

No. S198522
Vancouver Registry



IN THE SUPREME COURT OF BRITISH COLUMBIA
IN THE MATTER OF 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

**RECEIVER'S FIRST REPORT TO THE COURT
DATED FOR REFERENCE APRIL 6, 2022**

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I. BACKGROUND

1. By Order pronounced on October 3, 2019, and amended on August 27, 2021, (the “**Receivership Order**”), MNP Ltd. was appointed as Receiver (the “**Receiver**”) 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. (“**Wheatland**”), 1300302 Alberta Inc. (“**1300302**”), and D & E Arctic Investments Inc. (“**D&E**” and collectively with Ms. Wong, Ms. Soo, Origin and 1300302, the “**Debtors**”), including all proceeds therefrom (the “**Property**”).
2. The Petitioner, the British Columbia Securities Commission (the “**Commission**”), applied for the appointment of the Receiver to assist with the orderly recovery and distribution of funds to investors who were defrauded by the Debtors.

A. The Commission Decisions

i. The Liability Findings

3. In a written decision (the “**Liability Findings**”) issued June 16, 2016, the Commission described Ms. Soo and Ms. Wong’s land development and securities scheme, which can be summarized as follows:

Wheatland

- a) In June 2007, using Wheatland, Ms. Soo and Ms. Wong acquired 306 acres of land in Wheatland, Alberta (the “**Wheatland Lands**”).
- b) Ms. Soo and Ms. Wong acquired the Wheatland Lands with the intention of developing and subdividing the lands and selling the lots at a profit. In order to raise monies for this venture, the lands would be held in trust for joint venture investors (the “**Wheatland Joint Venture**”). There were 306 units in the Wheatland Joint Venture (corresponding to the 306 acres of land).
- c) Ms. Soo and Ms. Wong raised \$22 million from investors from the sale of units in the Wheatland Joint Venture (which excludes the 33.5 units allocated to family companies and 10 units purchased by Ms. Soo and Ms. Wong). The units were sold for \$85,000-\$88,000 per unit. The proceeds from selling the units were used for the acquisition of the Wheatland Lands.
- d) Ms. Soo and Ms. Wong took loans from the Wheatland Joint Venture to fund other non-Wheatland investments without investor approval.
- e) Ms. Soo and Ms. Wong also raised money for the development of the Wheatland Lands from six mortgage loans.

Rocky View #1 Lands

- a) In June 2007, Ms. Soo and Ms. Wong acquired approximately 158 acres of lands in Rocky View, Alberta (the “**Rocky View #1 Lands**”) for \$5.54 million through a company they controlled.
 - b) Ms. Soo and Ms. Wong intended to develop and subdivide the Rocky View #1 Lands, and to sell the lots at a profit. The Rocky View #1 lands required rezoning for development resulting in potential delays.
 - c) In August 2007, Ms. Soo and Ms. Wong sold the Rocky View #1 Lands to 1300302 and D & E for \$10.2 million. The Rocky View #1 Lands were held by 1300302 and D & E as nominees for the investors in those two companies (the “**Rocky View #1 Joint Venture**”).
 - d) Ms. Soo and Ms. Wong raised \$8.44 million from the sale of units in Rocky View #1 Joint Venture. Most units were sold for \$65,000 per unit.
 - e) Ms. Soo and Ms. Wong also raised money for the development of the Rocky View #1 Lands from a mortgage loan.
4. As set out in the Liability Findings, the Commission found, among other things, that Ms. Soo and Ms. Wong committed fraud when they:
- f) misappropriated \$1.2 million from the Wheatland Joint Venture;
 - g) wrongfully issued joint venture units to companies they controlled or to family members;
 - h) deceived investors about having inflated the purchase price of the Rocky View #1 Lands; and
 - i) withheld information about potential delays in the development of the Rocky View #1 Lands.
- ii. The Sanctions Decision**
5. In a subsequent written decision (the “**Sanctions Decision**”) issued February 20, 2017, the Commission ordered, among other things, that:
- a) Pursuant to s. 161(1)(g) of the *Securities Act*:
 - i. 1300302, Ms. Soo and Ms. Wong pay to the Commission \$2,785,000, on a joint and several basis;
 - ii. D & E, Ms. Soo and Ms. Wong pay to the Commission \$1,105,000, on a joint and several basis; and
 - iii. Ms. Soo and Ms. Wong pay to the Commission \$5,967,850, on a joint and several basis; and

b) Pursuant to s. 162 of the *Securities Act*:

- i. Ms. Soo pay an administrative penalty of \$6,000,000; and
- ii. Ms. Wong pay an administrative penalty of \$6,000,000.

6. The Commission made no orders against Wheatland in the Sanction Decision.
7. On March 3, 2017 and in accordance with s. 163 of the *Securities Act*, the Sanctions Decision was registered with this Court and is thereby deemed to be a judgment of this Court.
8. None of the Debtors have made any payments to the Commission on account of these monetary sanctions, nor has the Commission otherwise recovered or received any funds to be applied to these monetary sanctions.

B. Investor Claims

9. In addition to the Wheatland Lands and Rocky View #1 Lands, Ms. Soo and Ms. Wong acquired other development lands in Rocky View, Alberta (the “**Rocky View #2 Lands**”), which were held in trust for investors by 1305402 Alberta Inc. (the “**Rocky View #2 Joint Venture**”). The sale proceeds from the Rocky View #2 Lands have been paid into court.
10. At pronouncement of the Receivership Order, there were seven proceedings involving various of the Debtors and related joint ventures, details of which are set out in the Petition to the Court, filed on July 31, 2019. Based on the Liability Findings and pleadings filed in the seven proceedings, it appears that investors have lost approximately \$33 million. The Receiver intends to apply for a Claims Process Order setting out the process for investors to file claims and for those claims to be adjudicated.

