



This is the 1st affidavit of L. Alexander
in this case and was made on October 5, 2022

No. S-205095
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

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 A PLAN OF COMPROMISE AND ARRANGEMENT OF
PORT CAPITAL DEVELOPMENT (EV) INC., and EVERGREEN HOUSE DEVELOPMENT
LIMITED PARTNERSHIP

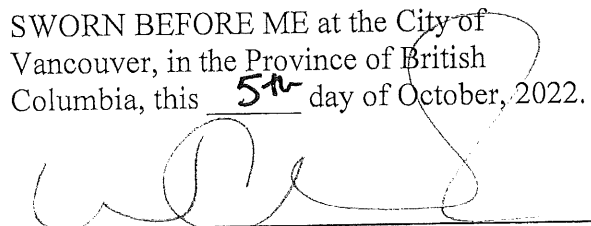
AFFIDAVIT

I, Linda Alexander of 1600 – 925 West Georgia Street, in the City of Vancouver, in the Province of British Columbia, SWEAR THAT:

1. I am a paralegal with the law firm of Lawson Lundell LLP, solicitors for Aviva Insurance Company of Canada (“Aviva”), and as such have personal knowledge of the matters herein deposed to, except where stated to be based on information and belief, in which case I verily believe them to be true. I am authorized to make this Affidavit on behalf of the Petitioner.
2. I am advised by Michael Sloniowski of Aviva of the following:
 - (a) The property insurance on the subject lands expired in March, 2022, and the Petitioners and the Monitor were unable to obtain replacement insurance;
 - (b) At the request of the Monitor, Aviva was able to arrange insurance through another business division of Aviva for the period March 31, 2022 to October 31, 2022 at an aggregate cost of \$236,049; AND
 - (c) The Petitioners and the Monitor did not have sufficient funds on hand to pay these insurance premiums, but Tobi Reyes on behalf of 1260780 B.C. Ltd. and 1296371 B.C. Ltd. agreed that these premiums could be repaid to Aviva from sale proceeds as a protective disbursement, in priority to security held by those two entities.

3. Attached hereto as **Exhibit "A"** is a copy of email communications between Mr. Reyes and Michael Sloniowski of Aviva for the period August 11 to August 15, 2022.
4. Attached hereto as **Exhibit "B"** is a copy of a letter dated September 26, 2022 (the "**Evergreen Payment Receipt Acknowledgment**") from Aviva to our firm, acknowledging receipt of the amount of \$236,049.00. This amount was paid by our firm using funds held in trust for Aviva.

SWORN BEFORE ME at the City of
 Vancouver, in the Province of British
 Columbia, this 5th day of October, 2022.


 A Commissioner for taking Affidavits for
 British Columbia.


 LINDA ALEXANDER

WILLIAM L. ROBERTS
Barrister & Solicitor
 1600 - 925 WEST GEORGIA ST.
 VANCOUVER, B.C. V6C 3L2
 (604) 685-3456

Linda Alexander (3330) - 14Flr

From: William Roberts (3163) - 14Flr
Sent: Tuesday, October 4, 2022 5:30 PM
To: Linda Alexander (3330) - 14Flr
Subject: FW: Terrace House - Critical Payments/Insurance Premiums

From: Tobi Reyes <tobi@portliving.com>
Sent: Monday, August 15, 2022 8:01 AM
To: Michael Sloniowski <michael.sloniowski@aviva.com>; Andrew Armstrong <andrew.armstrong1@aviva.com>
Cc: Ritchie Clark <rclark@bridgehouselaw.ca>
Subject: Re: Terrace House - Critical Payments/Insurance Premiums

CAUTION: This email has reached Aviva from an external source. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

AVERTISSEMENT : Aviva a reçu ce courrier électronique via une source externe. Ne cliquez sur aucun lien ni n'ouvrez aucune pièce jointe à moins de pouvoir confirmer l'authenticité de l'expéditeur et du message.

Hi Michael

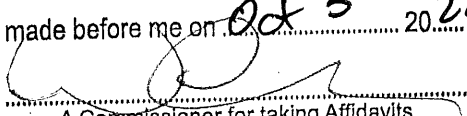
I agree and think it's best to continue the insurance of course. I am cc-ing counsel for 126/129 and confirm that the insurance may rank ahead but we must confirm the amount being charged.

