

Vancouver

01-Jun-21

REGISTRY

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:
as receiver,

MNP Ltd. (the “**Receiver**” or the “**Applicant**”), in its capacity
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:

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	Plaintiffs, 0801660 B.C. Ltd., 0795671 B.C. Ltd. 10822 Finlayson Drive Richmond, BC V6X 1W9
bettywu7925@gmail.com	isayml@icloud.com
	i_leung@shaw.ca

Plaintiff, Bill Fong Investment Ltd.

432-56th Avenue East
Vancouver, BC V5X 1R4

Bill.h.fong@gmail.com

Plaintiff, Moon Siu Enterprises Ltd.

1312 East 28th Avenue
Vancouver, BC V5V 2R1

doublecolourtile@hotmail.com

Plaintiff, Super Tile & Construction Ltd. and Chang Wei Tile Ltd.

75 E, 56th Avenue
Vancouver, BC
V5X 1P7

doublecolourtile@hotmail.com

Defendants, Siu Mui (Debbie) Wong, Siu Kon (Bonnie) Soo, D&E Artie Investments Inc. and 1300302 Alberta Inc.

c/o Owen Bird Law Corporation
2900 – 595 Burrard Street
Vancouver, BC V7X 1J5
Attention: Terence Yu

tyu@owenbird.com

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 Tuesday, the 14th day of June, 2021 at 9:15 a.m. via Microsoft Teams for the orders set out in Part 1 below.

Part 1: ORDERS SOUGHT

1. An Order that the mareva order originally pronounced in this action on December 2, 2014 (the “**Mareva Order**”), is varied so that it no longer pertains to the following properties:

16863 58A Avenue, Surrey, B.C.

PID: 018-997-554

LOT 4 SECTION 7 TOWNSHIP 8 NEW

WESTMINSTER DISTRICT PLAN LMP19441

(the “**58A Avenue Lands**”);

25141 Dewdney Trunk Road, Maple Ridge, B.C.

PID: 011-016-272

LOT 3 SECTION 23 TOWNSHIP 12 NEW

WESTMINSTER DISTRICT PLAN 4023

(the “**Dewdney Trunk Lands**”);

26678 100 Avenue, Maple Ridge, B.C.

PID: 006-983-391

EAST HALF LOT 13 SECTION 6 TOWNSHIP 15

NEW WESTMINSTER DISTRICT PLAN 2721

(the “**100 Avenue Lands**”); and

7192 – 120 St, Surrey, B.C.

PID: 000-616-583

LOT A EXCEPT: PART ON STATUTORY RIGHT OF WAY
PLAN 83439, SECTION 18 TOWNSHIP 2 NEW

WESTMINSTER DISTRICT PLAN 10691

(the “**120 Street Lands**”, and collectively with the 52A Avenue Lands, the Dewdney Trunk Lands and the 100 Avenue Lands, the “**Lands**”).

2. An Order that the Mareva Order shall not apply to the Defendants’ interests in the net sale proceeds of the Lands.

Part 2: FACTUAL BASIS

Overview

1. The Receiver was appointed by the British Columbia Securities Commission (the “**Commission**”) to assist with the orderly recovery and distribution of funds to investors who were defrauded by Siu Mui “Debbie” Wong (“**Ms. Wong**”), Siu Kon “Bonnie” Soo (“**Ms. Soo**”) and their related companies. 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).
2. On November 24, 2014 (three years prior to the Commission’s liability decision), the plaintiffs in this action sued Ms. Soo and Ms. Wong and their related companies. Shortly thereafter, they applied for and obtained the Mareva Order.
3. Paragraph 9 of the Mareva Order requires that all non-urgent applications to vary or discharge the Mareva Order be heard by Chief Justice Hinkson.
4. The Receiver is in the process of marketing and selling the Lands. To simplify the sale approval process, the Receiver seeks an order varying the Mareva Order such that it no longer applies to Ms. Wong and Ms. Soo’s interests in the Lands.

The Receivership

5. On October 3, 2019, the Commission sought and obtained an order appointing MNP as the Receiver, without security, of the assets, undertakings, and property of Ms. Wong and Ms. Soo and their related companies (the “**Receivership Order**”) in British Columbia Securities Commission v. Siu Mui “Debbie” Wong et al, SCBC Vancouver Registry No. S198522 (the “**Receivership Proceeding**”).
6. The Receivership Order includes Ms. Soo and Ms. Wong’s interests in the Lands.

History of the Mareva Order

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

8. The Mareva Order was extended to January 28, 2015.
9. 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.
10. On December 22, 2015, one of the properties (33136 Dewdney Trunk Road, Mission, B.C.) subject to the Mareva Order was sold.
11. After closing, net sale proceeds of \$204,014.69 (the "**Sale Proceeds**") were deposited into the trust account of Owen Bird Law Corporation in accordance with a letter agreement dated December 18, 2015.
12. On or about January 14, 2016, the Commission was advised by the Land Title Office that registration of the transfer of the Property had been refused because the Mareva Order had not been varied. Consequently, a consent order was entered varying the Mareva Order so that it did not apply to the sale and disposition of that particular property.
13. On December 4, 2020, the Mareva Order was varied such that it no longer applied to Ms. Soo and Ms. Wong's interest in the Sale Proceeds.