C. The Debtors’ Assets

11. On December 2, 2014 in Action S-149050, Chief Justice Hinkson granted a Mareva Order against the Debtors (the “**Mareva Order**”). In accordance with paragraphs 17-20 of the Mareva Order, the Debtors provided sworn affidavits in 2015 and 2016 setting out a complete list of their assets (the “**Asset List Affidavits**”).
12. The Commission issued an Order to Freeze Property on September 26, 2013, and a further Order to Freeze Property on February 3, 2017 (collectively, the “**Freeze Orders**”), whereby the Commission froze certain accounts held by, or in trust for, any of the named Debtors. The Commission also registered charges against the Debtors’ interests in various properties in British Columbia.
13. Based on the Commission’s investigations and the Asset List Affidavits, the Commission sought the appointment of the Receiver over the assets listed in Schedule “B” of the Receivership Order.

II. NOTICE TO READER

14. This report constitutes the First Report of the Receiver (the “**First Report**”). In preparing the First Report and making the comments herein, the Receiver has been provided with, and has relied upon, certain unaudited, draft and/or internal financial information of the Debtors, the Debtors’ books and records, and information from other third-party sources (collectively, the “**Information**”). The Receiver has not audited, reviewed or otherwise attempted to verify the accuracy or completeness of the Information in a manner that would wholly or partially comply with generally accepted assurance standards or other standards established by the Chartered Professional Accountants of Canada (the “**Standards**”).
15. Additionally, none of the Receiver’s procedures were intended to disclose defalcations or other irregularities. If the Receiver were to perform additional procedures or to undertake an audit examination of the Information in accordance with the Standards, additional matters may come to the Receiver’s attention. Accordingly, the Receiver does not express an opinion, nor does it provide any form of assurance on the financial or other Information presented herein. The Receiver may refine or alter its observations as further Information is obtained or brought to its attention after the date of this report.
16. All amounts included herein are in Canadian dollars unless otherwise stated.
17. All references to Orders of the Court in the First Report refer to Orders of the Court pronounced in these proceedings unless otherwise stated.

III. PURPOSE OF THE FIRST REPORT

18. The purpose of the First Report is to advise the Court with respect to the following matters:
 - a) Outline of the Receiver’s activities from October 23, 2019 to date;
 - b) Receiver’s Interim Statements of Receipts and Disbursements to March 31, 2022;
 - c) Fees and disbursements of the Receiver; and
 - d) Fees and disbursements of the Receiver’s legal counsel.
19. The First Report has been filed in support of an application to this Honourable Court which the Receiver intends to set for hearing on April 21, 2022, requesting the following relief:
 - a) Approving the reported actions of the Receiver;
 - b) Approving the Receiver’s Statement of Receipts and Disbursements to March 31, 2022; and
 - c) Approving the professional fees and disbursements of the Receiver and of its legal counsel.

IV. OUTLINE OF RECEIVER'S ADMINISTRATION TO DATE

20. After the pronouncement of the Receivership Order, the Receiver posted a notice of the receivership in the Vancouver Sun newspaper as required by the *Personal Property Security Act* (British Columbia).
21. The Receiver maintained and updated the Service List and the Receiver's website for the receivership proceedings. Copies of relevant documents relating to these proceedings are available on the Receiver's website at:

<https://mnpdebt.ca/en/corporate/corporate-engagements/siu-mui-debbie-wong-siu-kon-bonnie-soo-origin-business-park-inc>
22. The Receiver retained Lawson Lundell LLP ("**Lawsons**") as its independent legal counsel.
23. After pronouncement of the Receivership Order, the Receiver conducted a review of the Property. As part of the review, the Receiver cross-referenced the bank accounts listed in Receivership Order, the Asset List Affidavits, and the Freeze Orders, and noted that there were certain additional bank accounts that should form part of the Property. The Receiver also noted certain typographical errors in Schedule B to the Receivership Order. All of these issues were addressed when the Receivership Order was amended on August 27, 2021.
24. The Receiver has received and responded to various creditor and stakeholder inquiries throughout the receivership proceedings.
25. The Receiver recently arranged for the majority of funds held in the receivership trust account to be deposited into Guaranteed Investment Certificates in order to earn interest income.

A. Bank Accounts

26. The Property over which the Receiver was appointed includes the Debtors' interests in a number of bank accounts (the "**Accounts**"), either solely or jointly with others, at the following financial institutions:
 - a) HSBC Bank Canada;
 - b) Royal Bank of Canada;
 - c) Toronto-Dominion Bank;
 - d) Vancouver City Savings Credit Union;
 - e) Canada Imperial Bank of Commerce; and
 - f) Gulf & Fraser Fishermen's Credit Union.(collectively, the "**Financial Institutions**").

27. After the Receivership Order was pronounced, the Receiver wrote to each of the Financial Institutions advising of the Receivership Order and requested that funds in the Accounts be paid to the Receiver.
28. To date, the Receiver has received funds totalling \$39,508.64 from the Financial Institutions which have been deposited to the receivership trust account.
29. Many of the Accounts held by the Debtors are subject to the Mareva Order and Freeze Orders. The Receiver intends to file a notice of application in the receivership proceedings requiring the Financial Institutions to transfer the remaining funds to the Receiver upon variation of the Mareva Order and the Freeze Orders. All non-urgent applications to vary the Mareva Order must be heard by Chief Justice Hinkson. Accordingly, the Receiver is in the process of securing a date for this application before Chief Justice Hinkson.

