



Court of Appeal File No. CA-47585
Supreme Court File No. S-205095
Supreme Court Registry: Vancouver

COURT OF APPEAL

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*,
R.S.C. 1985, c. C-36, AS AMENDED

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*,
S.B.C. 2002, c. 57, AS AMENDED

AND

IN THE MATTER OF THE PLAN OF COMPROMISE AND ARRANGEMENT OF
PORT CAPITAL DEVELOPMENT (EV) INC. and EVERGREEN HOUSE
DEVELOPMENT LIMITED PARTNERSHIP

BETWEEN:

PORT CAPITAL DEVELOPMENT (EV) INC. and
EVERGREEN HOUSE DEVELOPMENT LIMITED PARTNERSHIP

Respondents
(Petitioners/Applicants)

AND:

1296371 B.C. LTD.

Appellant
(Respondent/Applicant)

AND:

CENTURA BUILDING SYSTEMS (2013) LTD. and
SOLTERRA ACQUISITIONS CORP.

Respondents
(Respondents)

NOTICE OF MOTION

TO: The Respondents, Centura Building Systems (2013) Ltd. and Solterra Acquisitions Corp.

AND TO: Their Solicitors.

AND TO: The Service List, attached as Schedule "A"

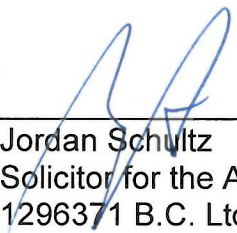
TAKE NOTICE THAT AN APPLICATION will be made by the Appellant, 1296371 B.C. Ltd. ("**129**"), to a division of the Court of Appeal at The Law Courts at 800 Smithe Street, Vancouver, British Columbia, at 10:00 a.m. on Tuesday, the 21st day of September 2021, for an order pursuant to Rule 31(1) of the *Court of Appeal*

Rules, B.C. Reg. 297/2001, that 129 be granted leave to introduce evidence, specifically the affidavits of Macario Teodoro Reyes sworn on July 30, 2021 and September 1, 2021, that arose after the orders of Madam Justice Fitzpatrick of the Supreme Court of British Columbia pronounced the 15th day of June, 2021, at Vancouver, British Columbia (i) dismissing the application of 129 to, *inter alia*, approve a refinancing transaction; and (ii) granting the application of Port Capital Development (EV) Inc. and Evergreen House Development Limited Partnership to, *inter alia*, approve the sale of certain assets to Solterra Acquisitions Corp.

AND TAKE NOTICE THAT in support of the application will be read the affidavits of Macario Teodoro Reyes sworn on July 30, 2021 and September 1, 2021.

129 anticipates that this application will be contested.

Dated at Vancouver, British Columbia, this 1st day of September, 2021.



Jordan Schultz
Solicitor for the Appellant
1296371 B.C. Ltd.

This application will take no more than 5 minutes to be heard.

**IN THE MATTER OF A PLAN OF COMPROMISE AND ARRANGEMENT OF PORT
CAPITAL DEVELOPMENT (EV) INC. and EVERGREEN HOUSE DEVELOPMENT
LIMITED PARTNERSHIP**

SERVICE LIST

UPDATED: June 7, 2021

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