



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

APPLICATION RESPONSE

Application Response of: the pre-sale purchaser, Jing Chen (the “**application respondent**”)

THIS IS A RESPONSE TO the notice of application of the applicant, Dentons Canada LLP filed on December 8, 2022.

Part 1: ORDERS CONSENTED TO

The application respondent consents to the granting of the orders set out in paragraph 1 of Part 1 of the notice of application.

Part 2: ORDERS OPPOSED

The application respondent opposes the granting of the orders set out in paragraphs NIL of Part 1 of the notice of application.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The application respondent takes no position on the granting of the orders set out in paragraph 2 of Part 1 of the notice of application.

Part 4: FACTUAL BASIS

1. N/A.

Part 5: LEGAL BASIS

2. Ms. Chen consents to the payment of the portion of her deposit that is still held in trust with Dentons.
3. Ms. Chen takes no position on the payment into court of the interest accrued on the portion of her deposit held in trust; however, Ms. Chen intends to apply for the payment of the accrued interest in respect of her deposit. Ms. Chen is entitled to any interest accrued on deposit funds held in trust with Dentons under both the Contract and the *Real Estate Development Marketing Act*, S.B.C. 2004, c. 41.

Part 6: MATERIAL TO BE RELIED ON

1. The pleadings and other proceedings filed herein.
2. Such further and other materials as counsel may advise and the court may permit.

The application respondent estimates that the application will take 30 minutes.

Ms. Chen has filed in this proceeding a document that contains their address for service.

- ☐ This matter is within the jurisdiction of a master
- ☐ This matter is not within the jurisdiction of a master

Dated: December 12, 2022



Lawyer for the Respondent
Owen James / Mitchell Ferreira
McEwan Cooper Dennis LLP

THIS APPLICATION RESPONSE is prepared and delivered by Owen James and Mitchell Ferreira of the firm McEwan Cooper Dennis LLP, whose place of business and address for service is 900 – 980 Howe Street, Vancouver, British Columbia, V6Z 0C8. Telephone: 604-283-7740. Facsimile 778-300-9393.