



This is the 2nd affidavit of
Angeli Fernando in this case and was
made on October 3, 2025

No. S-256472
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN

NATIONAL BANK OF CANADA

PETITIONER

AND

**CARVOLTH 86TH AVENUE LANDS LTD., MASKEEN (CARVOLTH) GP INC.
AND MASKEEN (CARVOLTH) LIMITED PARTNERSHIP**

RESPONDENTS

AFFIDAVIT

I, **Angeli Fernando**, of Suite 3500, 1133 Melville Street, Vancouver, British Columbia, legal assistant, SWEAR THAT:

1. I am a legal assistant at Blake, Cassels & Graydon LLP, the solicitors for National Bank of Canada (the "**Bank**"), the Petitioner in this proceeding, and as such I have personal knowledge of the matters deposed to in this affidavit except where I depose to a matter based on information from an informant I identify in which case I believe that both the information from the informant and the resulting statement are true.

2. I swear this affidavit in support of a petition filed by the Bank in this action seeking, among other things, an order appointing a receiver and manager over the assets and undertakings of the respondents, Maskeen (Carvolth) Limited Partnership ("**Maskeen LP**"), Maskeen (Carvolth) GP Inc. ("**Maskeen GP**"), and together with Maskeen LP, the "**Borrower**"), and Carvolth 86th Avenue Lands Ltd.

3. Attached as **Exhibit "A"** is an email from counsel to the Borrower to counsel to the Bank dated August 18, 2025.

SWORN BEFORE ME at Vancouver, British Columbia on October 3, 2025)


A Commissioner for taking Affidavits for British Columbia)


Angeli Fernando

MYIM ISALAH BAKAN KLINE
Barrister & Solicitor
BLAKE, CASSELS & GRAYDON LLP
1133 Melville Street
Suite 3500, The Stack
Vancouver, B.C. V6E 4E6
604-631-3326

This is Exhibit "A" referred to in Affidavit #1 of Angeli Fernando made before me at Vancouver, British Columbia on October 3, 2025.

A handwritten signature in black ink, appearing to be 'M. A.', written above a horizontal line.

A Commissioner for taking Affidavits for
British Columbia

Fernando, Angeli

From: Dan Moseley <dmoseley@mcquarrie.com>
Sent: Monday, August 18, 2025 4:27 PM
To: Bakan Kline, Myim
Cc: Rubin, Peter; Sharon Martin
Subject: RE: Carvolth: Your file: 30237/463

• External Email | Courrier électronique externe •

Good afternoon,

I have a further update to pass along to you as follows:

1. Last week Maskeen retained a mortgage broker (Larry Carter from MORFUND) to assist in securing the funding for the repayment of the NBC loan in full.
2. Carter is confident that he will be able to obtain refinancing in the next week or so, with a view to finalizing the LOI in August, and with funding in September.
3. Maskeen has continued to have regular contact with NBC and spoke to Aaron Unger, updating him on the status.

We understand and appreciate that NBC wants to see evidence of refinancing and for that refinancing to occur in the very near future and we expect to be in a position to do so shortly.

Yours truly,

Dan A. T. Moseley*

Partner

*Law Corporation

D 604.580.7022



From: Dan Moseley

Sent: Thursday, August 7, 2025 9:32 AM

To: Bakan Kline, Myim <myim.bakankline@blakes.com>

Cc: Rubin, Peter <peter.rubin@blakes.com>; Sharon Martin <smartin@mcquarrie.com>

Subject: RE: Carvolth: Your file: 30237/463

Further to this, attached is the certificate of insurance.

Maskeen is focused on refinancing, which paves a way for a repayment plan that I'm following up on early next week.

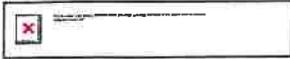
Yours truly,

Dan A. T. Moseley*

Partner

*Law Corporation

D 604.580.7022



From: Bakan Kline, Myim <myim.bakankline@blakes.com>
Sent: Wednesday, August 6, 2025 12:07 PM
To: Dan Moseley <dmoseley@mcquarrie.com>
Cc: Rubin, Peter <peter.rubin@blakes.com>; Sharon Martin <smartin@mcquarrie.com>
Subject: RE: Carvolth: Your file: 30237/463

Hi Dan,

NBC has confirmed that it received the wire for \$138,000.00.