B. Sale Proceeds from 33136 Dewdney Trunk Road, Mission, B.C.

30. The Property included the Debtors' interests in net sale proceeds of \$204,014.69 (the "**33136 Proceeds**") from land and premises located at 33136 Dewdney Trunk Road, Mission, BC and legally described as follows:

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

31. The Receiver ultimately recovered 62.5% of the 33136 Proceeds totalling \$127,509.18.
32. Prior to the sale of the Mission Lands, the registered owners were: Ms. Wong and her (deceased) husband Wai Hung Wong also known as Gilbert 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%.
33. The Mission Lands were subject to a *Securities Act* charge as well as the Mareva Order. Prior to the sale of the Mission Lands, the Commission agreed to remove the *Securities Act* charge on the undertaking of Owen Bird Law Corporation ("**Owen Bird**") to hold the Sale Proceeds in trust, save and except for consent by the co-owners and the Commission, or further order of the Court. The sale completed on December 22, 2015. After the sale of the Missions Lands, the Mareva Order was varied such that it no longer applied to the Mission Lands.
34. By notice of application filed on August 28, 2020, the Receiver sought an order authorizing the distribution of the 3316 Proceeds to the Receiver (the "**1st Distribution Application**"). The 1st Distribution Application was adjourned due to concerns that the Mareva Order required further variation to ensure that it no longer applied to the 33136 Proceeds.
35. On October 23, 2020, the Receiver filed a notice of application in the Mareva Action to vary the Mareva Order such that it no longer applied to the 33136 Proceeds (the "**1st Variation Application**"). As previously stated, all non-urgent applications to vary the

Mareva Order were required to be heard by Chief Justice Hinkson. Consequently, the Variation Application and the 1st Distribution Application were set for hearing before Chief Justice Hinkson on December 3, 2020.

36. By Order pronounced in the Mareva Action on December 3, 2020, Chief Justice Hinkson varied the Mareva Order such that it no longer applied to the 33136 Proceeds.
37. By Order pronounced on December 3, 2020, Chief Justice Hinkson ordered Owen Bird to pay \$102,007.34 to the Receiver on account of Ms. Wong and Ms. Soo's collective 50% interest in the 33136 Proceeds.
38. On February 3, 2021, Mr. Soo filed a notice of application in the receivership proceedings seeking an order that Owen Bird pay \$51,003.67 to Mr. Soo on account of his 25% interest in the 33136 Proceeds (the "**2nd Distribution Application**"). The Receiver evaluated Mr. Soo's claim, and ultimately took no position on the 2nd Distribution Application. By Order pronounced March 3, 2021, the Court ordered Owen Bird to pay \$51,003.67 to Mr. Soo.
39. On December 8, 2021, the Receiver filed a notice of application seeking release of the remaining 25% of the 33136 Proceeds, which totalled \$51,003.67 (the "**3rd Distribution Application**"). Austin Wong and Derek Wong, Executors of the Will of Mr. Wong, Deceased (collectively, the "**Estate**") opposed the 3rd Distribution Application as it was the Estate's position that prior to his death, Mr. Wong had severed joint tenancy with Ms. Wong. Austin Wong and Derek Wong are the sons of Mr. Wong.
40. The Estate provided the Receiver with various information to support the Estate's position, and the parties reached an agreement to share the remaining 25% of the Sale Proceeds equally (the "**33136 Settlement**").
41. By Order pronounced on January 19, 2022, Owen Bird paid \$25,501.84 to the Receiver and \$25,501.85 to the Estate in accordance with the 33136 Settlement.

C. Sale Proceeds from 11456 Jasper Avenue, Edmonton, Alberta

42. After pronouncement of the Receivership Order, the Receiver wrote to Collin Wong advising of the receivership proceedings and inquiring about the sale proceeds held in trust. Collin Wong confirmed that he was holding the sum of \$38,170.35 (the "**Jasper Avenue Proceeds**") and that the sale proceeds were subject to the Mareva Order.
43. In the Asset List Affidavits, Ms. Wong deposed that the funds held by Collin Wong represent net sale proceeds from land and premises located at 11456 Jasper Avenue, Edmonton, Alberta (the "**Jasper Avenue Lands**").
44. In the Asset List Affidavits, Ms. Soo and Ms. Wong depose that prior to the sale of the Jasper Avenue Lands, the registered owners were 1342565 Alberta Inc. and New City Enterprises Ltd.
45. Ms. Wong is the sole shareholder of 1342565 Alberta Inc. and Ms. Soo is the sole shareholder of New City Enterprises Ltd.

46. The Receiver intends to file a notice of application in the Mareva Action seeking to vary the Mareva Order, such that it no longer applies to the Jasper Avenue Proceeds, and for an Order in these proceedings that Collin Wong pay the Jasper Avenue Proceeds to the Receiver.

D. Sale Proceeds from Unknown Properties in Alberta

47. The Property over which the Receiver is appointed also includes the following:
- a) Sale proceeds (\$27,520) for property located in Alberta held in trust for 0774238 B.C. Ltd. by a conveyance lawyer; and
 - b) Sale proceeds (\$20,585.40) for property located in Alberta held in trust for D&C Atlantic Investments Inc. by a conveyance lawyer.
48. At the date of this report, the Receiver does not know the name(s) of the conveyance lawyer holding these sale proceeds.

E. Sale Proceeds from Rocky View #2 Lands

49. The Receiver was also appointed over the Debtors' interest in proceeds from sale paid into Court of Queen's Bench of Alberta ("**ABQB**") in *1305402 Alberta Inc. v. 0774238 B.C. Ltd.*, A.B.Q.B. Action No. 1801-07295 (the "**Originating Action**").
50. In 2014, Ms. Soo and Ms. Wong acquired certain lands in Alberta (the "**Rocky View #2 Lands**"), which was held in trust by 1305402 Alberta Inc. ("**130**"), for various investors. 130 is a company controlled by Ms. Soo and Ms. Wong.
51. There were various legal proceedings in British Columbia and Alberta involving the various investors. The Rocky View #2 Lands were subsequently sold, and on November 24, 2014, Master A.R. Robertson ordered that the proceeds from sale totalling \$281,711.11 (the "**Rocky View #2 Sale Proceeds**") be held in trust by Machida James McCall, counsel for 130.
52. On July 3, 2018, 130 applied for and was granted an Order directing payment of the Rocky View #2 Sale Proceeds into court. The Rocky View #2 Sale Proceeds were paid into court on October 4, 2018.
53. On November 21, 2019, the Receiver filed a notice of application seeking an Order directing payment of the Rocky View #2 Sale Proceeds, and all accrued interest, to the Receiver.
54. One of the named investors (0792065 B.C. Ltd.) objected to payment of the funds to the Receiver and took the position that potential investor trust funds should not be commingled with funds held in the receivership trust account.

