



No. H091522
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

COAST CAPITAL SAVINGS CREDIT UNION

PETITIONER

AND:

THE SYMPHONY DEVELOPMENT CORPORATION,
GURMEL SINGH KAINTH, SHMINDER JOHAL, 497308 B.C.
LTD., 0769932 B.C. LTD., EMCO CORPORATION, PACIFIC
UTILITY CONTRACTING LTD., UNLIMITED
EXCAVATING & LANDSCAPING LTD., JACK CEWE LTD.,
C&C TRUCKING (1988) LTD., OCEAN CONSTRUCTION
SUPPLIES LIMITED, NORA ROSALIE MARVIN, BASSI
BROTHERS FRAMING LTD., UNITED RENTALS OF
CANADA INC., MCRAE'S ENVIRONMENTAL SERVICES
LTD., GRAESTONE READY MIX INC., VALLEY
GEOTECHNICAL ENGINEERING SERVICES LTD., D.K.
BOWINS & ASSOCIATES INC., VANCOUVER CITY
SAVINGS CREDIT UNION and MALKIT SINGH JOHAL

RESPONDENTS

NOTICE OF APPLICATION

Name(s) of applicant(s): Integra Architecture Inc.

To: Price Waterhouse Coopers, in its capacity as Receiver of Symphony Development Corporation

To: All Respondents

TAKE NOTICE that an application will be made by the applicants to the Honourable Mr. Justice Walker at the courthouse at 800 Smithe Street, in the City of Vancouver, in the Province of British Columbia, on Monday, November 15, 2010 at 9:45 a.m. for the order(s) set out in Part 1 below.

Part 1: ORDER(S) SOUGHT

1. A declaration that the work performed by Integra Architecture Inc. for Symphony

Development Corporation on the following property:

- a) Parcel Identifier: 027-524-388 Lot 42 Section 11 Township 12 NWD Plan BCP36341
- b) Parcel Identifier: 027-524-396 Lot 43 Section 11 Township 12 NWD Plan BCP36341
- c) Parcel Identifier: 027-524-400 Lot 44 Section 11 Township 12 NWD Plan BCP36341

constitutes a secured claim in the amount of \$122,479.12 for the purpose of the claims process set out in the Order of the Honourable Justice Walker, dated March 25, 2010, and as amended by the Order dated July 8, 2010.

Part 2: FACTUAL BASIS

1. Integra was retained by Symphony on September 26, 2006 to provide architectural design and field review services for a townhouse project to be constructed on the property.
2. The property was altered by way of excavation, grading and placement of fill pursuant to the design drawings prepared by Integra.
3. Integra is owed the sum of \$122,479.12 plus accrued contractual interest of \$16,209.23 by Symphony in respect of the work done by Integra.
4. Integra filed a Claim of Builders Lien in the Land Title Office dated September 11, 2009 under registration number BB0808472 claiming the sum of \$256,520.73.
5. The Receiver has determined that the project was abandoned as of October 30, 2009.

Part 3: LEGAL BASIS

1. Integra is a contractor as that term is defined in the *Builders Lien Act*, S.B.C. 1997, c. 45.
2. Integra provided services which constitute work as that term is defined in the *Builders Lien Act*.
3. The work performed by Integra resulted in an improvement of the property pursuant to the *Builders Lien Act*.

4. The Order of the Honourable Mr. Justice Walker dated March 25, 2010, which granted power to the Receiver to determine the validity of the claims of the creditors of Symphony provides that any creditor that disputes the Receiver's determination of its claim may apply to this honourable Court for a determination of the validity of that claim.

Part 4: MATERIAL TO BE RELIED ON

1. Affidavit of Duane Siegrist, sworn November 1, 2010.

The applicant(s) estimate(s) that the application will take 10 minutes.

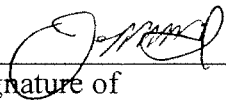
[Check the correct box.]

- 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 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: November 2, 2010



Signature of
 applicant lawyer for applicant
Jeffrey A. Hand

To be completed by the court only:

Order made
 in the terms requested in paragraphs of Part I 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.