Separately, could you please confirm and provide evidence that: (a) property taxes for the 2024 tax year were paid in relation to the property at 20120 86th Avenue; and (b) that that property is insured in compliance with NBC's requirements? Note that evidence of each of (a) and (b) is required under the NBC's loan agreement with Maskeen (see ss. 15(6) and (7)).

We will look out for further updates on the payment plan.

Regards,

Myim Bakan Kline (he, him, his)
Associate
myim.bakankline@blakes.com
T. +1-604-631-3326

From: Dan Moseley <dmoseley@mcquarrie.com>
Sent: Tuesday, August 5, 2025 8:01 AM
To: Bakan Kline, Myim <myim.bakankline@blakes.com>
Cc: Rubin, Peter <peter.rubin@blakes.com>; Sharon Martin <smartin@mcquarrie.com>
Subject: RE: Carvolth: Your file: 30237/463

• External Email | Courrier électronique externe •

Good morning,

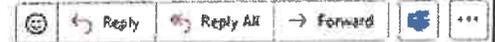
By way of update on this, we understand that payment in the amount of \$138,000.00 has been made to cover interest up to the end of July. Kindly confirm that I have this right.

Please also see the below email confirming that the matter has been put back on the Council Meeting Agenda to be given 3rd reading on September 15, 2025:

RE: Maskeen | 20120 86 Avenue Langley, BC



Stephen Richardson <srichardson@tol.ca>
To: Amnôlé Cheema
Cc: Teresa Hanson, Ruby Sandher



Wed 7/30/25 3:29 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Mr. Cheema

Consistent with our telephone call this afternoon staff continue to target the next currently available Council Meeting of September 15 / 25 to advance a Report to Council relating to your application.

Please call me at 604 533-6042 if I can be of additional assistance

Yours truly - Stephen

Stephen Richardson | Director
Community Development | Township of Langley
Office: 604-533-6042

Maskeen is working on details with a view to submitting a payment plan for consideration shortly, either by the end of this week or early next week.

Yours truly,

Dan A. T. Moseley*

Partner

*Law Corporation

D 604.580.7022



From: Dan Moseley

Sent: Monday, July 28, 2025 4:48 PM

To: Bakan Kline, Myim <myim.bakankline@blakes.com>

Cc: Rubin, Peter <peter.rubin@blakes.com>; Sharon Martin <smartin@mcquarrie.com>

Subject: RE: Carvolth: Your file: 30237/463

Good afternoon,

Further to this matter, I can provide a further update on this matter as follows:

1. Ministry of Transportation has provided an approval that supports a higher density on the subject site, a copy of which is attached.
2. An email has been sent to Stephen Richardson, the Director of Planning at the Township of Langley ("TOL"), and to Eric Woodward, the Mayor of TOL, requesting confirmation that the matter has been scheduled for 3rd reading in September on the basis that all requirements have been met and that Maskeen has made an Amenity Contribution consistent with the Provincial government mandate, which TOL passed a bylaw on July 21, 2025 in relation to.
3. To give you some perspective on the delays faced by the project, TOL have been demanding Community Amenity Contributions ("CAC's") as laid out in their CAC policy. While the CAC policy clearly stated it to be a voluntary contribution, TOL treated it as a mandatory requirement for the project to proceed to the Council for rezoning and plan amendment. Since the latter part of 2024, Maskeen has been pushing back on TOL's request and trying to explain that the CAC contribution policy is both illegal and demanding. As

recently as June 20, 2025, the Supreme Court of BC ruled against TOL in demanding CAC contributions as part of the rezoning and plan amendment stages. A link to the judgment is here: <https://canlii.ca/t/kdfkl>.