55. On December 19, 2019, Master Farrington dismissed the Receiver's application, with his reasons for decision found at 2019 ABQB 982. The parties were encouraged to apply to court again with respect to the entitlement to the Rocky View #2 Sale Proceeds.
56. On November 27, 2020, an application was filed in a new action on behalf of twelve (12) investors (the "**Investors' Application**"). The twelve (12) investor applicants (the "**Investor Applicants**") represented twelve (12) of nineteen (19) joint venture participants named in a Joint Venture Agreement and Trust Agreement pertaining to the development of the Rocky View #2 Property. The Investors' Application sought payment from the Rocky View #2 Sale Proceeds based upon the Investor Applicants proportionate interest as set out in the Joint Venture Agreement. The Affidavit of Thomas Lee, sworn November 19, 2020, was filed in support of the relief sought.
57. On December 21, 2020, the Receiver filed a notice of application in the Originating Action on December 21, 2020 (the "**Receiver's Second Application**"). Counsel to the Investor Applicants and the Receiver's counsel, Lawsons, agreed to have the Investor's Application and the Receiver's Second Application heard together.
58. The Receiver expressed a concern that the proposed payments in the Investors' Application would be received, either directly or indirectly, by Ms. Wong or Ms. Soo. Accordingly, the parties agreed that the Receiver's counsel would prepare a list of written interrogatories for various applicant corporations, as well as a list of questions for the Applicants' affiant, Thomas Lee, with responses being provided in the form of affidavits sworn on behalf of the various Applicant Investors and Mr. Lee. The purpose of the written interrogatories was to obtain sworn evidence from the Investor Applicants to establish that they are not owned or controlled, directly or indirectly, by Ms. Wong or Ms. Soo, and that they were not obligated, and did not intend, to pay any portion of the Rocky View #2 Sale Proceeds to Ms. Wong or Ms. Soo.
59. Various affidavits attesting to the responses in the written interrogatories were provided to the Receiver which were sworn by certain joint venture participants seeking payment out of the Rocky View #2 Sale Proceeds.
60. On the basis of the affidavits received, and pursuant to an Order of the ABQB pronounced February 12, 2021 by consent (the "**First Partial Release of Funds Order**"), the ABQB directed a partial distribution of the Rocky View #2 Sale Proceeds in the amount of \$176,201.10 plus accrued proportional interest to eleven (11) of the Investor Applicants. The affidavits sworn on behalf of these eleven (11) Investor Applicants in response to the written interrogatories established to the Receiver's satisfaction that the proceeds paid to these eleven (11) Investor Applicants would not be received directly or indirectly by Ms. Wong or Ms. Soo, which justified releasing to those Investor Applicants their proportionate share of the Rocky View #2 Sale Proceeds. The ABQB directed that the balance of the Receiver's Application and the Investors' Application, with respect to the remaining Rocky View #2 Sale Proceeds be adjourned to February 22, 2021.
61. On February 22, 2021, the ABQB further adjourned the Receiver's Application and the Investors' Application to March 8, 2021 and directed the Receiver and the Investor

Applicants to attempt to resolve their applications or agree upon a procedure to resolve them. The Receiver's counsel then worked with counsel to the Investor Applicants to negotiate the terms of a consent order directing the distribution of the balance of the Rocky View #2 Sale Proceeds.

62. The consent order negotiated between the Receiver's counsel and counsel to the Investor Applicants was pronounced by the ABQB on March 9, 2021 (the "**Second Partial Release of Funds Order**"). Under the Second Partial Release of Funds Order, the ABQB directed payments from the Rocky View #2 Sale Proceeds totalling \$34,406.30 plus accrued proportional interest to three (3) of the Investor Applicants, as well as a payment of \$16,031.39 plus accrued proportionate interest (the "**Estate Funds**") to the Receiver in respect of Ms. Wong and Ms. Soo's combined proportional interest held by 0774238 B.C. Ltd. and D&C Atlantic Investments Inc.
63. A term of the Second Partial Release of Funds Order, states that the order was made without prejudice to the Receiver's rights under the Receivership Order, or obligations of the Applicants who are listed in Schedule "A" to the Second Partial Release of Funds Order, under the Receivership Order.
64. The Estate Funds were deposited to the receivership trust account.

F. Shareholdings

65. Property over which the Receiver is appointed also includes the Debtors' interests in the securities and fifteen (15) corporations identified on Schedule "B" to the Receivership Order.
66. After pronouncement of the Receivership Order, the Receiver wrote to the registered offices of the various corporate entities advising of the Receivership Order and that there can be no share transfers or encumbrances of the shares without the express written consent of the Receiver. Lastly, the Receiver requested that if the corporate entity was certificated, to send the share certificates to the Receiver.
67. The Receiver received limited responses and was delivered certain share certificates.
68. The Receiver continues to investigate whether any of the Debtors' shareholdings have realizable value

G. Real Property

69. The Receiver was appointed over the Debtors' interests in the following real property:

16863 58A Avenue, Surrey, British Columbia
 Parcel Identifier: 018-997-554
 Lot 4 Section 7 Township 8 New Westminster District Plan LMP10441
 (the "**58A Avenue Lands**")

25141 Dewdney Trunk Road, Maple Ridge, British Columbia
 Parcel Identifier: 011-016-272
 Lot 3 Section 23 Township 12 New Westminster District Plan 4023
 (the “**Dewdney Trunk Lands**”)

26678 100 Avenue, Maple Ridge, British Columbia
 Parcel Identifier: 006-983-391
 East Half Lot 13 Section 6 Township 15 New Westminster District Plan 2721
 (the “**100 Avenue Lands**”)

7192 – 120 Street, Surrey, British Columbia
 Parcel Identifier: 000-616-583
 Lot A Except: Part on Statutory Right of Way Plan 83439 Section 18 Township 2
 New Westminster District Plan 10691
 (the “**120th Street Lands**”, and together with the 58A Avenue Lands, the
 Dewdney Trunk Lands, and the 100 Avenue Lands, the “**Lands**”)

