

**STRATA PLAN BCS40
MAYFAIR PLACE
APPROVED BUDGET
DECEMBER 1, 2009 TO NOVEMBER 30, 2010**

		YTD ACTUAL 30-Sep-09	APPROVED BUDGET 2008-2009	APPROVED BUDGET 2009-2010
	Income			
3000-0000	Operating Income	576,671.90	692,007.27	710,451.00
3010-0000	Contingency Reserve Income	57,667.20	69,200.73	71,045.00
3020-0000	Bylaw Fine Income	(202.01)	-	-
3030-0000	Interest Income	664.33	1,200.00	800.00
3040-0000	Move In/Out Fees	1,500.00	-	-
3050-0000	Parking Income	50.00	-	-
3055-0000	Keys/Remotes Income	1,515.70	1,500.00	1,800.00
3070-0000	Lounge Income	800.00	-	1,000.00
3075-0000	Caretaker Suite Rental	16,000.00	19,200.00	19,800.00
3080-0000	Other Income	0.13	-	-
		<u>654,667.25</u>	<u>783,108.00</u>	<u>804,896.00</u>
	Expense			
4000-0000	Agent Fees	38,430.00	56,222.00	49,351.00
4010-0000	Legal Fees	-	1,250.00	1,500.00
4017-0000	Audit	(3,981.25)	3,500.00	3,700.00
4018-0000	Administration	7,280.22	5,000.00	7,300.00
4040-0000	Insurance	38,057.67	48,000.00	48,000.00
4050-0000	Electricity	42,441.89	60,000.00	58,000.00
4052-0000	Water & Sewer	637.69	1,000.00	1,000.00
4056-0000	Garbage Removal	1,503.06	2,000.00	2,100.00
4058-0000	Gas	128,171.50	190,000.00	193,000.00
4106-0000	Security	3,050.43	2,700.00	3,750.00
4110-0000	Cablevision	1,163.65	700.00	1,460.00
4130-0000	Elevator	23,308.29	27,000.00	28,700.00
4142-0010	Fire Equipment	1,069.56	7,500.00	7,500.00
4144-0000	Emergency Generator	9,899.36	4,000.00	3,000.00
4150-0000	Boiler System	31,015.33	34,000.00	36,400.00
4160-0000	Repairs & Maintenance - General	48,875.09	22,685.27	50,000.00
4175-0000	Building Envelope Maintenance	500.00	15,000.00	15,000.00
4190-0020	Building Improvements	17,627.52	10,000.00	10,000.00
4217-0000	Supplies	10,022.47	10,000.00	11,000.00
4220-0000	Window Cleaning	10,552.50	10,000.00	10,640.00
4300-0000	Landscaping	20,398.49	23,000.00	25,750.00
4300-0040	Formal Garden Maintenance	8,386.14	9,400.00	11,000.00
4310-0000	Snow Removal	72.25	1,000.00	1,050.00
4315-0000	Irrigation System	-	1,000.00	600.00
4410-0100	Chemicals & Supplies	4,318.40	5,250.00	6,000.00
4410-0150	Swimming Pool - Permits	325.00	500.00	350.00
4410-0200	Swimming Pool - Repairs & Maintenance	4,804.44	7,500.00	7,800.00
4500-0000	Caretaker - Wages	91,233.93	117,000.00	118,000.00
4500-0400	Caretaker - Rent Subsidy	14,000.00	19,200.00	17,000.00
4518-0000	Property Taxes	1,617.48	1,600.00	1,700.00
4522-0000	Telephone & Pager	2,482.64	2,900.00	3,200.00
4580-0100	Mortgage Regular Payments	3,711.42	15,000.00	-
	Total Expense	<u>560,975.17</u>	<u>713,907.27</u>	<u>733,851.00</u>
	Surplus (Deficit) from operations	93,692.08	69,200.73	71,045.00
4800-0000	Contingency Reserve Transfer	57,667.20	69,200.73	71,045.00
	Total operating surplus (deficit)	<u><u>36,024.88</u></u>	<u><u>-</u></u>	<u><u>-</u></u>

Mayfair Place (bcs40)
Balance Sheet
As at June 30, 2010

7/23/2010 10:46 AM

Current Balance

ASSETS

CURRENT ASSETS

1100-0000	Bank - Operating	83,687.38
1102-0000	Bank - Contingency Reserve Fund	108,636.01
1105-0010	Bank - Bldg Imprv't Reserve	20,144.83
1105-0020	Bank - Garage Gate Reserve	31,708.58
1110-0000	Bank - Levy	21,936.48
1300-0000	Accounts Receivable - Operating	14,270.83
1330-0000	Accounts Receivable - Bldg Repair Levy	1,661,063.31
1340-0000	Accounts Receivable - Damage Deposit #B301	650.00
1400-0100	Prepaid Expenses - Insurance	3,805.87
TOTAL CURRENT ASSETS		1,945,903.29

FIXED ASSETS

1700-0005	Furniture & fixtures	3,055.69
1700-0015	Land	63,700.00
1700-0020	Building	118,300.00
1700-0030	Fitness Equipment	22,413.33
1750-0000	Accumulated Depreciation	(21,171.28)
1750-0011	Accumulated Depreciation-Equip.	(2,012.57)
TOTAL FIXED ASSETS		184,285.17

TOTAL ASSETS

2,130,188.46

LIABILITIES & EQUITY

LIABILITIES

2020-0000	Accrued Expenses	11,516.67
2030-0000	Security Deposit Refund - A203	400.00
2030-0500	Security Deposit Refunds - B301	400.00

TOTAL LIABILITIES

12,316.67

OWNER'S EQUITY

2110-0000	Operating Fund - Prior Year (RE)	46,523.26
2120-0000	Operating Fund - Current Year	56,565.73
2130-0000	Contingency Reserve Funds (Reserve)	106,826.92
2135-0010	Reserve - Building Improvement	20,144.83
2135-0020	Reserve - Garage Gate	31,708.58
2250-0000	Interest Earned on Reserve	1,809.09
2300-0000	Special Levy - Building Repair	1,682,999.79
2400-0500	Equity - Caretaker's Suite	171,293.59

TOTAL OWNERS EQUITY

2,117,871.79

TOTAL LIABILITY & EQUITY

2,130,188.46

Mayfair Place (bcs40)
Income Statement
Unaudited for 7 periods
For the period ending June 30, 2010

