



NO. S149050
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

0805652 B.C. Ltd., 0805663 B.C. Ltd., 0805658 B.C. Ltd.,
0801660 B.C. Ltd., 0795671 B.C. Ltd., Bill Fong Investments Ltd.,
Chang Wei Tile Ltd., Super Tile & Construction Ltd., and Shun
Chi Company Ltd.

PLAINTIFFS

AND:

Siu Mui Wong (also known as Debbie Wong), Siu Kon Soo (also
known as Bonnie Soo), D&E Arctic Investments Inc. and 1300302
Alberta Inc.

DEFENDANTS

NOTICE OF APPLICATION

Name of Applicant: MNP Ltd. (the “Receiver” or the “Applicant”), in its capacity as receiver, without security, of certain assets undertakings and property of Siu Mui “Debbie” Wong (“Ms. Wong”), Siu Kon “Bonnie” Soo (“Ms. Soo”), Origin Business Park Inc. formerly known as Wheatland Industrial Park Inc., 1300302 Alberta Inc. and D & E Arctic Investments Inc. (the “Debtors” or the “Defendants”)

To:

Plaintiffs, 0805652 B.C. Ltd., 0805663 B.C. Ltd., 0805658 B.C. Ltd. and Shun Chi Company Ltd. #93 W 28 th Ave Vancouver, BC V5Y 2K7 <u>bettywu7925@gmail.com</u>	Plaintiffs, 0801660 B.C. Ltd., 0795671 B.C. Ltd. 10822 Finlayson Drive Richmond, BC V6X 1W9 <u>isayml@icloud.com</u> <u>i_leung@shaw.ca</u>
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<p>Plaintiff, Bill Fong Investment Ltd. 432-56th Avenue East Vancouver, BC V5X 1R4</p> <p>Bill.h.fong@gmail.com</p>	<p>Plaintiff, Super Tile & Construction Ltd. and Chang Wei Tile Ltd. 75 E, 56th Avenue Vancouver, BC V5X 1P7</p> <p>doublecolourtile@hotmail.com</p>
<p>Plaintiff, Moon Siu Enterprises Ltd. 1312 East 28th Avenue Vancouver, BC V5V 2R1</p> <p>doublecolourtile@hotmail.com</p>	<p>Defendants, Siu Mui (Debbie) Wong, Siu Kon (Bonnie) Soo, D&E Artie Investments Inc. and 1300302 Alberta Inc. c/o Owen Bird Law Corporation P.O. Box 49130 Three Bentall Centre 2900-595 Burrard Street Vancouver, BC V7X 1J5 (Attention: Terence Yu)</p> <p>tyu@owenbird.com</p>
<p>Non-Party, HSBC Bank Canada c/o Legal Orders Department 885 West Georgia Street Vancouver, BC V6C 3G1</p> <p>hbca.legal.orders@hsbc.ca</p>	<p>Non-Party, HSBC Investment Funds (Canada) Inc. c/o Head Office Legal Department, HSBC Bank Canada 3rd Floor, 885 West Georgia Street Vancouver, BC V6C 3E9</p> <p>hbca.legal.orders@hsbc.ca</p>

TAKE NOTICE that an application will be made by the Applicant to Chief Justice Hinkson at the Courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia on Wednesday, the 29th day of June, 2022 at 9:00 a.m., for the orders set out in Part 1 below.

Part 1: ORDERS SOUGHT

1. An Order that the Mareva order originally pronounced on December 2, 2014 (the “**Mareva Order**”) be varied such that it no longer applies to any funds belonging to the Defendants in the following account:

HSBC Investment Funds (Canada) Inc.	3 rd Floor, 885 West Georgia Street, Vancouver BC	5079744 (RRSP)	Debbie Wong
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Part 2: FACTUAL BASIS

Overview

1. The Receiver was appointed by the Court to assist the British Columbia Securities Commission with the orderly recovery and distribution of funds to investors who were defrauded by the Defendants. The liability and sanctions decisions are available on CanLII at *Re Wong*, 2016 BCSECCOM 208 (Liability Decision) and *Re Wong*, 2017 BCSECCOM 57 (Sanctions Decision).

The Receivership

2. On October 3, 2019, the Commission sought and obtained an order appointing MNP Ltd. as the Receiver, without security, of certain assets, undertakings, and property of the Debtors (the “**Receivership Order**”) in *British Columbia Securities Commission v. Siu Mui “Debbie” Wong et al*, SCBC Vancouver Registry No. S198522 (the “**Receivership**”).
3. On August 27, 2021, the Receiver sought and obtained an order amending the Receivership Order (the “**Amended Receivership Order**”). The Receiver has realized on the Debtors’ interests in a number of the assets listed in Schedule “B” of the Amended Receivership Order, including but not limited to funds in various accounts belonging to the Debtors.