70. Pursuant to the terms of the Receivership Order, the Receiver was authorized to market the Lands for sale, to solicit offers in respect of the Lands and to negotiate such terms and conditions of sale as the Receiver deems appropriate, with any eventual sale being subject to Court approval. On August 27, 2021, the Receivership Order was amended to market the entirety of the Lands for sale, including the interests of the Debtors and any other registered owners or owners.
71. On June 1, 2021, the Receiver filed a notice of application in the Mareva Action seeking an Order that the Mareva Order be varied so that it no longer pertained to the Lands or the Debtors’ interests in the net sale proceeds of the Lands (the “**2nd Variation Application**”). The 2nd Variation Application was set to be heard by Chief Justice Hinkson on June 14, 2021
72. On June 14, 2021, the Chief Justice Hinkson pronounced an order that the Mareva Order be varied so that it no longer pertains to the Lands and shall not apply to the Debtors’ interests in the net sale proceeds of the Lands.
- i. 58A Avenue Lands**
73. 58A Avenue is a single-family residential property. At the date the Receivership Order was pronounced, the registered owners were Ms. Wong, as to an undivided one-half interest, and the Estate, as to an undivided one-half interest.
74. On November 27, 2019, the Estate filed a petition seeking an Order that the joint tenancy in the 58A Avenue Lands was severed by Mr. Wong prior to his death.
75. Prior to the hearing, the Receiver and its counsel Lawsons reviewed various information provided by the Estate’s counsel in relation to the Estate’s application. The Receiver took no position on the application but also advised the Estate’s counsel that the Receiver may have a claim by way of beneficial interest or constructive trust against the 58A Avenue

Lands, including the Estate's interest, if the 58A Avenue Lands were acquired using wrongfully obtained investment proceeds.

76. On December 9, 2019, the Court pronounced an Order that the joint tenancy in the 58A Avenue Lands was severed prior to the death of Mr. Wong and directed the New Westminster Land Title Office to record the Estate as registered owners of a ½ interest in the 58A Avenue Lands as tenants in common with Ms. Wong.
77. The Receiver was approached by counsel on behalf of Austin Wong and Derek Wong (the "**58A Avenue Purchasers**") who advised that they wanted to purchase Ms. Wong's one-half interest in the 58A Avenue Lands to preserve the property as the family residence.
78. In order to properly evaluate an offer from the 58A Avenue Purchasers, the Receiver obtained a Landcor Property Valuator report, an Appraisal report, and a Current Market Analysis report.
79. The Receiver accepted an offer dated May 19, 2021 from the 58A Avenue Purchasers to purchase Ms. Wong's undivided one-half interest in the 58A Avenue Lands for a sale price of \$465,000. The offer was subject only to Court approval.
80. The Receiver and the 58A Avenue Purchasers entered into a Property Purchase and Sale Agreement dated May 19, 2021, and executed an Addendum dated May 26, 2021.
81. On June 2, 2021, the Receiver filed an application seeking an Order approving the sale of the Receiver's interest in and to the 58A Avenue Lands.
82. Pursuant to an Order of the Court pronounced June 15, 2021 (the "**58A Avenue Lands Approval and Vesting Order**"), the Court approved the Property Purchase and Sale Agreement dated May 19, 2021 between the Receiver and the 58A Avenue Purchasers.
83. The sale of the 58A Avenue Lands completed on June 30, 2021, and the sale proceeds of \$465,000 were paid to the Receiver and deposited into the receivership trust account.
84. Pursuant to the terms of the 58A Avenue Lands Approval and Vesting Order, a Receiver Certificate dated July 7, 2021, was filed with the Court.

ii. **Dewdney Trunk Lands**

85. The Dewdney Trunk Lands consist of a single-family residential acreage property. At the pronouncement of the Receivership Order, the registered owners were Ms. Wong and her late husband Mr. Wong, as to an undivided 2/16 interest as Joint Tenants, Ms. Soo and Mr. Soo, as to an undivided 2/16 interest, as Joint Tenants, and seven (7) other parties (the "**Dewdney Trunk Third-Party Owners**").
86. On November 2, 2021, the Receiver entered into a Multiple Listing Contract with RA Realty Alliance Inc. to list the Dewdney Trunk Lands for sale. The listing price of \$1,400,000 was based on discussions with the listing realtor, a comparative marketing

analysis obtained by the Receiver from a different realtor, as well as an appraisal report obtained by the Receiver.

87. A bid deadline of November 17, 2021 was established and communicated to interested parties. Four (4) offers were received on that date. After negotiations with one party relating to non-financial terms, the Receiver accepted an offer in the amount of \$1,511,000, which was subject only to Court approval.
88. On December 1, 2021, the Receiver filed a notice of application seeking an order approving the sale of the Dewdney Trunk Lands. The Receiver also sought an order to join the Dewdney Trunk Third-Party Owners and three tenants living on the Dewdney Trunk Lands (the “**Dewdney Trunk Occupants**”) as Respondents to the proceeding.
89. Additional interested parties appeared at the hearing to approve the sale of the Dewdney Trunk Lands with executed Contracts of Purchase and Sale for the Court’s consideration.
90. Pursuant to an Order of the Court pronounced December 16, 2021 (the “**Dewdney Trunk Lands Approval and Vesting Order**”), the Court approved the Contract of Purchase and Sale dated December 14, 2021 and addenda (collectively, the “**Dewdney Sale Agreement**”) between the Receiver and Navdeep Kaur Sidhu (the “**Dewdney Trunk Purchaser**”) for the sum of \$1,777,777.00 and provided for the vesting in the Dewdney Trunk Purchaser of all of the right, title and interest in and to the Dewdney Trunk Lands.
91. The sale completed on February 14, 2022, and the net sale proceeds of \$1,725,663.66 were paid to the Receiver’s legal counsel. Each of the Dewdney Trunk Third-Party Owners were paid their proportional share of the net sale proceeds in accordance with the Dewdney Trunk Lands Approval and Vesting Order. The sum of \$323,561.92 representing the Debtors’ 3/16 share of the proceeds was paid to the Receiver and deposited to the receivership trust account.
92. Pursuant to the terms of the Dewdney Trunk Lands Approval and Vesting Order, a Receiver’s Certificate dated March 4, 2022 was filed with the Court.

