



Province of British Columbia
Bankruptcy Division
Vancouver Registry
Court File No. VLC-S-B-260250
Estate No. 11-3352394

**IN THE SUPREME COURT OF BRITISH COLUMBIA
IN BANKRUPTCY AND INSOLVENCY**

**IN THE MATTER OF THE NOTICE OF INTENTION TO
MAKE A PROPOSAL OF
1281805 BC LTD.**

NOTICE OF APPLICATION

Name of applicant: 1281805 BC Ltd. (the “**Company**”)

To: The Service List, attached hereto as Schedule “A” and those parties who have filed registrations in the personal property registry in British Columbia

TAKE NOTICE that an Application will be made by the applicant to the presiding justice at the courthouse at 800 Smithe Street, Vancouver, British Columbia V6Z 2E1 on September 4, 2026, at 9:45 a.m. for the Order(s) set out in Part 1 below.

The applicant estimates that the Application will take 5 minutes.

- ☐ This matter is within the jurisdiction of an associate judge.
☒ This matter is not within the jurisdiction of an associate judge.

Part 1: ORDER(S) SOUGHT

1. An order substantially in the form of the draft order attached as **Schedule “B”**:
 - (a) abridging the time for service of this application such that it is properly returnable on the date that it is heard; and
 - (b) approving the order attached hereto as Schedule B, extending the time for filing a proposal pursuant to subsection 50.4(9) of the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3 (the “**BIA**”) to September 25, 2026.
2. Such other relief as counsel may advise and this Honourable Court deems just.

Part 2: FACTUAL BASIS

1. The Company is a British Columbia company incorporated for the purpose of pursuing a real estate development project at 23697 Fern Crescent in Maple Ridge, BC (the **“Everwood Project”**).
2. On March 26, 2026, the Company filed a notice of intention (**“NOI”**) to make a proposal under s. 50.4 of the BIA with the Office of the Superintendent of Bankruptcy and thereby commenced these proceedings (the **“NOI Proceedings”**). FTI Consulting Canada Inc. (**“FTI”**) was appointed to act as the Proposal Trustee.¹
3. The time in which the Company could file a proposal was initially April 5, 2026.
4. On April 20, 2026, the Company obtained orders in the NOI Proceedings for the following relief, among other things:
 - (a) extending the time to file a proposal pursuant to s. 50.4(9) of the BIA to June 9, 2026;²
 - (b) authorizing and empowering the Company to borrow funds pursuant to an interim debtor-in-possession facility from Envision Financial, a division of Tru Cooperative Bank, formerly First West Credit Union (**“Envision”**) and granting a charge on the assets, property, and undertakings of the Company to secure repayment of such borrowings ranking in priority to all other security interests and claims of other persons;³ and
 - (c) establishing a claims process for FTI to call for and determine claims against the Company’s estate.⁴
5. On June 1, 2026, the Company obtained further orders in the NOI Proceedings:
 - (a) extending the time to file a proposal pursuant to s. 50.4(9) of the BIA to July 24, 2026;⁵ and
 - (b) granting certain approval and vesting orders for seven strata units within the Everwood Project.⁶
6. On July 24, 2026, the Company obtained further orders in the NOI Proceedings:

¹ Fourth Report of the Proposal Trustee Filed September 3, 2026 (the **“Fourth Report”**) at para. 1.

² Financing Order of Justice Basran dated April 20, 2026 (the **“Financing Order”**) at para. 2.

³ Financing Order at paras. 3 and 5.

⁴ Claims Process Order of Justice Basran dated April 20, 2026 (the **“Claims Process Order”**) at paras. 4-5.

⁵ Order of Justice Blake dated June 1, 2026 at para. 2.

⁶ See e.g., Order of Justice Blake dated June 1, 2026 (Sale Approval and Vesting Order – Strata Lot 12, Unit 26) at paras. 2-5.