As you can see below, an email from the Director of Planning states that they are actively working on the Council Report:

RE: Maskeen | 20120 86 Avenue

 Stephen Richardson <srichardson@tol.ca>
To:  Amrinder Cheema
Cc:  Chanpreet Kooner;  Eric Woodward;  Teresa Hanson;  Ruby Sandher

  Reply  Reply All  Forward  

Tue 6/10/25 10:47 AM

 You replied to this message on 6/11/25 3:06 PM.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Amrinder.

Thank you for your confirmation email. Staff are actively preparing the Plan Amendment and Rezoning Report to Council in the context of other priorities. The current Development Permit application requires additional information to be complete noting these additional details can be provided if the project is granted 3rd reading.

Staff further note that a Development Variance Permit (DVP) application and supporting information to vary parking requirements has not been received to date. In terms of the DVP if you would like to proceed with the DVP application concurrently with the Plan Amendment and Rezoning application, please arrange to provide the application, associated fees and supporting information. Alternately you may elect to advance the DVP application if the project is granted 3rd reading.

Please contact Ms. Sandher (Senior Planner – Tol lead) if staff can provide additional information / clarification or be of further assistance.

Regards - Stephen

Stephen Richardson | Director
Community Development | Township of Langley
Office: 604-533-6042

4. We also understand that TOL is not opposed to the higher density, given the Council's endorsement of the 200th Street 2040 Plan, in October 2024.
5. While these delays have negatively affected Maskeen's ability to provide a meaningful update to the lender, which we apologize for, Maskeen has been able to make a considerable gain with the new ACC charges, the approval by the Ministry of Transportation, and the Mayor's willingness to introduce the project to the Council in September.

Maskeen will be commencing discussions with new lenders with a view to partial or full repayment of the debt this week. They are also making arrangements to make-up outstanding arrears with a view to making payments to the lender next week.

Given the foregoing, Maskeen does kindly request the lender's indulgence and to hold off on filing legal proceedings which jeopardize Maskeen's ability to bring this plan to fruition in the very near future.

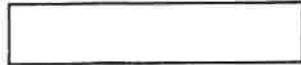
Yours truly,

Dan A. T. Moseley*

Partner

*Law Corporation

D 604.580.7022



From: Dan Moseley
Sent: Thursday, July 17, 2025 3:35 PM
To: Bakan Kline, Myim <myim.bakankline@blakes.com>
Cc: Rubin, Peter <peter.rubin@blakes.com>; Sharon Martin <smartin@mcquarrie.com>
Subject: RE: Carvolth: Your file: 30237/463

How about some time Wednesday morning? Anytime after 815 to 1200 works for me. Happy if you just send a Teams invite

Dan A. T. Moseley*

Partner

*Law Corporation

D 604.580.7022



From: Bakan Kline, Myim <myim.bakankline@blakes.com>
Sent: Thursday, July 17, 2025 12:46 PM
To: Dan Moseley <dmoseley@mcquarrie.com>
Cc: Rubin, Peter <peter.rubin@blakes.com>; Sharon Martin <smartin@mcquarrie.com>
Subject: RE: Carvolth: Your file: 30237/463

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Hi Dan,

We're happy to speak—what is your availability like next week?

Additionally, could please include Peter Rubin, cc'd, in future correspondence on this matter? Thank you.

Regards,

Myim Bakan Kline (he, him, his)

Associate

myim.bakankline@blakes.com

T. +1-604-631-3326

Blake, Cassels & Graydon LLP
3500 - 1133 Melville Street, Vancouver, BC V6E 4E5 ([Map](#))
blakes.com | [LinkedIn](#)

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From: Dan Moseley <dmosley@mcquarrie.com>
Sent: Thursday, July 17, 2025 11:42 AM
To: Bakan Kline, Myim <myim.bakankline@blakes.com>
Cc: Sharon Martin <smartin@mcquarrie.com>
Subject: Carvolth: Your file: 30237/463

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Good morning,

We are in receipt of your letter dated July 15, 2025.

I'm currently away, but back next week. Can we please schedule a call to discuss on my return?

Yours truly,

Dan A. T. Moseley*

Partner

*Law Corporation

D 604.580.7022

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Please cc my paralegal, Sharon Martin, on all correspondence at smartin@mcquarrie.com.

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