iii. 120th Street Lands

93. 120th Street Lands is a commercial property located in Surrey, B.C. At the date the Receivership Order was pronounced, the registered owners were Ms. Wong, as to an undivided 25% interest, Ngai Woon Chow (“**Mr. Chow**”) as to an undivided 50% interest, and the Estate, as to an undivided 25% interest. Mr. Chow is the brother of Ms. Wong.
94. A number of mortgages were registered in the British Columbia Land Titles Office against title to the 120th Street Lands, including mortgages registered in favour of Mr. Wong, Mr. Chow and Kwan Chyiu Chow (Mr. Chow’s spouse, now deceased), as Joint Tenants, and South Town Enterprises Ltd. It is the Receiver’s understanding that South Town Enterprises Ltd. is owned by Mr. Chow.

95. The Receiver has obtained an appraisal of the 120th Street Lands, as well as a market analysis prepared by a commercial realtor. The 2022 assessment as of July 1, 2021 of the 120th Street Lands is \$5,272,000.
96. The Receiver understands that Mr. Chow manages the 120th Street Lands. Accordingly, the Receiver requested that Mr. Chow provide the Receiver with copies of the commercial leases as well as information and documents pertaining to rental income and operating expenses.
97. An offer by the Co-Owners to purchase Ms. Wong's 25% interest in the 120th Street Lands was made to the Receiver on December 1, 2021. The Receiver did not accept the offer submitted but proposed a counteroffer. Legal counsel representing the Co-Owners recently responded to the Receiver with a further counteroffer which the Receiver is currently reviewing.
98. The Receiver has undertaken a review of the various mortgages registered against title to the 120th Street Lands and wrote to the Co-Owners with respect to the Receiver's position. Legal counsel representing the Co-Owners also responded to the Receiver with further information for consideration.
99. Should the Receiver and the Co-Owners not reach an agreement with respect to Ms. Wong's 25% interest in the 120th Street Lands, the Receiver will proceed to list the property for sale with a licensed realtor.

iv. 100 Avenue Lands

100. The 100 Avenue Lands consist of a single-family residential acreage property. The registered owners of the 100 Avenue Lands are:
 - a) Ms. Wong and her late husband, Mr. Wong, as to an undivided 25% interest as Joint Tenants;
 - b) Chen Liang Tao and Jae Wan Chow, as to an undivided 25% interest as Joint Tenants;
 - c) Ngai Fung Chow and Sau Lan Chow, as to an undivided 25% interest as Joint Tenants; and
 - d) Danny Chow as Executor of the Will of Ngai Mo Chow, deceased, as to an undivided 25% interest

(the "**Third-Party Owners**", and together with Ms. Wong, the "**Owners**").
101. On February 17, 2022, the Receiver retained Herb Johnstone ("**Mr. Johnstone**") with Sutton West Coast Realty ("**Sutton**") to list the 100 Avenue Lands for sale on the Multiple Listing System.

102. The Receiver entered into a Multiple Listing Contract with Mr. Johnstone to list the 100 Avenue Lands for sale on behalf of the Receiver at a list price of \$2,700,000. The list price was based on an appraisal report obtained by the Receiver as well as a comparable market evaluation report and current market evaluation report obtained by the Receiver from Mr. Johnstone.
103. Given the level of interest in the 100 Avenue Lands and recommendations from Mr. Johnstone, the Receiver directed Mr. Johnstone to set an offer submission date of March 16, 2022, which was communicated to interested parties.
104. The bid submission date would allow for marketing of the 100 Avenue Lands for an initial approximate thirty (30) day period and was established with the objective of generating increased interest, multiple offers, and achieving the best price.
105. Two (2) offers were received on March 16, 2022 as follows:
 - a) Offer for \$2,850,000, subject only to Court approval, with vacant possession 60 days after Court approval.
 - b) Offer for \$3,200,000, subject only to Court approval, with possession 30 days after Court approval subject to existing tenancy.
106. The highest and best offer received to date was the offer received from 1350769 B.C. Ltd. (the "**Purchaser**"). After negotiations with the Purchaser relating to non-financial terms, the Receiver accepted the offer in the amount of \$3,200,000, which is subject only to Court approval.
107. Copies of the Contract of Purchase and Sale, Schedule "A", and Addendums executed by the Purchaser and the Receiver on March 20, 2022 (collectively, the "**100 Ave. Sale Agreement**").
108. Pursuant to the terms of the 100 Ave. Sale Agreement, the Purchaser paid a deposit toward the purchase price in the amount of \$160,000.00 which has been deposited to Sutton's trust account.
 - a) The material terms of the proposed transaction are as follows:
 - b) Purchase Price: \$3,200,000.00 (plus applicable taxes);
 - c) Conditions Precedent: Court approval only;
 - d) Closing: On or before thirty (30) days following approval by Court;
 - e) Possession: Subject to existing tenancy;
 - f) Payment of Purchase Price: The purchase price shall be paid by way of application of the deposit in the amount of \$160,000.00, and payment of the balance by the Closing Date.