- (a) extending the time to file a proposal pursuant to s. 50.4(9) of the BIA to September 4, 2026;⁷
 - (b) granting approval and vesting orders for the remaining strata units within Phase 1 of the Everwood Project.⁸
7. The Company requires the relief sought to allow it to complete the remaining Phase I unit closings, assess the impact of those realizations on creditor recoveries, continue its evaluation of Phase II development alternatives, and finalize the restructuring strategy to be pursued.⁹
8. The Company intends and expects to file a proposal by September 25, 2026, if the extension is granted.¹⁰

The Company's Efforts During its Extension of Time

9. The Company has acted in good faith and with due diligence prior to the filing of the NOI and continues to do so in order to advance its main asset, the Everwood Project, which has substantially completed Phase I construction.¹¹
10. Since filing its Notice of Intention ("NOI") on March 26, 2026, the Company has undertaken a series of coordinated efforts aimed at stabilizing its operations, preserving value in the Everwood Project, and advancing a viable restructuring for the benefit of stakeholders. In particular, the Company has:
- (a) actively communicated with its secured creditor, trade and supply creditors, marketing agent and other stakeholders to solicit their ongoing support to continue construction of the Everwood Project;¹²
 - (b) worked with the Proposal Trustee to prepare and distribute notices and cash flow statements in a timely manner and to commence and conclude an early claims process in the proceeding;¹³
 - (c) finalized construction of Phase 1 of the Everwood Project and obtained occupancy permits for the completed buildings;¹⁴

⁷ Order of Justice Morishita dated July 24, 2026 at para. 2.

⁸ Third Report of the Proposal Trustee filed July 23, 2026 (the "**Third Report**") at para. 18

⁹ Affidavit #4 of Talbir Mann made September 1, 2026 ("**Mann #4**") at paras. 12-16; Fourth Report at paras. 18-22

¹⁰ Mann #4 at para. 2; Fourth Report at paras. 19-22 and 49.

¹¹ Third Report at paras. 18, and 52-53; Fourth Report at paras. 19-23; Mann #4 at paras. 6-7

¹² Fourth Report at paras. 19-22; Mann #4 at paras. 4-5.

¹³ Claims Process Order at paras. 4-5; Fourth Report at paras. 38-40; Mann #4 at para. 5.

¹⁴ Mann #4 at para. 6.

- (d) advanced the closings of the remaining units under contract, with all phase I units having closed except one unit presently scheduled to close on September 10, 2026;¹⁵ and
 - (e) otherwise advanced the steps necessary to formulate and present a proposal to creditors or finalize the assessment of its restructuring options.¹⁶
11. Additionally, the Company has:
- (a) continued working with municipal authorities regarding matters necessary to advance the Everwood project;¹⁷
 - (b) continued evaluating the design and configuration of Phase II units to improve marketability and align future development with current market conditions and purchaser demand;¹⁸
 - (c) undertaken planning and tender preparation work relating to future development phases of the Everwood Project;¹⁹ and
 - (d) otherwise advanced the steps necessary to formulate and present a proposal to creditors or finalize the assessment of its restructuring options.²⁰
12. The Company has also worked with the Proposal Trustee to complete the Court-approved claims process, thereby providing greater certainty regarding creditor claims and assisting the Company in evaluating restructuring alternatives.²¹
13. The Company and Proposal Trustee are not aware of any creditor that would be materially prejudiced if the extension of time were granted.²²

Part 3: LEGAL BASIS

1. The Company relies on:
- (a) the BIA, in particular Part III, Division I and s. 65.13(1);
 - (b) *Bankruptcy and Insolvency General Rules*, C.R.C., c. 368, Rules 6(4) and 11-13;
 - (c) the *Supreme Court Civil Rules*, B.C. Reg 168/2009 (the “**Rules**”), in particular Rules 1-3, 8-1, 8-5, 22-1, and 22-4;

¹⁵ Fourth Report at paras. 20 and 27.