	MTD Actual	MTD Budget	YTD Actual	YTD Budget	\$ Variance	Annual Budget
Income						
3000-0000 Operating Income (Strata)	59,203.84	59,204.25	414,426.54	414,429.75	(3.21)	710,451.00
3010-0000 Contingency Reserve Income	5,920.42	5,920.42	41,442.94	41,442.94	0.00	71,045.00
3020-0000 Bylaw Fine Income	0.00	0.00	(200.00)	0.00	(200.00)	0.00
3030-0000 Interest Income	50.24	66.67	259.39	466.69	(207.30)	800.00
3040-0000 Move In/Out Fee	300.00	0.00	1,200.00	0.00	1,200.00	0.00
3055-0000 Keys/Remotes Income	115.00	150.00	385.00	1,050.00	(665.00)	1,800.00
3070-0000 Lounge Rental	50.00	83.33	300.00	583.31	(283.31)	1,000.00
3075-0000 Caretaker's Suite Rental	1,600.00	1,650.00	11,200.00	11,550.00	(350.00)	19,800.00
3080-0000 Other Income	5.00	0.00	31.93	0.00	31.93	0.00
Total Income	67,244.50	67,074.67	469,045.80	469,522.69	(476.89)	804,896.00
Expenses						
4000-0000 Agent Fee	4,000.50	4,000.50	28,642.69	28,003.50	(639.19)	49,351.00
4010-0000 Legal Fee	5,851.06	125.00	11,287.73	875.00	(10,412.73)	1,500.00
4017-0000 Audit	0.00	308.33	0.00	2,158.31	2,158.31	3,700.00
4018-0000 Administration	2,727.03	608.33	10,485.02	4,258.31	(6,226.71)	7,300.00
4040-0000 Insurance	3,805.83	4,000.00	26,640.81	28,000.00	1,359.19	48,000.00
4050-0000 Electricity	4,988.49	4,833.33	27,665.64	33,833.31	6,167.67	58,000.00
4052-0000 Water & Sewer	0.00	83.33	595.01	583.31	(11.70)	1,000.00
4056-0000 Garbage Collection	0.00	175.00	891.98	1,225.00	333.02	2,100.00
4058-0000 Gas	10,608.68	16,083.33	91,176.30	112,583.31	21,407.01	193,000.00
4106-0000 Security	0.00	312.50	593.25	2,187.50	1,594.25	3,750.00
4110-0000 Cablevision	124.71	121.67	825.62	851.69	26.07	1,460.00
4130-0000 Elevator	2,170.18	2,391.67	16,668.89	16,741.69	72.80	28,700.00
4142-0010 Fire Equipment	9,967.51	625.00	10,412.45	4,375.00	(6,037.45)	7,500.00
4144-0000 Emergency Generator	0.00	250.00	334.25	1,750.00	1,415.75	3,000.00
4150-0000 Boiler System	248.85	3,033.33	248.85	21,233.31	20,984.46	36,400.00
4160-0000 Repairs & Maintenance - General	5,084.22	4,166.67	37,809.14	29,166.69	(8,642.45)	50,000.00
4175-0000 Building Envelope Maintenance	99.75	1,250.00	5,096.44	8,750.00	3,653.56	15,000.00
4190-0020 Building Improvements	0.00	833.33	0.00	5,833.31	5,833.31	10,000.00
4217-0000 Supplies	427.01	916.67	7,217.75	6,416.69	(801.06)	11,000.00
4220-0000 Window Cleaning	0.00	886.67	0.00	6,206.69	6,206.69	10,640.00
4300-0000 Landscaping	2,310.00	2,145.83	12,243.00	15,020.81	2,777.81	25,750.00
4300-0040 Formal Garden Maintenance	863.05	916.67	6,041.35	6,416.69	375.34	11,000.00
4310-0000 Snow Removal	0.00	87.50	0.00	612.50	612.50	1,050.00
4315-0000 Irrigation System	363.71	50.00	363.71	350.00	(13.71)	600.00
4410-0100 Supplies & Chemicals	14.00	500.00	467.69	3,500.00	3,032.31	6,000.00
4410-0150 Swimming Pool Permits	0.00	29.17	325.00	204.19	(120.81)	350.00
4410-0200 Swimming Pool - Maintenance/Repair	0.00	650.00	1,016.79	4,550.00	3,533.21	7,800.00
4500-0000 Caretakers Wages	8,352.60	9,833.33	62,382.24	68,833.31	6,451.07	118,000.00
4500-0400 Caretaker - Rent Subsidy	1,400.00	1,416.67	9,250.00	9,916.69	666.69	17,000.00
4518-0000 Property Taxes	0.00	141.67	0.00	991.69	991.69	1,700.00
4522-0000 Telephone & Pager	392.79	266.67	2,355.53	1,866.69	(488.84)	3,200.00
Total Expenses	63,799.97	61,042.17	371,037.13	427,295.19	56,258.06	733,851.00
Surplus Deficit from Operations	3,444.53	6,032.50	98,008.67	42,227.50	55,781.17	71,045.00
4800-0000 Contingency Reserve Transfer	5,920.42	5,920.42	41,442.94	41,442.94	0.00	71,045.00
Total operating surplus(deficit)	(2,475.89)	112.08	56,565.73	784.56	55,781.17	0.00

EXHIBIT "E"

CONDOMINIUM ACT
(Section 31)

RENTAL DISCLOSURE STATEMENT

1. The proposed Strata Plan in respect of which this Statement is made will be described as Strata Lots 1 to 118 of a proposed Strata Plan subdivision of part of those lands to be legally described as follows:

Parcel Identifier No. N/A
Lot 1
District Lot 171
Group 1
New Westminster District
Plan LMP _____

2. The Strata Lots described below are under lease as of the date of this Statement and the Developer intends to lease each Strata Lot until the date set out opposite its description.

<u>Description of Strata Lot</u>	<u>Date Lease Period Ends</u>
Nil	Nil

3. The Developer reserves the right to itself and/or subsequent owners to lease any and all of the proposed Strata Lots for an indefinite period.

4. There is presently no by-law of the Strata Corporation which limits the number of Strata Lots that may be leased by the Developer.

DATED this ____ day of May, 2000.

STATION HILL PARK DEVELOPMENT CORP.

Per: _____
Director

Barristers & Solicitors
Patent & Trade-mark Agents

McCarthy Tétrault

McCarthy Tétrault LLP
P.O. Box 10424, Pacific Centre
Suite 1300, 777 Dunsmuir Street
Vancouver BC V7Y 1K2
Canada
Telephone: 604 643-7100
Facsimile: 604 643-7900
mccarthy.ca

Ariel DeJong
Direct Line: 604-643-7107
Direct Fax: 604-622-5607
E-Mail: adejong@mccarthy.ca

Assistant: Lori Hutchinson
Direct Line: 604-643-5936
E-Mail: lhutchinson@mccarthy.ca

July 20, 2009

VIA PROCESS SERVER

SCOTT HARNED
173 Trinity Valley Road
Lumby BC V0E 2G4

GEOFFREY GLOTMAN
1661 West 5th Avenue
Vancouver, BC V6J 1N5

GORDON SPRATT
6145 Collingwood Street
Vancouver, BC V6N 1T5

JOHN ROCKINGHAM
2568 Wallace Crescent
Vancouver, BC V6R3V4

KENNETH TING K. CHOW
4492 North West Marine Drive
Vancouver, BC V6J 1Z3

LAWRENCE DOYLE
c/o 200 - 1450 Creekside Drive
Vancouver, BC V6J 5B3

MARJAN MALEKYAZDI
1567 Chartwell Drive
West Vancouver, BC V7S 2R9

MARYAM MALEKYAZDI
3023 Mathers Avenue
West Vancouver, BC V7V 2K3

GEORGE FREDERICK BOXWELL carrying
on business as MARROX INDUSTRIES
7582B - 15th Street
Burnaby, BC

MYLES STERLING
4865 Capilano Road
North Vancouver, BC V7R 4K4

STUART LYON
8280 East Boulevard
Vancouver, BC V6P 5R6

TIM FERGUSON carrying on business as
NORTH BY NORTHWEST VENTURES
13716 - 32nd Avenue
Surrey, BC V4P 2B8

PAULA MARIE MENARD HARNED
173 Trinity Valley Road
Lumby BC V0E 2G4

PETER GARY KREUK
208 West 17th Avenue
Vancouver, BC V5Y 1Z8

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VIA PROCESS SERVER

SHAHRAM MALEKYAZDI
21 - 4628 Blackcomb
Whistler, BC V0N 1B0

SHAHROKH MALEKYAZDI also known as
SHAHROKH PETER MALEK
208 West First Avenue
Vancouver, BC V5Y 3T2

JOHN DOE #1 (a dissolved company
formerly known as Altima Drywall Company
Ltd.)
c/o Jagjit Singh Athwal, Director
1030 - 63rd Avenue
Vancouver, BC V5X 3L1

JOHN DOE #7 (a dissolved company
formerly known as Globe Mechanical Ltd.)
c/o Marcel Zastre, Director
370 - 53A Street
Delta, BC V4M 3C9

JOHN DOE #2 (a dissolved company
formerly known as Benkin Sheet Metal Ltd.)
c/o Lloyd Bencze, Director (R&R)
121 - 542 Rochester Avenue
Coquitlam, BC V3K 2V2

JOHN DOE #8 (a dissolved company
formerly known as Metro-Can Construction
(LK) Ltd.)
c/o Donald Voth, Director
2244 LeFeuvre Road
Abbotsford, BC V4X 1C6

