



NO. H091522  
VANCOUVER REGISTRY

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 and TEJWANT KAUR KAINTH

RESPONDENTS

### ORDER MADE AFTER APPLICATION

	)	)
	)	)
BEFORE	) THE HONOURABLE JUSTICE	) 21/Oct/2010
	) MR. JUSTICE WALKER	)
	)	)

ON THE APPLICATION of PricewaterhouseCoopers Inc., the Receiver and Manager of The Symphony Development Corporation (the "Receiver") and the Application of Tejwant Kaur Kainth

- ☒ coming on for hearing at Vancouver, British Columbia on 21/Oct/2010 and on hearing Steven D. Dvorak, for the Receiver; Robert A. Millar for Tejwant Kaur Kainth; and Alan H. Brown for Malkit Singh Johal;
- ☐ without notice coming on for hearing at \_\_\_ on \_\_\_ and on hearing \_\_\_;
- ☐ without a hearing and on reading the materials filed by \_\_\_ and \_\_\_;

THIS COURT ORDERS that:

1. Upon the provision to counsel for the Receiver of:

(a) an Undertaking given by Tejwant Kaur Kainth to repay any amounts as may be ordered by this Court in connection with the claim that is the subject matter of the Proof of Claim filed by her in this proceeding (the "Proof of Claim"), together with such costs or other amounts as may be ordered, in the form attached as Schedule "A";

(b) an Acknowledgement and Undertaking signed Gurmel Kainth, in the form attached as Schedule "B";

(c) a registrable form of mortgage (the "Mortgage") in favour of the Receiver granting a second priority charge against the property legally described as PID 009-237-950, Lot 151, DL 86, Plan 24948, LD 36, GR 1, securing the obligation of Tejwant Kaur Kainth to repay to the Receiver such monies as may be ordered by the Supreme Court of British Columbia, together with such interest, costs or any other amounts as may be ordered by the Supreme Court of British Columbia (including solicitor and client (special) costs) as may be ordered in relation to the enforcement of the Mortgage, in a form reasonably acceptable to the Receiver;

the Receiver shall pay to Fasken Martineau DuMoulin LLP ("FMD"), counsel for Tejwant Kaur Kainth, the sum of \$471,076.09 in payment toward the amount secured under the Mortgage registered in the New Westminster Land Title Office under No. BB103290 (the "Claim Amount").


2. FMD shall hold the Claim Amount in trust pending receipt of confirmation in writing that the Receiver has completed registration of the Mortgage and that the Mortgage is a financial charge ranking in priority behind only Mortgage No. CA1601405, New Westminster Land Title Office, and upon receipt of such confirmation FMD shall be entitled to pay the Claim Amount to or to the benefit of Tejwant Kaur Kainth.

3. The Receiver shall retain in trust the sum of \$25,000 (the "Holdback") from such amounts as might otherwise be payable to Tejwant Kaur Kainth in connection with the Mortgage registered in the New Westminster Land Title Office under No. BB103290, and the Holdback shall remain in trust as security for any costs that may be incurred by the Receiver in connection


with any enforcement of the Mortgage. The Holdback shall only be released to or to the benefit of Tejwant Kaur Kainth upon further Order of this Court.

4. The Receiver shall deliver to any party or creditor that may file a Notice of Application ("Dispute Notice") to dispute the allowance, disallowance or revision of any proof of claim filed pursuant to the Order made in this proceeding on March 25, 2010, a Notice of Application scheduled for hearing on November 15, 2010, to determine the terms under which such Dispute Notice(s) shall proceed.


THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

  
 \_\_\_\_\_  
 Signature of  
☐ party ☒ lawyer for the Receiver

Steven D. Dvorak

  
 \_\_\_\_\_  
 Signature of  
☐ party ☒ lawyer for Tejwant Kainth

Robert A. Millar

  
 \_\_\_\_\_  
 Signature of  
☐ party ☒ lawyer for Malkit Singh Johal

Alan H. Brown

By the Court.

  
 \_\_\_\_\_  
 Registrar



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IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

COAST CAPITAL SAVINGS CREDIT UNION

PETITIONER

AND:

THE SYMPHONY DEVELOPMENT CORPORATION, and  
Others

RESPONDENTS

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**ORDER**

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**BULL, HOUSSEY & TUPPER LLP**

Barristers & Solicitors  
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Vancouver, B.C. V6E 3R3  
Telephone: (604) 687-6575  
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Attention: STEVEN D. DVORAK

SDD/cef

File# 10-2231

**DYE & DURHAM  
COMPANY INC.**

71000 51-4

SR

Dec 16<sup>th</sup> / 2010