Status of the Action

14. 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 S134693. The application was dismissed. The reasons for judgment are available on CanLII at *Wheatland Industrial Park v. Soo*, 2017 BCSC 2109.
15. 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.
16. There have been no filings by the plaintiffs in this action since November 16, 2018.

Proposed Next Steps in the Receivership

Proposed Sale of 58A Avenue Lands

1. Austin Wong and Derek Wong have offered to purchase Ms. Wong's one-half interest in the Surrey Lands at fair market value. These negotiations have now been finalized and the Receiver will be applying for approval of sale of Ms. Wong's one-half interest in the 58A Avenue Lands in the Receivership Proceeding once the Mareva Order has been varied.

Proposed Conduct of Sale of the Remaining Real Properties

17. The Receiver is in negotiations with the owners of the Dewdney Trunk Lands to assist in the sale of that property, but requires that it be granted conduct of sale of the Dewdney

Trunk Lands in its entirety. The Receiver will also need to take steps to market and sell the remaining properties, being the 100 Avenue Lands and the 120 Street Lands.

18. As a result, the Receiver will be applying to court to amend the Receivership Order to provide for conduct of sale of the Dewdney Trunk Lands, the 100 Avenue Lands and the 120 Street Lands in their entirety, and will eventually seek further Orders of the Court to approve the sales of those properties. As each of these properties have multiple owners, the Receiver's proportional share of the sale proceeds of each of these properties would be paid into the Receivership to the benefit of the claimants/creditors, and the balance of the proceeds would be distributed pursuant to further Order of the Court.

Part 3 LEGAL BASIS

19. The Applicant has standing to bring this application in the action. The Applicant specifically relies on Paragraph 3 of the Receivership Order, which reads in part as follows:

3. 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;

20. The Receivership Order defines the word "Property" in part as follows: "Any of the Debtors' interests in the real property identified on Schedule "B" hereto, whether registered, legal or beneficial, and whether held singly or jointly with any other person."
21. The Lands are listed in Schedule "B" of the Receivership Order.

Part 4: MATERIAL TO BE RELIED ON

Pleadings

22. Notice of Civil Claim, November 24, 2014;
23. Response to Civil Claim, February 6, 2015;

Affidavits

24. Affidavit #1 of Linda Alexander sworn on October 23, 2020;
25. Affidavit #1 of Patty Wood sworn on May 31, 2021;

Mareva Order

26. Order of Chief Justice Hinkson, pronounced December 2, 2014;
27. Order of Chief Justice Hinkson, pronounced December 15, 2014;
28. Order of Chief Justice Hinkson, pronounced January 6, 2015;
29. Order of Chief Justice Hinkson, pronounced January 28, 2015;
30. Order of Madam Justice Hyslop, pronounced February 16, 2015;
31. Order of Master Tokarek, pronounced July 16, 2015;
32. Consent Order, pronounced January 26, 2016;
33. Order of Chief Justice Hinkson, pronounced December 3, 2020;

The Plaintiffs' Notices of Intention to Act in Person

34. Notice of Intention to Act in Person (NOIP) of 0801660 B.C. Ltd., filed on October 11, 2018;
35. NOIP of 0795671 B.C. Ltd., filed October 11, 2018;
36. NOIP of Bill Fong Investments Ltd., October 23, 2018;
37. NOIP of Moon Siu Enterprises Ltd., filed October 23, 2018;
38. NOIP of Chang Wei Tile Ltd., filed October 23, 2018;
39. NOIP of Super Tile & Construction Ltd., filed October 23, 2018;
40. NOIP of 0805652 B.C. Ltd., 0805663 B.C. Ltd., 0805658 B.C. Ltd. and Shun Chi Company Ltd., filed on November 16, 2018;

Other Materials

41. Such further materials that counsel may advise and this Honourable Court may accept.

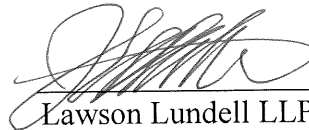
The Applicant estimates that the application will take 10 minutes.

- 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 1st day of June, 2021.



Lawson Lundell LLP
Solicitors for the Applicant

Filed by:
William L. Roberts
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Telephone: 604-685-3456
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Email for Application: wroberts@lawsonlundell.com

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:

- discovery: comply with demand for documents
- discovery: production of additional documents
- other matters concerning document discovery
- extend oral discovery
- other matter concerning oral discovery
- amend pleadings
- add/change parties
- summary judgment
- summary trial
- service
- mediation
- adjournments
- proceedings at trial
- case plan orders: amend
- case plan orders: other
- experts
- none of the above

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