JOHN DOE #3 (a dissolved company
formerly known as Cana Brass Ltd.)
c/o Marie Fleck, Director
13398 - 17A Avenue
Surrey, BC V4A 6C5

JOHN DOE #9 (a dissolved company
formerly known as National Tile (Bridgeport)
Ltd.)
c/o Jimmy Ming Lok Chan, Director
3233 Euclid Avenue
Vancouver, BC V5R 5E9

JOHN DOE #4 (a dissolved company
formerly known as D.A. Doyle Architect Inc.)
c/o Lawrence Doyle, Director
200 - 1450 Creekside Drive
Vancouver, BC V6J 5B3

JOHN DOE #10 (a dissolved company
formerly known as National Tile Ltd.)
c/o Jimmy Ming Lok Chan, Director
3233 Euclid Avenue
Vancouver, BC V5R 5E9

JOHN DOE #5 (a dissolved company
formerly known as Durante Kreuk (Holdings)
Ltd.)
c/o Peter Kreuk, Director
208 West 17th Avenue
Vancouver, BC V5Y 1Z8

JOHN DOE #11 (a dissolved company
formerly known as Taylored Contracting
Ltd.)
c/o David Taylor, Director
1376 Gilmore Avenue
Burnaby, BC V5C 4S7

JOHN DOE #6 (a dissolved company
formerly known as Globe Mechanical (1991)
Ltd.)
c/o Martin Friesen, Director
15513 Victoria Avenue
White Rock, BC V4B 1H6

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VIA REGISTERED MAIL

0113426 B.C. LTD. (formerly known as Allied
Windows, a division of A.A.P. Windows Ltd.)
9067 Church Street
Fort Langley, BC V1M 2R9

AABACAT SHEET METAL
CORPORATION
200 - 13889 104th Avenue
Surrey, BC V3T 1W8

ADCO POOLS (1993) LTD.
208 - 1899 Willingdon Avenue
Burnaby, BC V5C 5T1

ALBA INSTALLATIONS INC.
301 - 2502 St. John's Street
Port Moody, BC V3H 2B4

CLEARWATER DOOR MANUFACTURING
LTD. carrying on business as SALISH DOORS
33695 South Fraser Highway
Abbotsford, BC V2S 2C1

DOMINION MASONRY (1993) LTD.
200 - 4603 Kingsway
Burnaby, BC V5H 4M4

DURANTE KREUK LTD.
530 - 650 West 41st Avenue
Vancouver, BC V5Z 2M9

GBL ARCHITECTS INC. (formerly
Gomberoff Policzer Bell Lyon Architects
Group Inc.)
1170 - 1040 West Georgia Street
Vancouver, BC V6E 4H1

DELCO FIREPLACES LTD.
15245 - 16th Avenue
White Rock, BC V4A 1R6

ACCURATE ALUMINUM LTD.
300 - 906 Roderick Avenue
Coquitlam, BC V3K 1R1

ADVANCE SHEET METAL LTD.
8th Floor, 1285 West Broadway
Vancouver, BC V6H 3X8

ALL-WEST SPRAY-ON INSULATION LTD.
20935 - 44A Avenue
Langley, BC V3A 8Z2

BENKIN SHEET METAL (2000) LTD.
1000 - 595 Burrard Street
Vancouver, BC V7X 1S8

FRASER GLASS INSTALLATIONS LTD.
103 - 13761 - 116th Street
Surrey, BC V3R 0T2

GORDON SPRATT & ASSOCIATES LTD.
728 - 650 West 41st Avenue
Vancouver, BC V5Z 2M9

TED NEWELL ENGINEERING LTD.
1800 - 401 West Georgia Street
Vancouver, BC V6B 5A1

CITY OF BURNABY
4949 Canada Way
Burnaby, BC V5G 1M2

LAWRENCE DOYLE YOUNG & WRIGHT
ARCHITECTS INC. (formerly known as Lawrence
Doyle Architect Inc.)
1500 - 1040 West Georgia Street
Vancouver, BC V6E 4H8

July 20, 2009

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VIA REGISTERED MAIL

GS*SAYERS ENGINEERING LTD. also
known as GLOTMAN SIMPSON
CONSULTING ENGINEERS
1700 - 1075 West Georgia Street
Vancouver, BC V6E 3C9

METRO-CAN CONSTRUCTION LTD.
520 - 10470 - 152nd Street
Surrey, BC V3R 0Y3

MYLES STERLING HOLDINGS LTD.
(formerly known as Sterling, Cooper &
Associates Ltd.)
1450 - 701 West Georgia Street
Vancouver, BC V7Y 1C6

NATIONAL DOOR & HARDWARE LTD.
c/o Drysdale Bacon McStravick
211 - 1015 Austin Avenue
Coquitlam, BC V3K 3N9

PIONEER CONSULTANTS LTD.
1933 West Broadway
Vancouver, BC V6J 1Z3

ROCKINGHAM ENGINEERING LIMITED
1600 - 925 West Georgia Street
Vancouver, BC V6C 3L2

ROYAL & SUN ALLIANCE INSURANCE
COMPANY OF CANADA, AND IN
FRENCH, ROYAL & SUN ALLIANCE DU
CANADA, SOCIÉTÉ D'ASSURANCES
c/o Blakes Vancouver Services Inc.
2600 - 595 Burrard Street
Vancouver, BC V7X 1L3

LAYTON CONSULTING LTD.
205 - 1676 Martin Drive
White Rock, BC V4A 6E7

NATIONAL HOME WARRANTY PROGRAMS
LTD.
c/o D. Lawrence Munn
Clark Wilson LLP
800 - 885 West Georgia Street
Vancouver, BC V6C 3H1

NEW YORK PAINTING & COATING LTD.
7486 - 149th Street
Surrey, BC V3S 0T9

NORTH BY NORTHWEST VENTURES INC.
1675A - 128th Street
Surrey, BC V4A 3V2

PETER ROSS (2000) LTD.
201 - 16055 Fraser Highway
Surrey, BC V3S 2W9

PS ENTERPRISES MANAGEMENT LTD.
4th Floor, 3201 - 30th Avenue
Vernon, BC V1T 2C6

STATION HILL PARK DEVELOPMENT CORP.
1500 - 1055 West Georgia Street
Vancouver, BC V6E 4N7

July 20, 2009

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VIA REGISTERED MAIL

SPACAN MANUFACTURING LTD.
500 - 5811 Cooney Road
Richmond, BC V6X 3M1

URBAN DESIGN GROUP ARCHITECTS
LTD.
1600 - 925 West Georgia Street
Vancouver, BC V6C 3L2

JOHN DOE #1 (a dissolved company formerly
known as Altima Drywall Company Ltd.)
c/o Registered & Records office
Suite 4C - 6631 Main Street
Vancouver, BC V5X 3H3

JOHN DOE #3 (a dissolved company formerly
known as Cana Brass Ltd.)
c/o Registered & Records office
1020 East Cordova Street
Vancouver, BC V6A 4A3

JOHN DOE #4 (a dissolved company formerly
known as D.A. Doyle Architect Inc.)
c/o Registered & Records office
602 - 595 Howe Street
Vancouver, BC V6C 2T5

JOHN DOE #5 (a dissolved company formerly
known as Durante Kreuk (Holdings) Ltd.)
c/o Registered & Records office
Suite 100 - 1152 Mainland Street
Vancouver, BC V6B 4X2

JOHN DOE #6 (a dissolved company formerly
known as Globe Mechanical (1991) Ltd.)
c/o Registered & Records office
9067 Church Street
PO Box 580
Fort Langley, BC V0X 1J0

Dominion Masonry Ltd.
200 - 4603 Kingsway
Burnaby, BC V4A 4M4

URBAN DESIGN GROUP LTD.
1600 - 925 West Georgia Street
Vancouver, BC V6C 3L2

JOHN DOE #7 (a dissolved company formerly
known as Globe Mechanical Ltd.)
c/o Registered & Records office
9067 Church Street
PO Box 580
Fort Langley, BC V0X 1J0