Thank you and will be in touch soon,

Tobi

TOBI REYES
Chief Executive Officer

PORTLIVING
325 West 4th Avenue
Vancouver, B.C., Canada, V5Y 1H3
+1.604.805.0282
tobi.reyes@portliving.com
Portliving.com

This is Exhibit ".....A....." referred to in the
affidavit ofLINDA ALEXANDER.....
made before me on Oct 5 2022

A Commissioner for taking Affidavits
for British Columbia

From: Michael Sloniowski <michael.sloniowski@aviva.com>
Sent: Thursday, August 11, 2022 7:19:16 PM
To: Tobi Reyes <tobi@portliving.com>; Andrew Armstrong <andrew.armstrong1@aviva.com>
Cc: kenhillm <kenhillm@gmail.com>
Subject: Terrace House - Critical Payments/Insurance Premiums

Hi Tobi,

Hope you are well.

It was unfortunate that we were not able to come to terms in the lead up to the hearing.

We had little runway left with the Court going into the hearing, and the absence of unconditional terms made it difficult to offer our continued support. This was something we were up front about heading into the final few weeks.

I understand you have appealed, and continue to hope you will be able to convince the Court of your ongoing ability to obtain realistic financing.

An issue you might encounter is the ongoing outstanding critical payments and insurance.

Our counsel has emailed yours around the outstanding insurance. Can you advise if you are now in a position to make this payment?

If not, Aviva is in the position of either cancelling the policy, or looking to have it as a protective disbursement that ranks ahead of 126/129 in the priority waterfall.

Can you confirm your consent on behalf of the companies to have these payments rank ahead of the 126/129 secured interest?

Sincerely,

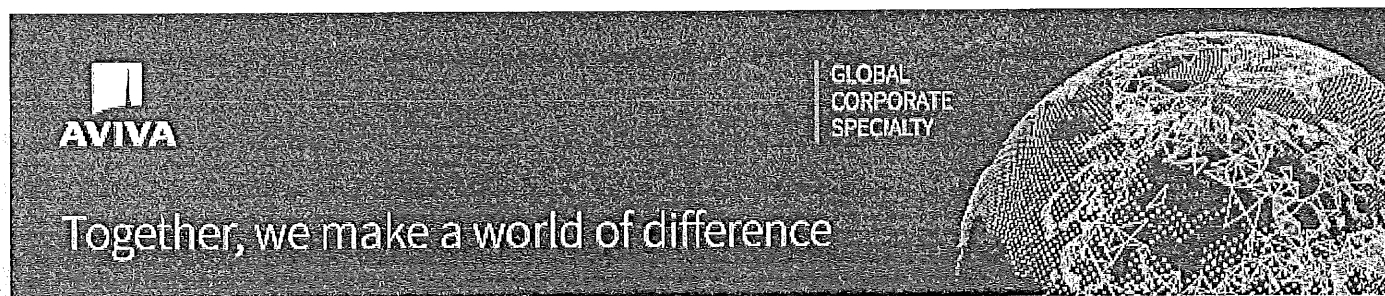
Michael Sloniowski, BA (Hons), LLB
Senior Manager, Surety Risk Management
Aviva Global Corporate & Specialty

Address: 10 Aviva Way, Ste 100, Markham, Ontario L6G 0G1

Mobile: 437-925-6929 email: michael.sloniowski@aviva.com

Aviva.ca/gcs

In light of the COVID-19 pandemic, our staff will be operating remotely until further notice. **Please do not mail or courier materials to our office.** Please deliver all materials via electronic means only, or contact us to arrange alternative delivery



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GLOBAL
CORPORATE
SPECIALTY

Together, we make a world of difference

September 26, 2022

Lawson Lundell LLP
Suite 1600 Cathedral Place
925 West Georgia Street
Vancouver, BC
Canada V6C 3L2

Attention: William L. Roberts

Re: Evergreen House Development Limited Partnership for the project known as "Terrace House"

This letter acknowledges receipt of your payment of \$236,049 for outstanding insurance premiums for Aviva Property Policy No. 82120274 for the above captioned account on September 16, 2022.

Sincerely,

Trudy Chow, CIP
Senior Underwriting Specialist
Corporate Risks
Aviva Global Corporate and Specialty
Cell: 604 219 7960
1100 – 1125 Howe St., Vancouver, BC V6Z 2Y6

This is Exhibit "B" referred to in the
affidavit of LINDA ALEXANDER
made before me on Oct 5 2022

A Commissioner for taking Affidavits
for British Columbia

NO. S-205095
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AFFIDAVIT



Barristers & Solicitors
1600 Cathedral Place
925 West Georgia Street
Vancouver, BC V6C 3L2

Phone: (604) 685-3456

Attention: William L. Rloberts

Email: wroberts@lawsonlundell.com