



This is the 1st Affidavit
of Kibben Jackson in this case
and was made on October 12, 2022

No. S205095
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 AND COMPROMISE AND ARRANGEMENT OF
PORT CAPITAL DEVELOPMENT (EV) INC. and
EVERGREEN HOUSE DEVELOPMENT LIMITED PARTNERSHIP

AFFIDAVIT

I, Kibben Jackson, of 2900 – 550 Burrard Street, Vancouver, British Columbia,
SOLEMNLY AFFIRM THAT:

1. I am a partner with the law firm of Fasken Martineau DuMoulin LLP (“**Fasken**”), solicitors for Solterra Acquisitions Corp., and as such have personal knowledge of the facts hereinafter deposed to except where stated to be on information and belief, in which case I verily believe them to be true.

2. Attached hereto as **Exhibit "A"** is a copy of an email dated September 29, 2022 from me to Ritchie Clark, K.C., attaching a draft bill of costs.

3. Attached hereto as **Exhibit "B"** is a copy of an email dated October 6, 2022 from Thomas Posyniak of Fasken to Ritchie Clark, K.C. attaching two draft bills of costs and a draft order (which is not included in Exhibit "B").

AFFIRMED BEFORE ME at Vancouver,)
British Columbia, on October 12, 2022.)

_____)
A Commissioner for taking Affidavits for)
British Columbia)

GLEN NESBITT
Barrister & Solicitor
Fasken Martineau DuMoulin LLP
2900 - 550 Burrard Street
Vancouver, BC V6C 0A3
604 631 4833

_____)
KIBBEN JACKSON)

Kibben Jackson

From: Tom Posyniak
Sent: October-06-22 11:45 AM
To: Ritchie Clark
Cc: Kibben Jackson; Rebecca Barclay Nguinambaye; Scott H. Stephens (sstephens@owenbird.com); William Roberts; Sarah Hannigan
Subject: Port Capital - CA48485 and CA48534
Attachments: 97198466_v(3)_Draft Bill of costs - CA48485.DOCX; 97205307_v(1)_Order CA48534.DOCX; 97198464_v(2)_Draft Bill of costs CA48534.DOCX

Ritchie:

Further to my previous email, I enclose the draft order in relation to Appeal CA48534 and Solterra's draft bill of costs in relation to that appeal (\$5,035.41).

And further to your suggestion that 129 will be abandoning Appeal CA48485, I enclose Solterra's draft bill of costs in relation appeal CA48485 (\$2,354.80).

Thank you,

Tom

 Tom Posyniak
ASSOCIATE

FASKEN

Fasken Martineau DuMoulin LLP
T. +1 604 631 3299 | F. +1 604 631 3232
tposyniak@fasken.com | www.fasken.com/en/Tom-Posyniak
550 Burrard Street, Suite 2900, Vancouver, British Columbia V6C 0A3

Affidavit This is Exhibit "A" referred to in the
Statutory Declaration of K. Jackson
sworn before me at Vancouver
this 12 day of October 20 22

A Commissioner for taking Affidavits
for British Columbia

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

BILL OF COSTS OF SOLTERRA ACQUISITIONS CORP.

This is the Bill of Costs of Solterra Acquisitions Corp. in respect of the August 29, 2022 application of 1296371 B.C. Ltd.

Tariff Scale B Unit Value \$110

Item	Description	# of Units Claimed	# of Units Allowed
<i>Instructions and Investigation</i>			
2	Correspondence, conferences, instructions, investigations or negotiations by a party after the start of the proceeding to the completion of the trial or hearing, for which provision is not made elsewhere in this tariff.	5	
<i>Applications, Hearings and Conferences</i>			
21	Preparation for an application or other matter referred to in Item 22, for each day of hearing if hearing begun		
	(b) if opposed.	3	

Item	Description	# of Units Claimed	# of Units Allowed
22	Application, other than an application referred to in Item 23 or 27, for each day		
	(b) if opposed.	5	