JOHN DOE #8 (a dissolved company formerly
known as Metro-Can Construction (LK) Ltd.)
c/o Registered & Records office
520 - 10470 - 152nd Street
Surrey, BC V3R 0Y3

JOHN DOE #9 (a dissolved company formerly
known as National Tile (Bridgeport) Ltd.)
c/o Registered & Records office
428 - 1367 West Broadway
Vancouver, BC V6H 4A7

JOHN DOE #10 (a dissolved company formerly
known as National Tile Ltd.)
c/o Registered & Records office
428 - 1367 West Broadway
Vancouver, BC V6H 4A7

JOHN DOE #11 (a dissolved company formerly
known as Taylored Contracting Ltd.)
c/o Registered & Records office
700 - 625 Howe Street
Vancouver, BC V6C 2T6

Delco Fireplaces Ltd.
15245 - 16th Avenue
White Rock, BC V4A 1R6

July 20, 2009

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Dear Sirs:

**Re: The Owners, Strata Plan BCS 40 vs. AAbacat Sheet Metal Corporation *et al.*
S.C.B.C. Action No. S-086014, Vancouver Registry**

We enclose for service upon you, a Writ of Summons filed in the Supreme Court of British Columbia, on August 22, 2008, by The Owners, Strata Plan BCS 40 ("The Owners").

We are counsel for The Owners. The Owners' claim is in respect of damage to a condominium complex located at 7368 and 7388 Sandborne Avenue, Burnaby, British Columbia, known as "Mayfair Place". Mayfair Place consists of 236 strata lots within two 22-storey residential concrete towers with a swimming pool building connecting the two towers. Construction of Mayfair Place was substantially completed in August 2002.

The building suffers from numerous defects and deficiencies that have resulted in substantial damage to the property and resultant damage. In an effort to minimize their losses, the Owners will be undertaking repairs to remediate the building (the "Remediation Work").

We ask that you report this claim to your insurers. Further, if the Developers took out a wrap-up liability insurance policy for this project, the Developers should notify all the parties about such coverage and the claim should be reported to this insurer as well.

We ask that you review your files and advise:

- (a) if you are aware of the identity of the parties involved in the design, inspection and construction of Mayfair Place; and
- (b) if you have any related information.

In particular, if the Owner/Developers have a trades and consultants list, we ask that they provide us with a copy of it. Please also ensure that you secure all documents in your possession or control, **including insurance policies**, that in any way relate to this claim, as they may be producible in this lawsuit. We remind you of your obligation to take whatever steps may be required to preserve any electronic documents and other data generated by and/or stored on any media in your possession that could contain potentially relevant material.

If you or your representatives wish to attend at the site to view the defects and deficiencies or the progress of the repairs, please contact Mr. Ariel DeJong at (604) 643-7107 to schedule an appointment. The specifications for the Remediation Work will be made available if you wish to review them and we invite any comments you may have with regard to the specifications and for the Remediation Work.

McCarthy Tétrault

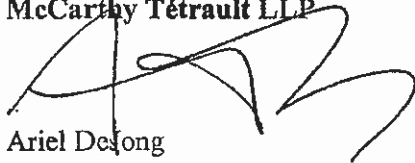
July 20, 2009

- 7 -

Please note that all visitors to the site must supply their own hardhat and safety work books and comply with all other WCB requirements. We also require that visitors not make any inquiries of anyone at the site or take physical samples from the site. All visitors to the property must be accompanied by a representative of The Owners. Any visitor failing to satisfy these requirements will be denied access to the site.

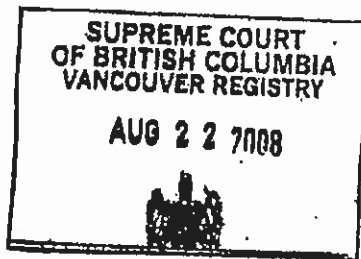
Yours truly,

McCarthy Tétrault LLP

A handwritten signature in black ink, appearing to read 'Ariel Desjong', is written over the printed name.

Ariel Desjong

AD/klm
Enclosure



S-086014

NO.
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

THE OWNERS, STRATA PLAN BCS 40

PLAINTIFF

AND:

AABACAT SHEET METAL CORPORATION, ACCURATE ALUMINUM LTD., ADCO POOLS (1993) LTD., ADVANCE SHEET METAL LTD., ALBA INSTALLATIONS INC., ALL-WEST SPRAY-ON INSULATION LTD., 0113426 B.C. LTD. (formerly known as Allied Windows, a division of A.A.P. Windows Ltd.), JOHN DOE #1 (a dissolved company formerly known as Altima Drywall Company Ltd.), BENKIN SHEET METAL (2000) LTD., JOHN DOE #2 (a dissolved company formerly known as Benkin Sheet Metal Ltd.), JOHN DOE #3 (a dissolved company formerly known as Cana Brass Ltd.), CITY OF BURNABY, JOHN DOE #4 (a dissolved company formerly known as D.A. Doyle Architect Inc.), DELCO FIREPLACES LTD., DOMINION MASONRY (1993) LTD., DOMINION MASONRY LTD., JOHN DOE #5 (a dissolved company formerly known as Durante Kreuk (Holdings) Ltd.), DURANTE KREUK LTD., FRASER GLASS INSTALLATIONS LTD., GEOFFREY GLOTMAN, JOHN DOE #6 (a dissolved company formerly known as Globe Mechanical (1991) Ltd.), JOHN DOE #7 (a dissolved company formerly known as Globe Mechanical Ltd.), GS*SAVERS ENGINEERING LTD. also known as GLOTMAN SIMPSON CONSULTING ENGINEERS, GBL ARCHITECTS INC. (formerly Gomberoff Policzer Bell Lyon Architects Group Inc.), GORDON SPRATT & ASSOCIATES LTD., GORDON SPRATT, JOHN ROCKINGHAM, KENNETH TING K. CHOW, LAWRENCE DOYLE YOUNG & WRIGHT ARCHITECTS INC. (formerly known as Lawrence Doyle Architect Inc.), LAWRENCE DOYLE, LAYTON CONSULTING LTD., MARJAN MALEKYAZDI, GEORGE FREDERICK BOXWELL carrying on business as MARROX INDUSTRIES, MARYAM MALEKYAZDI, JOHN DOE #8 (a dissolved company formerly known as Metro-Can Construction (LK) Ltd.), METRO-CAN CONSTRUCTION LTD., MYLES STERLING, NATIONAL DOOR & HARDWARE LTD., NATIONAL HOME WARRANTY PROGRAMS LTD., JOHN DOE #9 (a dissolved company formerly known as National Tile

204531-401107
DOCS #74893

DM# 181830

(Bridgeport) Ltd.), JOHN DOE #10 (a dissolved company formerly known as National Tile Ltd.), NEW YORK PAINTING & COATING LTD., TIM FERGUSON carrying on business as NORTH BY NORTHWEST VENTURES, NORTH BY NORTHWEST VENTURES INC., PAULA MARIE MENARD HARNED, PETER GARY KREUK, PETER ROSS (2000) LTD., PIONEER CONSULTANTS LTD., PS ENTERPRISES MANAGEMENT LTD., ROCKINGHAM ENGINEERING LIMITED, ROYAL & SUN ALLIANCE INSURANCE COMPANY OF CANADA, AND IN FRENCH, ROYAL & SUN ALLIANCE DU CANADA, SOCIETE D'ASSURANCES, CLEARWATER DOOR MANUFACTURING LTD. carrying on business as SALISH DOORS, SCOTT HARNED, SHAHRAM MALEKYAZDI, SHAHROKH MALEKYAZDI also known as SHAHROKH PETER MALEK, SPACAN MANUFACTURING LTD., STATION HILL PARK DEVELOPMENT CORP., MYLES STERLING HOLDINGS LTD. (formerly known as Sterling, Cooper & Associates Ltd.), STUART LYON, JOHN DOE #11 (a dissolved company formerly known as Taylored Contracting Ltd.), TED NEWELL ENGINEERING LTD., URBAN DESIGN GROUP ARCHITECTS LTD., and URBAN DESIGN GROUP LTD.
DEFENDANTS

