



FORM 67 (RULE 16-1(5) AND RULE 25-14(2))

No. S-246124
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

NATIONAL BANK OF CANADA

Petitioner

AND:

BY THE BAY HOME DEVELOPMENT LTD.

Respondent

RESPONSE TO PETITION

Filed by: Genesis Mortgage Investment Corp. (“the Petition Respondent”)

THIS IS A RESPONSE to the Petition filed September 4, 2024.

The Petition Respondent estimates that the application will take 5 minutes.

Part 1: ORDERS CONSENTED TO

The Petition Respondent consents to the granting of the orders set out in the following paragraphs of Part 1 of the petition NIL

Part 2: ORDERS OPPOSED

The Petition Respondent opposes the granting of the orders set out in the following paragraphs of Part 1 of the petition: NIL .

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The Petition Respondent takes no position on the granting of orders set out in the following paragraphs of Part 1 of the petition: ALL.

Part 4: FACTUAL BASIS

1. The Petition Respondent has a mortgage registered against the Project pursuant to which an Order Nisi of foreclosure was pronounced January 11, 2024 (“**Order Nisi**”) with a redemption amount of \$3,798,762.01, as at January 11, 2024 which amount remains outstanding.

2. The Petition Respondent obtained an Order for Conduct of Sale (**Conduct of Sale Order**) of the Project on January 11, 2024.

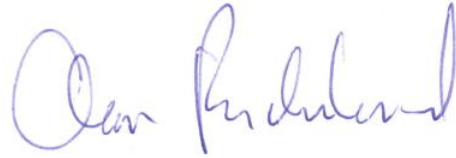
Part 5: LEGAL BASIS

The Petition Respondent relies on the *Bankruptcy and Insolvency Act* RSC 1985 c. B-3, Supreme Court Civil Rules 1-3,8-1, 9-1, 16-1 and 21-7 and the *Law and Equity Act*, R.S.B.C. 1996, c. 253.

Part 6: MATERIAL TO BE RELIED ON

1. The pleadings filed herein.
2. The Order Nisi.
3. The Conduct of Sale Order.
4. Affidavit evidence as to the amount outstanding and due to the Petition Respondent pursuant to the Order Nisi.
5. Such other material as counsel may advise.

Date: September 23, 2024



Signature of lawyer for Petition Respondent,
Genesis Mortgage Investment Corp.,
Alan A. Frydenlund, K.C.

Name of Petition Respondent's lawyer and address for service:

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