Affidavit #2 of Patty Wood, sworn on March 10, 2022, Ex. A.

4. On May 26, 2022, Lawson Lundell LLP received a letter from HSBC Bank Canada advising that Ms. Wong’s RRSP account (No. 5079744) was held by HSBC Investment Funds (Canada) Inc., which is a distinct legal entity from HSBC Bank Canada.

Affidavit #2 of Linda Alexander, sworn May 26, 2022, Ex. C.

5. Consequently, the Receiver has filed an application to vary the Amended Receivership Order to change the legal entity for Ms. Wong’s RRSP account (No. 5079744) from HSBC Bank Canada to HSBC Investment Funds (Canada) Inc. This application will be heard concurrently with the within application to vary the Mareva Order.

History of the Mareva Order

6. On December 2, 2014, Chief Justice Hinkson granted the plaintiffs’ application for the Mareva Order.

7. The Mareva Order was extended to January 28, 2015.
8. On January 28, 2015, Chief Justice Hinkson ordered that the Mareva Order would remain in force and effect until further order of this Honourable Court, without prejudice to the defendants' right to apply to vary or set aside the Mareva Order on two clear days' notice.
9. By way of Orders granted on December 4, 2020 and June 14, 2021, the Mareva Order was varied such that it no longer applied to Ms. Soo and Ms. Wong's interest in the real properties included in the Receivership or the proceeds resulting from the sales of those properties.
10. By way of an Order granted on May 30, 2022, the Mareva Order was varied such that it no longer applied to funds in any accounts belonging to the Defendants at HSBC Bank Canada, Royal Bank of Canada, Toronto Dominion-Dominion Bank, Vancouver City Savings Credit Union, Canadian Imperial Bank of Commerce and Gulf & Fraser Fishermen's Credit Union.

Status of the Action

11. On September 7, 2017, the plaintiffs in this action brought an application seeking that the trial of this action be heard concurrently with the trial of action S-134693. The application was dismissed. The reasons for judgment are available on CanLII at *Wheatland Industrial Park v. Soo*, 2017 BCSC 2109.
12. Between October 11, 2018 and November 16, 2018, the plaintiffs each filed notices of intention to act in person in this action and provided addresses for delivery of documents.
13. There have been no filings by the plaintiffs in this action since November 16, 2018.

Part 3 LEGAL BASIS

1. The Applicant has standing to bring this application in the action. The Applicant specifically relies on Paragraph 4 of the Amended Receivership Order, which reads in part as follows:

4. The Receiver is empowered and authorized, but not obligated, to act at once in respect of the Property and, without in any way limiting the generality of the foregoing, the Receiver is expressly empowered and authorized to do any of the following in relation to the Property where the Receiver considers it necessary and desirable:

...

(j) to initiate, manage and direct all legal proceedings now pending or hereinafter pending (including appeals or applications for judicial receiver) relating to the Property or the Receiver, including, initiating, prosecuting, continuing, defending, settling or compromising;

- 2. The Amended and Restated Receivership Order defines the word “Property” in part as follows: “Any of the Debtors’ interests in the funds and accounts identified on Schedule “B” hereto, whether legal or beneficial, and whether held singly or jointly with any other person.”
- 3. The Account is listed in Schedule “B” of the Amended Receivership Order.

Part 4: MATERIAL TO BE RELIED ON

- 1. The pleadings and processes filed herein;
- 2. Affidavit #2 of Patty Wood, sworn on March 10, 2022;
- 3. Affidavit #2 of Linda Alexander, sworn May 26, 2022; and
- 4. Such further materials that counsel may advise and this Honourable Court may accept.

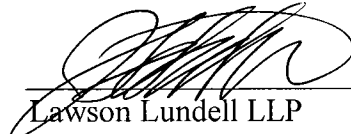
The Applicant estimates that the application will take 10 minutes.

- This matter is within the jurisdiction of a Master.
- 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 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).

Dated at the City of Vancouver, in the Province of British Columbia, this 14th day of June, 2022.


Lawson Lundell LLP
Solicitors for the Applicant

Filed by:
William L. Roberts and Joel Schachter
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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:

- none of the above: variation of Mareva injunction

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VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH
COLUMBIA**

BETWEEN:

0805652 B.C. Ltd., et al.

PLAINTIFFS

AND:

Siu Mui Wong (also known as Debbie
Wong), Siu Kon Soo (also known as
Bonnie Soo), et al.

DEFENDANTS

NOTICE OF APPLICATION



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

Phone: (604) 685-3456

Attention: William L. Roberts and Joel Schachter