WRIT OF SUMMONS

Name and Address of each Plaintiff:

THE OWNERS, STRATA PLAN BCS 40
c/o McCarthy Tétrault LLP
1300-777 Dunsmuir Street
Vancouver, BC V7Y 1K2

Name and Address of each Defendant:

AABACAT SHEET METAL CORPORATION
200 - 13889 104th Avenue
Surrey, BC V3T 1W8

ACCURATE ALUMINUM LTD.
300 - 906 Roderick Avenue
Coquitlam, BC V3K 1R1

ADCO POOLS (1993) LTD.
208 - 1899 Willingdon Avenue
Burnaby, BC V5C 5T1

ADVANCE SHEET METAL LTD.
8th Floor, 1285 West Broadway
Vancouver, BC V6H 3X8

ALBA INSTALLATIONS INC.
301 - 2502 St. John's Street
Port Moody, BC V3H 2B4

ALL-WEST SPRAY-ON INSULATION LTD.
20935 - 44A Avenue
Langley, BC V3A 8Z2

0113426 B.C. LTD. (formerly known as Allied Windows, a
division of A.A.P. Windows Ltd.)
9067 Church Street
Fort Langley, BC V1M 2R9

JOHN DOE #1 (a dissolved company formerly known as
Altima Drywall Company Ltd.)
c/o Jagjit Singh Athwal, Director
1030 63rd Avenue
Vancouver, BC V5X 3L1

BENKIN SHEET METAL (2000) LTD.
1000 - 595 Burrard Street
Vancouver, BC V7X 1S8

JOHN DOE #2 (a dissolved company formerly known as
Benkin Sheet Metal Ltd.)
c/o Lloyd Bencze, Director
121 - 542 Rochester Avenue
Coquitlam, BC V3K 2V2

JOHN DOE #3 (a dissolved company formerly known as Cana
Brass Ltd.)
c/o Marie Fleck, Director
13398 - 17A Avenue
Surrey, BC V4A 6C5

CITY OF BURNABY
4949 Canada Way
Burnaby, BC V5G 1M2

JOHN DOE #4 (a dissolved company formerly known as D.A.
Doyle Architect Inc.)
c/o Lawrence Doyle, Director
200 - 1450 Creekside Drive
Vancouver, BC V6J 5B3

DELCO FIREPLACES LTD.
15245 - 16th Avenue
White Rock, BC V4A 1R6

DOMINION MASONRY (1993) LTD.
200 - 4603 Kingsway
Burnaby, BC V5H 4M4

DOMINION MASONRY LTD.
200 - 4603 Kingsway
Burnaby, BC V5H 4M4

JOHN DOE #5 (a dissolved company formerly known as
Durante Kreuk (Holdings) Ltd.)
c/o Peter Kreuk, Director
208 West 17th Avenue
Vancouver, BC V5Y 1Z8

DURANTE KREUK LTD.
530 - 650 West 41st Avenue
Vancouver, BC V5Z 2M9

FRASER GLASS INSTALLATIONS LTD.
103 - 13761 - 116th Street
Surrey, BC V3R 0T2

GEOFFREY GLOTMAN
1661 West 5th Avenue
Vancouver, BC V6J 1N5

JOHN DOE #6 (a dissolved company formerly known as
Globe Mechanical (1991) Ltd.)
c/o Martin Friesen, Director
15513 Victoria Avenue
White Rock, BC V4B 1H6

JOHN DOE #7 (a dissolved company formerly known as
Globe Mechanical Ltd.)
c/o Marcel Zastre, Director
370 - 53A Street
Delta, BC V4M 3C9

GS*SAVERS ENGINEERING LTD. also known as
GLOTMAN SIMPSON CONSULTING ENGINEERS
1700 - 1075 West Georgia Street
Vancouver, BC V6E 3C9

GBL ARCHITECTS INC. (formerly Gomberoff Policzer Bell
Lyon Architects Group Inc.)
1170 - 1040 West Georgia Street
Vancouver, BC V6E 4H1

GORDON SPRATT & ASSOCIATES LTD.
728 - 650 West 41st Avenue
Vancouver, BC V5Z 2M9

GORDON SPRATT
6145 Collingwood Street
Vancouver, BC V6N 1T5

JOHN ROCKINGHAM
2568 Wallace Crescent
Vancouver, BC V6R3V4

KENNETH TING K. CHOW
4492 North West Marine Drive
Vancouver, BC V6J 1Z3

LAWRENCE DOYLE YOUNG & WRIGHT ARCHITECTS
INC. (formerly known as Lawrence Doyle Architect Inc.)
1500 - 1040 West Georgia Street
Vancouver, BC V6E 4H8

LAWRENCE DOYLE
c/o 200 - 1450 Creekside Drive
Vancouver, BC V6J 5B3

LAYTON CONSULTING LTD.
205 - 1676 Martin Drive
White Rock, BC V4A 6E7

MARJAN MALEKYAZDI
1567 Chartwell Drive
West Vancouver, BC V7S 2R9

GEORGE FREDERICK BOXWELL carrying on business as
MARROX INDUSTRIES
7582B - 15th Street
Burnaby, BC

MARYAM MALEKYAZDI
3023 Mathers Avenue
West Vancouver, BC V7V 2K3

JOHN DOE #8 (a dissolved company formerly known as
Metro-Can Construction (LK) Ltd.)
c/o Donald Voth, Director
2244 LeFeuvre Road
Abbotsford, BC V4X 1C6

METRO-CAN CONSTRUCTION LTD.
520 - 10470 - 152nd Street
Surrey, BC V3R 0Y3

MYLES STERLING
4865 Capilano Road
North Vancouver, BC V7R 4K4

NATIONAL DOOR & HARDWARE LTD.
c/o Drysdale Bacon McStravick
211 - 1015 Austin Avenue
Coquitlam, BC V3K 3N9

NATIONAL HOME WARRANTY PROGRAMS LTD.
c/o D. Lawrence Munn
Clark Wilson LLP
800 - 885 West Georgia Street
Vancouver, BC V6C 3H1

JOHN DOE #9 (a dissolved company formerly known as
National Tile (Bridgeport) Ltd.)
c/o Jimmy Ming Lok Chan, Director
3233 Euclid Avenue
Vancouver, BC V5R 5E9

JOHN DOE #10 (a dissolved company formerly known as
National Tile Ltd.)
c/o Jimmy Ming Lok Chan, Director
3233 Euclid Avenue
Vancouver, BC V5R 5E9

NEW YORK PAINTING & COATING LTD.
7486 - 149th Street
Surrey, BC V3S 0T9

TIM FERGUSON carrying on business as NORTH BY
NORTHWEST VENTURES
13716 - 32nd Avenue
Surrey, BC V4P 2B8

NORTH BY NORTHWEST VENTURES INC.
1675A - 128th Street
Surrey, BC V4A 3V2

PAULA MARIE MENARD HARNED
173 Trinity Valley Road
Lumby BC V0E 2G4

PETER GARY KREUK
208 West 17th Avenue
Vancouver, BC V5Y 1Z8

PETER ROSS (2000) LTD.
201 - 16055 Fraser Highway
Surrey, BC V3S 2W9

PIONEER CONSULTANTS LTD.
1933 West Broadway
Vancouver, BC V6J 1Z3

PS ENTERPRISES MANAGEMENT LTD.
4th Floor, 3201 - 30th Avenue
Vernon, BC V1T 2C6

ROCKINGHAM ENGINEERING LIMITED
1600 - 925 West Georgia Street
Vancouver, BC V6C 3L2

ROYAL & SUN ALLIANCE INSURANCE COMPANY OF
CANADA, AND IN FRENCH, ROYAL & SUN ALLIANCE
DU CANADA, SOCIETE D'ASSURANCES
c/o Blakes Vancouver Services Inc.
2600 - 595 Burrard Street
Vancouver, BC V7X 1L3