TARIFF ITEMS

Item #	Description	# of Units Claimed	# of Units Allowed
	Total number of units:	13	
	Multiplied by unit value:	\$ 110.00	
	Subtotal	\$ 1,430.00	
	Applicable Taxes (5% GST and 7% PST):	\$ 171.60	
	Total:	\$ 1,601.60	

DISBURSEMENTS:

Description	Claimed	Allowed
Agent's Fees	\$ 170.92	
Copywork (1433 pages x \$.25 per page)	\$ 358.25	
Total	529.17	
Applicable Taxes (GST):	\$ 26.46	\$
TOTAL DISBURSEMENTS	\$ 555.63	\$
TOTAL FEES:	\$ 1,601.60	
TOTAL ALLOWED	\$ 2,157.23	\$

Date: _____

Signature of Assessing Officer

No. S205095
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

BILL OF COSTS

FASKEN MARTINEAU DuMOULIN LLP

Barristers and Solicitors

550 Burrard Street, Suite 2900

Vancouver, BC, V6C 0A3

+1 604 631 3131

Counsel: Kibben Jackson

Matter No: 326726.00001

COURT OF APPEAL FILE NO. CA48534
1296371 B.C. Ltd. v. Aviva Insurance Company of Canada

COURT OF APPEAL

ON APPEAL FROM the order of Madam Justice Fitzpatrick of the Supreme Court of
British Columbia pronounced on the 29th day of August, 2022.

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

AND

IN THE MATTER OF THE CANADA BUSINESS CORPORATIONS ACT, R.S.C. 1985, C. c-44,
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

BILL OF COSTS OF SOLTERRA ACQUISITIONS CORP.

Tariff Scale A..... Unit Value \$110

ITEM	DESCRIPTION	PST	GST	UNITS CLAIMED	UNITS ALLOWED
1	Advising appellant or respondent on bringing appeal, application for leave to appeal or cross appeal			15	
2	Preparation of appeal record				
3	Preparation of appeal book(s), one of the following: (a) 1 – 5 volumes; (b) 6 – 10 volumes; (c) 11 or more volumes				
4	Preparation of application book including written argument			5	
5	Preparation of factum				
6	Preparation of written argument if specifically ordered by the court or a justice or directed by the registrar Specifics of application(s):				
7	Preparation of any application before the court, a justice or the registrar, except where otherwise provided Specifics of applications: 1. Application response to application for leave to appeal and stay 2. Application to add Solterra as a party 3. Urgent application			5 1 1	
8	Attendance at any application before the court, a justice or registrar, except where otherwise provided				

Specifics of applications:

1.	Application response to application for leave to appeal and stay	5
2.	Application to add Solterra as a party	1
3.	Urgent application	1
9	Preparation for hearing of appeal, per half day	
10	Attendance at hearing of appeal, per half day	
11	Preparation of bill of costs, except if settled by the registrar	2
12	Preparation and entry of each order, including each application to settle an order before the registrar	2

Specifics of application(s):

.....

	Claimed:	Allowed:
Total number of units	38	.....
Multiply by unit value	\$110	\$.....
Subtotal	\$4,180	.....
PST	\$292.60	.....
GST	\$209	.....
Total	\$4,681.60	\$.....

DISBURSEMENTS

ITEM	DESCRIPTION	PST	GST	CLAIMED	ALLOWED
1	Copy work. 1260 pages @ .25 - \$315.00	n/a	15.75	330.75	
	Court Services Online fee - \$7.00	n/a	n/a	7.00	
	Tabs: 27 @ \$0.15 each - \$4.05	n/a	0.20	4.25	
	Cerlox binding: 3 @ 3.75 each - \$11.25	n/a	0.56	11.81	
	Subtotal		\$337.30		.....
	PST	n/a			.....
	GST		\$16.51		.....
	Total		\$353.81		\$.....

Claimed:	Allowed:
	
	
	
	\$.....