¹⁶ Mann #4 at paras. 5 and 12-16.

¹⁷ Mann #4 at para. 4.

¹⁸ Mann #4 at paras. 8-10; Fourth Report at para. 23.

¹⁹ Mann #4 at para. 10.

²⁰ Mann #4 at paras. 5 and 12-16; Fourth Report at paras. 22-23 and 47-48.

²¹ Fourth Report at paras. 38-40; Mann #4 at paras. 5 and 13.

²² Mann #4 at para. 18; Fourth Report at para. 49.

- (d) the inherent and equitable jurisdiction of this Court; and
- (e) such further and other legal basis as counsel may advise and this Court may allow.

An Extension of Time is Necessary and Appropriate

2. Section 50.4(9) of the BIA provides that this Court may grant an insolvent person an extension of time to file a proposal for a period up to 45 days if it is satisfied that:
 - (a) the insolvent person has acted, and is acting, in good faith and with due diligence;
 - (b) the insolvent person would likely be able to make a viable proposal if the extension being applied for was granted; and
 - (c) no creditor would be materially prejudiced if the extension being applied for were granted.
3. The Company has acted and continues to act in good faith and with due diligence. Since commencing the NOI Proceedings, the Company has continued to advance construction and monetization of the Everwood Project, worked cooperatively with the Proposal Trustee, completed the Court-approved claims process, communicated with stakeholders, and pursued restructuring alternatives.²³
4. With respect to viability, the Company has continued to evaluate development and restructuring alternatives in light of changing residential real estate market conditions and purchaser demand. In particular, the Company has continued assessing the development and commercialization of Phase II of the Everwood Project, including the design and configuration of proposed Phase II units, with a view to improving marketability and maximizing value for stakeholders. These efforts are directed toward determining the feasibility of the Company's restructuring strategy and support the likelihood that the Company will be able to make a viable proposal if the extension sought is granted.²⁴
5. With the extension sought, the Company would likely be able to make a viable proposal. The Company has completed Phase I construction, realized value through approved unit sales and ongoing closings, obtained greater certainty regarding creditor claims through the claims process, and continues to assess restructuring alternatives and the development of Phase II.²⁵
6. The extension sought will allow the Company to complete the remaining Phase I closings, assess the proceeds realized from those transactions and their impact on creditor recoveries, and finalize its restructuring strategy.²⁶

²³ Fourth Report at paras. 19-23 and 49.

²⁴ Mann #4 at paras. 8-10 and 14-16; Fourth Report at paras. 22-23.

²⁵ Fourth Report at paras. 6-16; Mann #4 at paras. 6-16; Fourth Report at paras 19-23, 38-40, and 47-49.

²⁶ Fourth Report at paras. 20, 27, 47-49; Mann #4 at paras. 7 and 12-16.

7. No creditor will be materially prejudiced if the extension sought is granted. To the contrary, continuation of the NOI Proceedings will permit the Company to complete the foregoing steps and continue pursuing a restructuring intended to maximize value for stakeholders.²⁷
8. The Proposal Trustee supports the requested extension and has observed that the Company is acting in good faith and with due diligence. Further, the Proposal Trustee believes that the additional time is required to close the remaining Phase I unit and permit the Company to prepare and file a proposal to creditors.²⁸
9. In these circumstances, the requested extension is necessary and appropriate.

Part 4: MATERIAL TO BE RELIED ON

1. Affidavit #4 of Talbir Mann made September 1, 2026;
2. Third Report of the Proposal Trustee filed July 23, 2026;
3. Fourth Report of the Proposal Trustee filed September 3, 2026;
4. Such further and other materials as counsel may advise and this Honourable Court may allow.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this Notice of Application, you must, within 5 business days after service of this Notice of Application or, if this Application is brought under Rule 9-7, within 8 business days after service of this Notice of Application,

- (a) file an Application Response in Form 33,
- (b) file the original of every Affidavit, and of every other document, that
 - (i) you intend to refer to at the hearing of this Application, and
 - (ii) has not already been filed in the proceeding, and
- (c) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:
 - (i) a copy of the filed Application Response;
 - (ii) a copy of each of the filed Affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;

²⁷ Mann #4 at paras. 12-18; Fourth Report at paras. 47-49.