CLEARWATER DOOR MANUFACTURING LTD. carrying
on business as SALISH DOORS
33695 South Fraser Highway
Abbotsford, BC V2S 2C1

SCOTT HARNED
173 Trinity Valley Road
Lumby BC V0E 2G4

SHAHRAM MALEKYAZDI
21 - 4628 Blackcomb
Whistler, BC V0N 1B0

SHAHROKH MALEKYAZDI also known as SHAHROKH
PETER MALEK
208 West First Avenue
Vancouver, BC V5Y 3T2

SPACAN MANUFACTURING LTD.
500 - 5811 Cooney Road
Richmond, BC V6X 3M1

STATION HILL PARK DEVELOPMENT CORP.
1500 - 1055 West Georgia Street
Vancouver, BC V6E 4N7

MYLES STERLING HOLDINGS LTD. (formerly known as
Sterling, Cooper & Associates Ltd.)
1450 - 701 West Georgia Street
Vancouver, BC V7Y 1C6

STUART LYON
8280 East Blvd
Vancouver, BC V6P 5R6

JOHN DOE #11 (a dissolved company formerly known as
Taylored Contracting Ltd.)
700 - 625 Howe Street
Vancouver, BC V6C 2T6

TED NEWELL ENGINEERING LTD.
1800 - 401 West Georgia Street
Vancouver, BC V6B 5A1

URBAN DESIGN GROUP ARCHITECTS LTD.
1600 - 925 West Georgia Street
Vancouver, BC V6C 3L2

URBAN DESIGN GROUP LTD.
1600 - 925 West Georgia Street
Vancouver, BC V6C 3L2

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom, Canada and Her
other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To the Defendants:

AABACAT SHEET METAL CORPORATION
ACCURATE ALUMINUM LTD.

ADCO POOLS (1993) LTD.
ADVANCE SHEET METAL LTD.
ALBA INSTALLATIONS INC.
ALL-WEST SPRAY-ON INSULATION LTD.
0113426 B.C. LTD. (formerly known as Allied Windows, a division of A.A.P.
Windows Ltd.)
JOHN DOE #1 (a dissolved company formerly known as Altima Drywall
Company Ltd.)
BENKIN SHEET METAL (2000) LTD.
JOHN DOE #2 (a dissolved company formerly known as Benkin Sheet Metal
Ltd.)
JOHN DOE #3 (a dissolved company formerly known as Cana Brass Ltd.)
CITY OF BURNABY
JOHN DOE #4 (a dissolved company formerly known as D.A. Doyle
Architect Inc.)
DELCO FIREPLACES LTD.
DOMINION MASONRY (1993) LTD.
DOMINION MASONRY LTD.
JOHN DOE #5 (a dissolved company formerly known as Durante Kreuk
(Holdings) Ltd.)
DURANTE KREUK LTD.
FRASER GLASS INSTALLATIONS LTD.
GEOFFREY GLOTMAN
JOHN DOE #6 (a dissolved company formerly known as Globe Mechanical
(1991) Ltd.)
JOHN DOE #7 (a dissolved company formerly known as Globe Mechanical
Ltd.)
GS*SAYERS ENGINEERING LTD. also known as GLOTMAN SIMPSON
CONSULTING ENGINEERS
GBL ARCHITECTS INC. (formerly Gomberoff Policzer Bell Lyon
Architects Group Inc.)
GORDON SPRATT & ASSOCIATES LTD.
GORDON SPRATT
JOHN ROCKINGHAM
KENNETH TING K. CHOW
LAWRENCE DOYLE YOUNG & WRIGHT ARCHITECTS INC. (formerly
known as Lawrence Doyle Architect Inc.)
LAWRENCE DOYLE
LAYTON CONSULTING LTD.
MARJAN MALEKYAZDI

GEORGE FREDERICK BOXWELL carrying on business as MARROX INDUSTRIES

MARYAM MALEKYAZDI

JOHN DOE #8 (a dissolved company formerly known as Metro-Can Construction (LK) Ltd.)

METRO-CAN CONSTRUCTION LTD.

MYLES STERLING

NATIONAL DOOR & HARDWARE LTD.

NATIONAL HOME WARRANTY PROGRAMS LTD.

JOHN DOE #9 (a dissolved company formerly known as National Tile (Bridgeport) Ltd.)

JOHN DOE #10 (a dissolved company formerly known as National Tile Ltd.)

NEW YORK PAINTING & COATING LTD.

TIM FERGUSON carrying on business as NORTH BY NORTHWEST VENTURES

NORTH BY NORTHWEST VENTURES INC.

PAULA MARIE MENARD HARNED

PETER GARY KREUK

PETER ROSS (2000) LTD.

PIONEER CONSULTANTS LTD.

PS ENTERPRISES MANAGEMENT LTD.

ROCKINGHAM ENGINEERING LIMITED

ROYAL & SUN ALLIANCE INSURANCE COMPANY OF CANADA,
AND IN FRENCH, ROYAL & SUN ALLIANCE DU CANADA, SOCIETE
D'ASSURANCES

CLEARWATER DOOR MANUFACTURING LTD. carrying on business as
SALISH DOORS

SCOTT HARNED

SHAHRAM MALEKYAZDI

SHAHROKH MALEKYAZDI also known as SHAHROKH PETER MALEK

SPACAN MANUFACTURING LTD.

STATION HILL PARK DEVELOPMENT CORP.

MYLES STERLING HOLDINGS LTD. (formerly known as Sterling, Cooper
& Associates Ltd.)

STUART LYON

JOHN DOE #11 (a dissolved company formerly known as Taylored
Contracting Ltd.)

TED NEWELL ENGINEERING LTD.

URBAN DESIGN GROUP ARCHITECTS LTD., and

URBAN DESIGN GROUP LTD.

TAKE NOTICE that this action has been commenced against you by the Plaintiff for the claims set out in this writ.

IF YOU INTEND TO DEFEND this action, or if you have a set off or counterclaim that you wish to have taken into account at the trial, YOU MUST:

- (a) GIVE NOTICE of your intention by filing a form entitled "Appearance" in the above registry of this court, at the address shown below, within the Time for Appearance provided for below and YOU MUST ALSO DELIVER a copy of the Appearance to the Plaintiff's address for delivery, which is set out in this writ, and
- (b) if a statement of claim is provided with this writ of summons or is later served on or delivered to you, FILE a Statement of Defence in the above registry of this court within the Time for Defence provided for below and DELIVER a copy of the Statement of Defence to the plaintiff's address for delivery.

YOU OR YOUR SOLICITOR may file the Appearance and the Statement of Defence. You may obtain a form of "Appearance" at the registry.

JUDGMENT MAY BE TAKEN AGAINST YOU IF:

- (a) YOU FAIL to file the Appearance within the Time for Appearance provided for below, or
- (b) YOU FAIL to file the Statement of Defence within the Time for Defence provided for below.

TIME FOR APPEARANCE

If this Writ is served on a person in British Columbia, the time for appearance by that person is 7 days from the service (not including the day of service).

If this Writ is served on a person outside British Columbia, the time for appearance by that person after service, is 21 days in the case of a person residing anywhere within Canada, 28 days in the case of a person residing in the United States of America, and 42 days in the case of a person residing elsewhere.

[or, if the time for appearance has been set by order of the court, within that time.]

TIME FOR DEFENCE

A Statement of Defence must be filed and delivered to the plaintiff within 14 days after the later of:

- (a) the time that the Statement of Claim is served on you (whether with this writ of summons or otherwise) or is delivered to you in accordance with the Rules of Court, and

(b) the end of the Time for Appearance provided for above.

[or, if the time for defence has been set by order of the court, within that time.]