TOTAL ALLOWED: \$5,035.41 \$.....

Date of Assessment

Registrar.....

COURT OF APPEAL FILE NO. CA48485
1296371 B.C. Ltd. v. Aviva Insurance Company of Canada

COURT OF APPEAL

ON APPEAL FROM the order of Madam Justice Fitzpatrick of the Supreme Court of
British Columbia pronounced on the 22nd day of July, 2022.

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

AND

IN THE MATTER OF THE CANADA BUSINESS CORPORATIONS ACT, R.S.C. 1985, C. c-44,
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

1296371 B.C. LTD.

APPELLANT
(Respondent)

AND:

PORT CAPITAL DEVELOPMENT (EV) INC.

RESPONDENT
(Petitioner)

AND:

AVIVA INSURANCE COMPANY OF CANADA, ERNST & YOUNG INC., SOLTERRA
ACQUISITIONS CORP., DOMAIN MORTGAGE CORP., JING CHIANG, and the HYNES GROUP

RESPONDENTS
(Respondents)

BILL OF COSTS OF SOLTERRA ACQUISITIONS CORP.
Tariff Scale A..... Unit Value \$110

ITEM	DESCRIPTION	PST	GST	UNITS CLAIMED	UNITS ALLOWED
1	Advising appellant or respondent on bringing appeal, application for leave to appeal or cross appeal			7	
2	Preparation of appeal record				
3	Preparation of appeal book(s), one of the following:				

- (a) 1 – 5 volumes;
- (b) 6 – 10 volumes;
- (c) 11 or more volumes
- 4 Preparation of application book including written argument
- 5 Preparation of factum
- 6 Preparation of written argument if specifically ordered by the court or a justice or directed by the registrar
Specifics of application(s):
.....
- 7 Preparation of any application before the court, a justice or the registrar, except where otherwise provided
Specifics of applications:
.....
- 8 Attendance at any application before the court, a justice or registrar, except where otherwise provided
Specifics of applications:
Application to dismiss as abandoned
- 9 Preparation for hearing of appeal, per half day
- 10 Attendance at hearing of appeal, per half day
- 11 Preparation of bill of costs, except if settled by the registrar 2
- 12 Preparation and entry of each order, including each application to settle an order before the registrar 2
Specifics of application(s):
.....

	Claimed:	Allowed:
Total number of units	11	.....
Multiply by unit value	\$110	\$.....
Subtotal	\$1,210.00	.....
PST	\$84.70	.....
GST	\$60.50	.....
Total	\$1,355.20	\$.....

DISBURSEMENTS

ITEM	DESCRIPTION	PST	GST	CLAIMED	ALLOWED
	Court Services Online fee - \$14.00	n/a	n/a	\$14.00	
			Claimed:	Allowed:	
	Subtotal		\$14.00	.....	
	PST	n/a		.....	
	GST	n/a		.....	
	Total		\$14.00	\$.....	

TOTAL ALLOWED: \$1,369.20 \$.....

Date of Assessment

Registrar.....

Kibben Jackson

From: Kibben Jackson
Sent: September-29-22 12:11 PM
To: RClark@bridgehouselaw.ca
Cc: Tom Posyniak; Suzanne Volkow
Subject: Terrace House
Attachments: Bill of Costs of Solterra - Aug 29, 2022 application S205095.pdf

Hi Ritchie. Hope you're well.

My client is looking to recover some costs of your client's recent applications/appeals, including the extension application before Fitzpatrick J.

Attached is our draft bill of costs. Can you let me know if you have any comments on it? In the same vein, will you inquire of your client if they will pay it and advise?

Thanks,

 Kibben Jackson*
PARTNER

FASKEN

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550 Burrard Street, Suite 2900, Vancouver, British Columbia V6C 0A3
*Law Corporation

This is Exhibit B referred to in the
affidavit of K. Jackson
made before me on this 12
day of October 20 22
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A Commissioner for taking
Affidavits for British Columbia