²⁸ Fourth Report at para. 49.

Date: September 3, 2026


Signature of ☐ applicant
☒ Lawyer for applicant
David Gruber / Mila Ghorayeb

THIS NOTICE OF APPLICATION was prepared by David Gruber and Mila Ghorayeb of the firm of McEwan Cooper Kirkpatrick LLP, whose place of business and address for delivery is Vancouver Centre II, 1500 – 733 Seymour Street, Vancouver, BC V6B 0S6, Telephone: (604) 283-7740; Fax: (778) 300-9393.

To be completed by the Court only:

Order made

- ☐ in the terms requested in paragraphs _____ of Part 1 of this Notice of Application
- ☐ with the following variations and additional terms:

Date: _____

Signature of ☐ Judge ☐ Associate Judge

APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

- ☐ discovery: comply with demand for documents
- ☐ discovery: production of additional documents
- ☐ other matters concerning document discovery
- ☐ extend oral discovery
- ☐ other matter concerning oral discovery

- ☐ amend pleadings
- ☐ add/change parties
- ☐ summary judgment
- ☐ summary trial
- ☐ service
- ☐ mediation
- ☐ adjournments
- ☐ proceedings at trial
- ☐ case plan orders: amend
- ☐ case plan orders: other
- ☐ experts
- ☐ none of the above

Schedule "A"
SERVICE LIST

McEwan Partners 1500 – 733 Seymour Street Vancouver, BC V6B 0S6 Attention: David Gruber William Stransky <i>Counsel for 1281805 BC Ltd</i> dgruber@mcewanpartners.com wstransky@mcewanpartners.com	FTI Consulting Canada 701 West Georgia Street Suite 1450 Vancouver, BC V7Y 1B6 Attention: Craig Munro Tessa Chiricosta <i>Proposal Trustee</i> craig.munro@fticonsulting.com tessa.chiricosta@fticonsulting.com
Dentons Canada LLP 250 Howe Street 20th Floor Vancouver, BC V6C 3R8 Attention: Sherryl Dubo Dannis Yang <i>Counsel for Envision Financial, a division of Tru Cooperative Bank</i> sherryl.dubo@dentons.com; dannis.yang@dentons.com	Department of Justice B.C. Regional Office 900 – 840 Howe Street Vancouver, BC V6Z 2S9 Attention: Jessico Ko jessica.ko@justice.gc.ca

1383604 B.C. Ltd. dba Taiga Landscapes 9148 189th Street Surrey V4N 3M6 <i>Lien Claimant</i> sat@taigalandscapes.ca	Devin Cheema Law Corporation 202 – 8434 – 120th Street Surrey, BC V3W 7S2 <i>Counsel to 138604 B.C. Ltd.</i> reception@dclawcorp.ca
Active Doors & Mouldings Ltd. 8519 – 132 Street Surrey, BC V3W 4N8 Attention: Gurleen Kaur Brar <i>Lien Claimant</i> jasdhaliwal@activedoors.com	
Amar Exteriors Ltd. 19415 78 Ave, Surrey, V4N 6C7 <i>Lien Claimant</i> manjot@amarexteriors.com	Baker Newby 200-2955 Gladwin Road, Abbotsford, BC, V2T 5T4 Attention: A. Habib <i>Counsel to Amar Exteriors Ltd.</i> ahabib@bakernewby.com
Bucks Garage Doors Ltd. 9249 202B St, Langley, BC V1M 3Y1 <i>Lien Claimant</i> bucks_doors@hotmail.com	
Boyal Enterprises Ltd. 324-31935 South Fraser Way, Abbotsford, BC V2T 1V5 <i>Lien Claimant</i> csboyal@hotmail.com	RSG Law 1 – 2838 Garden Street Abbotsford, BC V2T 4W7 <i>Counsel to Boyal Enterprises Ltd.</i> clientcontact@rsglawyers.ca