109. The purchase price is subject to typical closing adjustments including property taxes and utilities.
110. The sale is to be completed on an “as is, where is” basis with no surviving representations or warranties being made by the Receiver.
111. Total commissions payable to brokerage firms pursuant to the Multiple Listing Contract are calculated at 7% on the first \$100,000 of the purchase price and 2.5% on the balance (plus GST).
112. Mr. Johnstone provided the Receiver with a summary of the marketing activities undertaken to date with respect to the 100 Avenue Lands. A copy of Mr. Johnstone’s letter dated March 22, 2022 is attached as Exhibit “E” to the Affidavit of Patty Wood, sworn March 25, 2022.
113. The Receiver obtained an appraisal of the 100 Avenue Lands, conducted by Michael Kind of Property Genie Enterprises Inc. The Residential Appraisal Report dated September 11, 2021 provides that the value of the 100 Avenue Lands as at September 1, 2021 was \$2,300,000.
114. The Receiver also obtained a Current Market Evaluation of the 100 Avenue Lands dated September 13, 2021 and prepared by Mr. Johnstone (the “CME”). The CME reports that the Lands should sell in the range of \$2,350,000 and \$2,400,000.
115. Lastly, the Receiver obtained a Comparable Market Evaluation dated February 10, 2022 and prepared by Mr. Johnstone (the “CME #2”). The CME #2 reports that residential properties comparable to the 100 Avenue Lands had recently sold in the range of \$2,200,000 and \$3,625,000.
116. The Receiver is satisfied that the proposed sale represents the present market value of the 100 Avenue Lands. The Receiver is confident that Mr. Johnstone has run a competitive marketing and sales process and extending this process is unlikely to result in a higher sale price. Absent a higher competing bid at the hearing, the Receiver recommends that the Court approve the proposed sale to the Purchaser.
117. It is the Receiver’s understanding that in order for the Receiver to effect the transfer of title to the 100 Avenue Lands in the Land Title Office, each of the Owners should be named as Respondents to the proceeding.
118. With the exception of Ms. Wong, none of the Owners are parties to the proceeding. Accordingly, and for the limited purpose of being able to effect transfer of title to the 100 Avenue Lands, the Receiver is seeking an Order to add each of the Third-Party Owners as a Respondent to the proceeding.
119. It is also the Receiver’s understanding that the 100 Avenue Lands are currently occupied by Brian Bottem, Maria Bottem and Ian Richardson (the “**Occupants of the 100 Avenue Lands**”). The Occupants of the 100 Avenue Lands should also be named as Respondents to the proceeding.

120. It is the intention of the Receiver to discontinue this proceeding as against the Third- Party Owners and the Occupants of the 100 Avenue Lands upon completion of the sale.

V. RECEIVER'S STATEMENT OF RECEIPTS AND DISBURSEMENTS

121. Attached as **Appendix "A"** to this report is the Receiver's Statement of Receipts and Disbursements for the period ending March 31, 2022. The Receiver held a balance of \$634,093 in trust at that time.

VI. FEES AND DISBURSEMENTS OF THE RECEIVER

122. Pursuant to the Receivership Order, the Receiver and its legal counsel are to pass their accounts from time to time, and for that purpose are referred to a judge of the Supreme Court of British Columbia.
123. Attached hereto as **Appendix "B"** is a summary of the Receiver's invoices for professional fees to March 31, 2022. As set out in that appendix, the fees relating to services provided by the Receiver during the applicable time totalled \$135,064.40 before applicable taxes. All fees were charged at the Receiver's standard hourly rates from time to time.
124. Attached hereto as **Appendix "C"** is a summary of the time expended by the officers and employees of the Receiver in relation to the matters which are the subject of the Receiver's accounts which are referenced in Appendix "B". As set out in Appendix "B", the hours relating to the services provided by the officers and employees of the Receiver in relation to the matters dealt with in such accounts totalled 262.20 hours.

VII. FEES AND DISBURSEMENTS OF THE RECEIVER'S COUNSEL

125. Attached hereto as **Appendix "D"** is a summary of the invoices for the legal fees and disbursements of the Receiver's legal counsel, Lawsons to April 4, 2022. As set out in that appendix, the fees relating to the legal services provided by Lawsons during the applicable time-period totalled \$196,233.50 and the disbursements totalled \$17,166.75, all before applicable taxes. Lawsons has advised that all fees were charged at standard hourly rates from time to time.
126. Attached hereto as **Appendix "E"** is a summary of the time expended by the partners and employees of Lawsons acting as counsel to the Receiver in relation to the matters which are the subject of the accounts rendered to the Receiver as set out in Appendix "D". As set out in Appendix "E", the hours relating to the services provided by Lawsons in relation to the matters dealt with in such accounts totalled 578.30 hours.

VIII. RECOMMENDATION AND CONCLUSION

127. The First Report has been prepared to provide the Court with information on the following relief in support of an application which the Receiver intends to set for hearing on April 21, 2022:

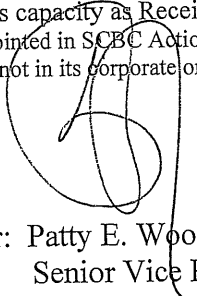
- a) Approving the reported actions of the Receiver;
- b) Approving the Receiver's Statement of Receipts and Disbursements to March 31, 2022; and
- c) Approving the professional fees and disbursements of the Receiver and of its legal counsel.

128. The Receiver recommends approval of the proposed sale of the 100 Avenue Lands to the Purchaser.

All of which is respectfully submitted this 6th day of April, 2022.

MNP Ltd.

in its capacity as Receiver
appointed in SCBC Action S198522 Vancouver Registry
and not in its corporate or personal capacity



Per: Patty E. Wood CPA, CGA, CIRP, LIT
Senior Vice President

Appendix A

In the Matter of the Receivership of
Siu Mui Wong, Siu Kon Soo, Origin Business Park Inc. formerly known as Wheatland Industrial Park,
1300302 Alberta Inc. and D & E Arctic Investments Inc.

Interim Statement of Receipts and Disbursements for the period ending March 31, 2022

RECEIPTS

Cash on Hand	\$	39,509
Funds Held In Trust		127,509
Funds Paid into Court		16,031
Interest Income		607
Sale of Land and Building		788,562
Total Receipts	\$	972,218

DISBURSEMENTS

Appraisal Fees	\$	6,472
Bank Fees		192
Disbursements - Other		1,368
GST Paid on Disbursements		15,368
Legal Fees and Disbursements		206,926
Legal Notice in Newspaper		496
Receiver's Fees		107,303
Total Disbursements	\$	338,125

CASH ON HAND

	\$	634,093
Balance in receivership trust account	\$	84,093
Guaranteed Investment Certificates		550,000
	\$	634,093