(1)	The address of the registry is: The Law Courts 800 Smithe Street Vancouver, BC V6Z 2E1
(2)	The ADDRESS FOR DELIVERY is: Suite 1300, 777 Dunsmuir Street Vancouver, BC V7Y 1K2 Fax Number for Delivery: (604) 622-5607 Email: adejong@mccarthy.ca
(3)	The name and office address of the Plaintiff's solicitor is: McCarthy Tétrault LLP Barristers & Solicitors 1300-777 Dunsmuir Street Vancouver, BC V7Y 1K2 Attention: Ariel DeJong

ENDORSEMENT

1. The Plaintiff is a Strata Corporation whose members are the owners of the strata lots and common property of a condominium located at 7368 and 7388 Sandborne Avenue, Burnaby, British Columbia and known as "Mayfair Place" (the "Condominium"). The Condominium consists of two towers, a swimming pool complex and an underground parkade.
2. The Plaintiff brings this action on its own behalf and on behalf of the owners of the strata lots in the Condominium, which is legally described as:

Strata Lots 1 - 236
District Lot 171, Group 1
New Westminster District
Strata Plan BCS40

Claims in Tort for Construction Deficiencies

3. The following Defendants provided design, construction, manufacturing and inspection services and supplied materials in connection with the construction of the Condominium:
 - (a) 0113426 B.C. Ltd. (formerly known as Allied Windows, a division of A.A.P. Windows Ltd.), as a contractor, manufacturer or supplier that provided labour or materials in respect of the construction of the Condominium;
 - (b) Aabacat Sheet Metal Corporation as a contractor, manufacturer or supplier that provided labour or materials in respect of the construction of the Condominium's roof;

- (c) Accurate Aluminum Ltd. as a contractor, manufacturer or supplier that provided labour or materials in respect of the construction of the Condominium's handrails and guardrails;
- (d) Adco Pools (1993) Ltd. as a contractor, manufacturer or supplier that provided labour or materials in respect of the construction of the Condominium's pool and pool building;
- (e) Advance Sheet Metal Ltd. as a contractor, manufacturer or supplier that provided labour or materials in respect of the construction of the Condominium;
- (f) Alba Installations Inc. as a contractor, manufacturer or supplier that provided labour or materials in respect of the installation of Condominium windows;
- (g) All-West Spray-On Insulation Ltd. as a contractor, manufacturer or supplier that provided labour or materials in respect of the installation of insulation in the Condominium;
- (h) John Doe #1 (a dissolved company formerly known as Altima Drywall Company Ltd.) as contractor, manufacturer or supplier that provided labour or materials in respect of installation of drywall in the Condominium;
- (i) Benkin Sheet Metal (2000) Ltd. and John Doe #2 (a dissolved company formerly known as Benkin Sheet Metal Ltd.) as contractors, manufacturers or suppliers that provided labour or materials in respect of the construction of the Condominium;

- (j) John Doe # 3 (a dissolved company formerly known as Cana Brass Ltd.) as contractor, manufacturer or supplier that provided labour or materials in respect of the railing installation and construction of the Condominium;
- (k) the City of Burnaby as the municipal authority that inspected the design and construction of the Condominium, and approved the permits required for its construction and occupancy;
- (l) John Doe # 4 (a dissolved company formerly known as D.A. Dolye Architect Inc.), GBL Architects Inc. (formerly Gomberoff Policzer Bell Lyon Architects Group Inc.), Lawrence Dolye Young & Wright Architects Inc. (formerly known as Lawrence Doyle Architect Inc.), Stuart Lyon and Lawrence Doyle, Urban Design Group Architects Ltd. and Urban Design Group Ltd. as consultants that provided architectural and other services in respect of the design and construction of the Condominium;
- (m) Delco Fireplaces Ltd. as contractor, manufacturer or supplier that provided labour or materials in respect of the construction and installation of the Condominium fireplace systems;
- (n) Dominion Masonry (1993) Ltd. and Dominion Masonry Ltd. as contractors, manufacturers or suppliers that provided labour or materials in respect of the masonry work to and construction of the Condominium;

- (o) John Doe # 5 (a dissolved company formerly known as Durante Kreuk (Holdings) Ltd.), Durante Kreuk Ltd. and Peter Gary Kreuk as a consultants that provided landscape architecture and services in respect of the design and construction of the Condominium.
- (p) Fraser Glass Installations Ltd. as a contractor, manufacturer or supplier that provided labour or materials in respect of the construction of the Condominium;
- (q) GS*Sayers Engineering Ltd. also known as Glotman Simpson Consulting Engineers, Geoffrey Glotman, Layton Consulting Ltd. and Ted Newell Engineering Ltd. as consultants that provided structural engineering and other services in respect of the design and construction of the Condominium;
- (r) John Doe # 6 (a dissolved company formerly known as Globe Mechanical (1991) Ltd.) and John Doe # 7 (a dissolved company formerly known as Globe Mechanical Ltd.) as contractors, manufacturers or suppliers that provided labour or materials in respect of the construction of the Condominium;
- (s) Gordon Spratt & Associates Ltd. and Gordon Spratt as consultants that provided building envelope and other consulting services in respect of the design and construction of the Condominium;
- (t) George Frederick Boxwell carrying on business as Marrox Industries as contractor, manufacturer or supplier that provided labour or materials in respect of the installation of Condominium windows;

- (u) John Doe # 8 (a dissolved company formerly known as Metro-Can Construction (LK) Ltd.) and Metro-Can Construction Ltd. as contractors, construction managers, or general contractors that provided services, labour or materials in respect of the design and construction of the Condominium;
- (v) Myles Sterling Holdings Ltd. (formerly known as Sterling, Cooper & Associates Ltd.), and Myles Sterling as consultants that provided mechanical engineering and other services in respect of the design and construction of the Condominium.
- (w) National Door & Hardware Ltd. as a contractor, manufacturer or supplier that provided labour or materials in respect of the construction of the Condominium;
- (x) National Home Warranty Programs Ltd. ("National") as the agent for Royal & Sun Alliance Insurance Company of Canada, and in French, Royal & Sun Alliance Insurance Company du Canada, Société D'Assurances ("Royal"), as warranty providers that provided advice, inspection services and approvals in relation to the design and construction of the Condominium;
- (y) John Doe #9 (a dissolved company formerly known as National Tile (Bridgeport) Ltd.) and John Doe # 10 (a dissolved company formerly known as National Tile Ltd.) as contractors, manufacturers or suppliers that provided labour or materials in respect of the construction of the Condominium;
- (z) New York Painting & Coating Ltd. as a contractor, manufacturer or supplier that provided labour or materials in respect of the construction of the Condominium;

- (aa) Tim Ferguson carrying on business as North by Northwest Ventures and North by Northwest Ventures Inc. as contractors, manufacturers or suppliers that provided labour or materials in respect of the landscaping of the Condominium;
- (bb) Peter Ross (2000) Ltd., as a contractor, manufacturer or supplier that provided labour or materials in respect of the construction and waterproofing of the Condominium;
- (cc) Pioneer Consultants Ltd., Kenneth Ting K. Chow, Rockingham Engineering Limited, and John Rockingham as consultants that provided consulting services in respect of the design and construction of the Condominium;
- (dd) PS Enterprises Management Ltd., Paula Marie Menard Harned and Scott Harned as contractors, manufacturers or suppliers that provided labour or materials in respect of the construction of the Condominium;
- (ee) Clearwater Door Manufacturing Ltd. carrying on business as Salish Doors as a contractor, manufacturer or supplier that provided labour or materials in respect of the installation of patio doors and construction of the Condominium;
- (ff) Spacan Manufacturing Ltd. as a contractor, manufacturer or supplier that provided labour or materials in respect of the construction of the Condominium;
- (gg) Station Hill Park Development Corp. ("Station Hill"), Shahrokh Malekyazdi also known as Shahrokh Peter Malek, Marjan Malekyazdi, Maryam Malekyazdi,

Shahram Malekyazdi (collectively, the "Developers"), as developers of the Condominium; and

(hh) John Doe #11 (a dissolved company formerly known as Taylored Contracting Ltd.) as contractor, manufacturer or supplier that provided labour or materials in respect of the construction of the Condominium.

