Part 3: LEGAL BASIS

1. The Applicant relies on the Receivership Order and the common law.
2. An agreement to convert property from one species to another does not sever the joint tenancy. As a result, 75% of the Sale Proceeds should be retained by the Applicant to account for Ms. Wong’s 50% interest and Ms. Soo’s 25% interest.

Zeligs v. Janes, 2015 BCSC 7, affirmed in 2016 BCCA 280
Flannigan v. Wotherspoon, 1952 CanLII 208 (BC SC)
Bergen v. Bergen, 2013 BCCA 492

Part 4: MATERIAL TO BE RELIED ON

1. The Petition, filed July 31, 2019;
2. Affidavit of Catherine Palmer, sworn July 30, 2019;
3. Affidavit of Linda Alexander, sworn August 27, 2020;
4. Affidavit of Lorleen Langhorn, sworn December 8, 2021;
5. The Receivership Order, entered October 3, 2019;
6. Order Made After Application, entered February 4, 2021;
7. Order Made After Application, entered March 31, 2021;
8. The Amended and Restated Receivership Order, entered August 27, 2021; and
9. Such further and other materials as counsel may advise and this Honourable Court may accept.

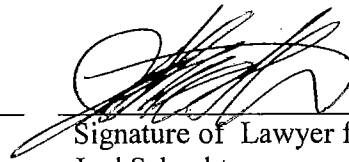
The Applicant estimates that the application will take 15 minutes.

This matter is not within the jurisdiction of a Master.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this Notice of Application, you must, within 5 business days after service of this Notice of Application or, if this Application is brought under Rule 9-7, within 8 business days after service of this Notice of Application,

- a. file an Application Response in Form 33,
- b. file the original of every Affidavit, and of every other document, that
 - i. you intend to refer to at the hearing of this Application, and
 - ii. has not already been filed in the proceeding, and
- c. serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - i. a copy of the filed Application Response;
 - ii. a copy of each of the filed Affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;
 - iii. if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Date: December 8, 2021



Signature of Lawyer for Applicant
Joel Schachter

This Notice of Application is filed by Joel Schachter, of the law firm of Lawson Lundell LLP, whose place of business and address for delivery is 1600 – 925 West Georgia Street, Vancouver, British Columbia, V6C 3L2.

To be completed by the Court only:

Order made

- in the terms requested in paragraphs _____ of Part 1 of this Notice of Application
- with the following variations and additional terms:

Date:

Signature of Judge Master

APPENDIX

The following information is provided for data collection purposes only and is of no legal effect.

THIS APPLICATION INVOLVES THE FOLLOWING:

- Other: payment out of funds held in trust

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VANCOUVER REGISTRY

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BETWEEN:
BRITISH COLUMBIA SECURITIES COMMISSION
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AND:
SIU MUI "DEBBIE" WONG AND OTHERS.
RESPONDENTS

NOTICE OF APPLICATION



Barristers & Solicitors
1600 Cathedral Place
925 West Georgia Street
Vancouver, British Columbia
V6C 3L2

Phone: (604) 685-3456
Attention: Joel Schachter