Appendix B

Summary of Professional Fees - Receiver

Period Covered	Fees (\$)	Disbursements (\$)	Taxes (\$)	Total (\$)
Outset to November 30, 2019	29,818.70	-	1,490.94	31,309.64
December 1, 2019 to April 30, 2020	17,674.70	-	883.74	18,558.44
May 1, 2020 to March 31, 2021	11,843.50	-	592.18	12,435.68
April 1, 2021 to May 15, 2021	9,504.30	-	475.22	9,979.52
May 16, 2021 to July 31, 2021	11,216.50	-	560.83	11,777.33
August 1, 2021 to October 31, 2021	6,275.20	-	313.76	6,588.96
November 1, 2021 to November 30, 2021	7,975.20	-	398.76	8,373.96
December 1, 2021 to December 31, 2021	3,782.20	-	189.11	3,971.31
January 1, 2022 to January 31, 2022	2,297.40	-	114.87	2,412.27
February 1, 2022 to February 28, 2022	6,915.50	-	345.78	7,261.28
March 1, 2022 to March 31, 2022 (unpaid)	27,761.20	-	1,388.06	29,149.26
TOTAL	\$ 135,064.40	\$ -	\$ 6,753.25	\$ 141,817.65

Appendix C

Summary of Receiver's Time
(in relation to Receiver's accounts referenced in Appendix "B")

CONSOLIDATED TIME BY PROFESSIONAL

Professional	Position	Average Rate / Hour (\$)	No. of Hours	Time Value (\$)
Patty Wood	Trustee	545	238.70	129,995.00
Julie Kennedy	Trustee	405	0.20	81.00
Elizabeth Chen	Accountant	298	9.70	2,889.40
Heather Ursaki	Senior Admin	152	12.90	1,955.00
Various	Support Staff	206	0.70	144.00
Total			262.20	\$ 135,064.40

Appendix D

Summary of Legal Fees and Disbursements - Lawson Lundell LLP

Period Covered	Fees (\$)	Disbursements (\$)	Taxes (\$)	Total (\$)
Start to November 8, 2019	3,190.00	-	382.80	3,572.80
November 9, 2019 to December 9, 2019	3,690.00	499.75	467.79	4,657.54
December 10, 2019 to February 6, 2020	7,465.50	301.99	906.10	8,673.59
February 7, 2020 to March 4, 2020	580.00	-	69.60	649.60
March 5, 2020 to April 3, 2020	442.00	48.91	55.49	546.40
April 4, 2020 to May 10, 2020	8,917.00	345.63	1,085.73	10,348.36
May 11, 2020 to June 2, 2020	341.00	-	40.92	381.92
June 3, 2020 to August 10, 2020	354.00	-	42.48	396.48
August 11, 2020 to August 20, 2020	2,218.00	52.59	266.41	2,537.00
August 21, 2020 to October 6, 2020	3,587.50	1,875.49	519.20	5,982.19
October 7, 2020 to November 3, 2020	11,756.50	2,173.82	1,515.13	15,445.45
November 4, 2020 to December 7, 2020	18,882.00	1,170.54	2,319.08	22,371.62
December 8, 2020 to December 31, 2020	11,453.00	58.70	1,376.88	12,888.58
January 1, 2021 to April 23, 2021	14,469.00	924.64	1,775.67	17,169.31
April 24, 2021 to May 6, 2021	9,475.00	115.22	1,139.51	10,729.73
May 7, 2021 to June 3, 2021	15,266.00	643.05	1,859.37	17,768.42
June 4, 2021 to July 6, 2021	11,532.00	1,213.34	1,421.19	14,166.53
July 7, 2021 to August 5, 2021	4,927.00	595.34	617.31	6,139.65
August 6, 2021 to September 7, 2021	7,376.00	2,978.17	1,029.23	11,383.40
September 8, 2021 to October 5, 2021	4,202.00	235.40	516.01	4,953.41
October 6, 2021 to November 3, 2021	2,122.00	398.10	274.55	2,794.65
November 4, 2021 to December 3, 2021	5,226.00	213.29	633.78	6,073.07
December 4, 2021 to January 13, 2022	14,516.00	1,737.24	1,817.00	18,070.24
January 14, 2022 to February 2, 2022	7,357.00	771.10	921.40	9,049.50
February 3, 2022 to March 3, 2022	8,673.50	93.96	1,045.53	9,812.99
March 4, 2022 to April 4, 2022 (unpaid)	18,215.50	720.48	2,221.89	21,157.87
TOTAL	\$ 196,233.50	\$ 17,166.75	\$ 24,320.05	\$ 237,720.30

Appendix E

Summary of Time - Lawson Lundell LLP
(in relation to legal accounts referenced in Appendix "D")

CONSOLIDATED TIME BY PROFESSIONAL

Professional	Position	Average Rate / Hour (\$)	No. of Hours	Time Value (\$)
William Roberts	Partner	627	91.20	57,150.21
Kelly Hannan	Partner	600	0.80	480.00
Laura Bevan	Partner	418	14.90	6,231.32
Alexis Teasdale	Partner	419	50.80	21,303.04
Joel Schachter	Associate	340	144.70	49,196.55
Kyle Gardiner	Associate	301	48.00	14,428.50
Noor Mann	Associate	297	8.70	2,587.64
Eman Jeddy	Associate	265	25.70	6,814.11
Lisa Harder	Associate	200	20.70	4,140.00
Özge Yazar	Associate	200	0.90	180.00
Ashley Urch	Associate	200	0.70	140.00
Linda Alexander	Paralegal	200	141.30	28,189.50
Karen Quinn	Paralegal	195	0.20	39.00
Amber Caron	Paralegal	185	0.10	18.50
Cecilia Conto	Paralegal	173	19.50	3,382.50
Laura Forrest	Paralegal	144	0.90	129.15
Cara Wenger	Paralegal	121	0.40	48.48
Daniel Jonasson	Student	250	0.30	75.00
Molly Bannister	Student	200	5.20	1,040.00
Alex Corley	Student	200	1.50	300.00
Kimia Jalilvand	Student	200	1.30	260.00
Natasha Sanders	Student	200	0.50	100.00
Total			578.30	\$ 196,233.50