4. Each of the Defendants owed the Plaintiff a duty of care in respect of these services and materials provided to the Plaintiff and for the Plaintiff's benefit, including without limitation, ensuring that the services, materials and work they provided in connection with the design and construction of the Condominium would:

- (a) be free of defects and deficiencies;
- (b) be completed in a good and workmanlike manner;
- (c) be completed in a diligent manner using all care, skill and attention;
- (d) conform with all applicable professional standards and sound professional practices; and
- (e) be completed in accordance with all applicable laws, regulations, bylaws and codes.

5. The Condominium contains a number of building deficiencies and construction defects including defects and deficiencies that have given rise to conditions which pose substantial danger to person and property (the "Construction Deficiencies").
6. The Construction Deficiencies have resulted in damage to the Condominium's strata lots, common property, common facilities and other common assets and property (the "Resultant Damage").
7. The Construction Deficiencies and Resultant Damage were caused or contributed to by each of the Defendants' breaches of contract, breaches of duty of care, breaches of warranty, and breaches of duty to warn:

Claims for Breaches of Contract and Warranty

(a) Breach of Contract

8. Station Hill entered into written contracts (the "Purchase Contracts") with the original strata lot owners of the Condominium (who are directly or by their assigns now represented by the Plaintiff) for purchase and sale of the Condominium strata lots.
9. In breach of the Purchase Contracts, Station Hill, *inter alia*, failed to repair the Construction Deficiencies and Resultant Damage. The Plaintiff claims against Station Hill for breaches of express or implied warranties to the Purchase Contracts, including warranties of habitability.

(b) Breach of National Home Warranties

10. The Plaintiff claims against National, Royal and Station Hill for breaches of common property warranty certificate numbers 3377 and 3364 and strata lot warranty agreements for each of the strata lots comprising the Condominium (the "Warranties") issued by National as the agent for Royal and by Station Hill. The terms of the Warranties include, without limitation, that:
 - (a) the Warranties would insure the strata lots, common property and common assets of the Condominium pursuant to a 15 month materials & labour warranty, a two year major systems, exterior cladding and building code warranty, a 5 year building envelope warranty, a 10 year structural warranty, and a 1 year warranty on any repairs; and
 - (b) National, Royal or Station Hill would repair, pay for the repair, or assume liability for any payment or repair up to the limits of the coverage under the Warranties.
11. National, Royal and Station Hill owed the Plaintiff a further duty to undertake repairs under the Warranties in a reasonable manner using materials and labour conforming to the applicable *Building Codes* and industry standards, as defined and stated in the Warranties.
12. Pursuant to and in accordance with the Warranties, the Plaintiff has notified National, Royal and Station Hill of the Construction Deficiencies and the Resultant Damage.

13. In breach of the Warranties, the Defendants have failed, neglected or refused to repair or pay for the repair of the Construction Deficiencies or Resultant Damage, or assume liability for payment or repair of the Construction Deficiencies or Resultant Damage, thereby causing the Plaintiff loss, damage and expense.

(c) Breach of Contractor Warranties

14. The Developers filed with the Superintendent of Real Estate and delivered to the Owners a disclosure statement, as amended, ("Disclosure Statement"). It was an expressed or implied term of the Disclosure Statement that Station Hill would assign to the Plaintiff the benefit of any warranty (a "Contractor Warranty") to the extent permitted by the relevant contractor, manufacturer or supplier (collectively, the "Contractor Warranty Defendants").
15. Further, it was an express or implied term of the Contractor Warranties that the Contractor Warranty Defendants would repair, pay for the repair, or assume liability for any payment or repair up to the limits of the coverage under the Warranties.
16. The Contractor Warranty Defendants owed the Plaintiff a further duty to undertake repairs under the Warranties in a reasonable manner using materials and labour conforming to the applicable *Building Codes* and industry standards, as defined and stated in the Warranties.
17. Pursuant to and in accordance with the Contractor Warranties, the Plaintiff has notified the Contractor Warranty Defendants of the Construction Deficiencies and Resultant

Damage. In breach of the Contractor Warranties, the Contractor Warranty Defendants have failed, neglected or refused to repair the Construction Deficiencies and Resultant Damage or assume liability for payment or repair of the Construction Defects and Resultant Damage, thereby causing the Plaintiff loss, damage and expense.

Claims for Misrepresentation

18. The Disclosure Statement included the following material statements:
 - (a) there was no outstanding or contingent litigation or in respect of the Development (as that term is used in the Disclosure Statement) or against the Developers that may affect the Development;
 - (b) with respect to the estimated annual operating budget for the Development (contained in the Exhibits to the Disclosure Statement), that:
 - (i) the estimated operating expenses for maintenance of the common property of Phases 1 and 2, not including the recreation facilities, was \$24,000.00, and
 - (ii) the estimated operating expenses for the recreation facilities for Phase 1 was \$6,250.00, and 0.00 for Phase 2,
19. The Disclosure Statement contains materially misleading and false statements for which the Developers are liable under the *Real Estate Development Marketing Act* S.B.C. 2004,

c. 41., as amended (the "*Real Estate Development Marketing Act*"), and at common law, particulars of which include the following:

- (a) when the Plaintiff purchased the strata lots, there was outstanding or anticipated litigation in respect of the Development or against the Developers; and
 - (b) the Plaintiff has incurred and will continue to incur annual costs of repairing and maintaining the Development and the recreation facilities that substantially exceed \$30,250 per year.
20. Further, and in the alternative to paragraph 14, Station Hill failed to assign the Contractor Warranties to the Plaintiff, and as such, the Disclosure Statement contains a further misrepresentation for which the Developers are liable under section 22 of the *Real Estate Development Marketing Act* and at common law.

Damages

21. Each of the Defendants' breaches of warranty, breaches of contract, negligence, negligent failure to warn and misrepresentation have caused and continue to cause the Plaintiff to suffer loss, damage and expense arising from the Construction Deficiencies and Resultant Damage, including without limitation, the following:
- (a) the cost of investigating and repairing the Construction Deficiencies and Resultant Damage to the strata lots, common property and common facilities of the Condominium and other assets of the Plaintiff;

- (b) loss of use and enjoyment of the strata lots, common property and common facilities of the Condominium and other common assets and property of the Plaintiff;
- (c) depreciation in the market value of the Plaintiff's interest in the strata lots, common property and common facilities of the Condominium and other assets of the Plaintiff; and
- (d) increased maintenance, utility and property management costs.

Relief Sought

22. The Defendants are jointly and severally liable for all of the loss, damage and expense suffered by the Plaintiff and the Plaintiff pleads and relies on the *Negligence Act*, R.S.B.C. 1996, c. 333, as amended.

The Plaintiff claims against Station Hill, Royal, National and the Contractor Warranty Defendants for:

- (a) a declaration that the Defendants are obligated, pursuant to the terms of the Warranties and Contractor Warranties, to repair and pay for the cost of repairs of the Construction Deficiencies and Resultant Damage and to pay the Plaintiff for the loss, damage and expense sustained by the Plaintiff as a result of the Construction Deficiencies and Resultant Damage;
- (b) an order for payment of the amount found due and owing to the Plaintiff in respect of such loss, damage and expense;

- (c) specific performance of the Warranties and Contractor Warranties;
- (d) in the alternative, damages in lieu of specific performance;
- (e) in the further alternative, damages for breach of contract;

The Plaintiff claims against each of the Defendants for:

- (f) general damages;
- (g) special damages;
- (h) interest pursuant to the *Court Order Interest Act*;
- (i) costs; and
- (j) such further and other relief that this Honourable Court deems just.

DATED: August 22, 2008 Ariel De Jong
Solicitor for the Plaintiff

THIS WRIT OF SUMMONS is filed by Ariel DeJong, of the firm of McCarthy Tétrault LLP, Barristers and Solicitors, whose place of business and address for service is Suite 1300, 777 Dunsmuir Street, Vancouver, British Columbia, V7Y 1K2, (604) 643-7100.