CP Painting Ltd. 1931-136A St, Surrey, BC V4A 9E9 <i>Lien Claimant</i> harjit@colourspainting.ca	
Diamond Cabinets Ltd. 3-31236 Peardonville Rd, Abbotsford, BC V2T 6K3 <i>Lien Claimant</i> diamondcabinet@gmail.com	RSG Law 1 – 2838 Garden Street Abbotsford, BC V2T 4W7 Attention: Navjeet Sandhu <i>Counsel to Diamond Cabinets Ltd.</i> navjeet@rsglawyers.ca
Dick's Lumber 2580 Gilmore Avenue, Burnaby, BC V5C 4T5 <i>Lien Claimant</i> gregg@dickslumber.com	McKechnie & Company 300-1122 Mainland Street, Vancouver, BC V6B 5L1 <i>Counsel to Dick's Lumber</i> gordon@mckechnie.bc.ca
Fast Frost Heating & Air Conditioning Ltd. 8279 171 St Surrey, BC V4N 0B2 <i>Lien Claimant</i> fastfrost@hotmail.com	

Fibretech Distributors Inc. c/o Alliance Lawyers #103 – 20316 – 56th Avenue Langley BC V3A 3Y7 Lien Claimant sunney@fibretechbc.ca	Alliance Lawyers #103 – 20316 – 56th Avenue Langley BC V3A 3Y7 Counsel to Fibretech Distributors Inc. pavan@alliancelawyers.ca
Koome Urban Forestry Ltd. #305 – 1163 The Hight Street Coquitlam, BC V3B 7W2 Attention: Kelly Kome Lien Claimant	
Lucky Tiles Ltd. 14294-110 Avenue, Surrey, BC V3R 1Z9 Lien Claimant luckytilesld@gmail.com	Herr Law Group Unit 211, 15240 – 56 Avenue Surrey, BC V3S 5K7 Counsel to Lucky Tiles Ltd. reception@herrlawgroup.com
Morrison Windows Ltd. 8400 – 124 Street, Surrey, BC V3W 6K1 Attention: Gurtej Singh Dhillon Lien Claimant	
Millwood Finishing Ltd. 15712 96A Avenue, Surrey BC V4N 2T2 Lien Claimant princirooprai@gmail.com	Ahuja Litigation Mediation Arbitration 208 – 15272 Croydon Drive Surrey, BC V3Z 0Z5 Counsel to Millwood Finishing Ltd. harman@almalaw.ca

M&N Drywall Ltd. 12242 98A Avenue Surrey, BC V3V 7S5 <i>Lien Claimant</i> <u>hgosall14@gmail.com</u>	Herr Law Group Unit 211, 15240 – 56 Avenue Surrey, BC V3S 5K7 <i>Counsel to M&N Drywall Ltd.</i> <u>reception@herrlawgroup.com</u>
Omax Concrete & Pumping Ltd. 18284 – 64 Avenue Surrey, BC V3S 8A7 Attention: Onkar Singh <i>Lien Claimant</i> <u>onkar.raio1@gmail.com</u>	Paragon Rebar & Dampproofing (2010) Ltd. 5838 Kettle Crescent E, Surrey BC V3S 8R5 <i>Lien Claimant</i> <u>paragonrebar@gmail.com</u>
S & B Janitorial Services 13831 60a Avenue, Surrey BC V3X 0H3 <i>Lien Claimant</i> <u>bains.inderjit@gmail.com</u>	Ahuja Litigation Mediation Arbitration 208 - 15272 Croydon Drive Surrey BC V3Z 0Z5 <i>Counsel to S & B Janitorial Services</i> <u>reception@almalaw.ca</u>
Securiforce Security 5946 124 St. Surrey, B.C. V3X1X5 <i>Lien Claimant</i> <u>admin@securiforce.com</u>	

West Harbour Electric <i>Lien Claimant</i> praneel@westharbourelectric.com	West Harbour Electric c/o Atwal & Associates Trial Lawyers #309 – 3211 - 152 Street Surrey, BC V3S 3M1 Attention: Raman S. Atwal <i>Counsel to West Harbour Electric</i> rsatwal@atwallawyers.ca
---	--

Complete Email Distribution List:

dgruber@mcewanpartners.com; wstransky@mcewanpartners.com;
mghorayeb@mcewanpartners.com cron@mcewanpartners.com; tfe@mcewanpartners.com
jchumber@mcewanpartners.com craig.munro@fticonsulting.com;
tessa.chiricosta@fticonsulting.com; sherryl.dubo@dentons.com; dannis.yang@dentons.com;
jessica.ko@justice.gc.ca; reception@dclawcorp.ca; ahabib@bakernewby.com;
navjeet@rsglawyers.ca; gordon@mckechne.bc.ca; harman@almalaw.ca;
rsatwal@atwallawyers.ca; csboyal@hotmail.com; sunney@fibretchbc.ca;
luckytilesld@gmail.com; [hgosal14@gmail.com](mailto:hgosall4@gmail.com); paragonrebar@gmail.com;
bains.inderjit@gmail.com; jasdhaliwal@activedoors.com; bucks_doors@hotmail.com;
fastfrost@hotmail.com; onkar.raio1@gmail.com; admin@securiforce.com;
clientcontact@rsglawyers.ca; pavan@alliancelawyers.ca; reception@herrlawgroup.com;
reception@virsalaw.ca; reception@almalaw.ca; harjit@colourspainting.ca

Schedule "B"

Province of British Columbia
Bankruptcy Division
Vancouver Registry
Court File No. VLC-S-B-260250
Estate No. 11-3352394

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN BANKRUPTCY

IN THE MATTER OF THE NOTICE OF INTENTION TO MAKE A PROPOSAL OF 1281805
BC LTD.

ORDER MADE AFTER APPLICATION

(EXTENSION OF TIME)

BEFORE THE HONOURABLE

)
)
)

September 4, 2026

ON THE APPLICATION of the Applicant, 1281805 BC Ltd. (the "**Company**"), coming on for hearing at Vancouver, British Columbia, on the 4th day of September, 2026; AND ON HEARING counsel listed in Schedule "A" hereto; AND UPON READING the material filed, AND pursuant to the *Bankruptcy and Insolvency Act*, the *British Columbia Supreme Court Civil Rules* and the inherent jurisdiction of this Honourable Court;

THIS COURT ORDERS that:

1. The time for service of this Notice of Motion herein be and is hereby abridged and the Notice of Motion is properly returnable today and service hereof upon any interested party is dispensed with.
2. The time for filing a proposal by the Company is hereby extended to September 25, 2026.
3. An automatic stay of execution pursuant to section 69(1) of the *Bankruptcy and Insolvency Act* is in place until September 24, and all creditors of the Company are prohibited from continuing execution under writs of seizure served prior to the date of filing of the Notice of Intention to make a proposal.
4. The Company, the Proposal Trustee, or any other party have liberty to apply for such further or other directions or relief as may be necessary or desirable to give effect to this Order.

5. References in this Order to the singular shall include the plural, references to the plural shall include the singular and to any gender shall include the other gender.
6. Endorsement of this Order by counsel appearing on this application, other than counsel for the Company, is hereby dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS NOTED ABOVE:

Signature of Mila Ghorayeb
Lawyer for the Applicant

BY THE COURT

REGISTRAR IN BANKRUPTCY

Schedule "A"

Counsel List

Lawyer	Party