



This is the 1st affidavit of Kimberly Lopez in this case and was made on February 10, 2026

No. S-261039
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

MINA ANGELICOLA

PETITIONER

AND:

**1235922 BC LTD
FORT PELLY HOLDINGS LTD.
H.E. ROOMS INC.
JOHN DOE
JANE DOE**

RESPONDENTS

AFFIDAVIT

I, Kimberly Lopez, Legal Administrative Assistant, of 2500 – 700 West Georgia Street, Vancouver, British Columbia, AFFIRM AND SAY AS FOLLOWS:

1. I am a Legal Administrative Assistant employed by the law firm of Farris LLP, solicitors for the Petitioner in this proceeding, and as such have personal knowledge of the matters hereinafter deposed to, save and except where stated to be based upon information and belief, and where so stated, I verily believe them to be true.
2. All defined terms have the same meaning and effect as described in the Petition filed in this action.

Forbearance Agreement Defaults

3. Counsel for the Petitioner on October 24, 2025, asked counsel for the Respondents for access to the Lands and business records for the purposes of a commercial appraisal report of the Lands. Counsel for the Petitioner sent a follow up email on October 27, 2025. On November 3, 2025, counsel for the Petitioner informed counsel for the Respondents

that their client is in breach of the Forbearance Agreement, and asked counsel for the Respondents to advise if counsel thinks otherwise. As of the date of this affidavit, the Petitioner's office have not received a response to the October 24, 27 and November 3, 2025, emails.

4. Now produced and shown to me as **Exhibit "A"** to my affidavit is an email chain between counsel for the Petitioner with counsel for the Respondents.
5. Attached hereto and marked as **Exhibit "B"** to my affidavit is a copy of the Petitioner's January 27, 2026, default letter to counsel for the Respondents with respect to the various forbearance defaults.

Consent of Licensed Trustee

6. Now produced and shown to me as **Exhibit "C"** to my affidavit is a copy of the Consent to Act, dated November 12, 2025, from BDO Canada Limited.

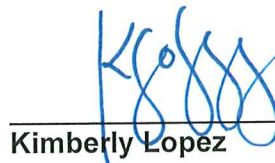
Title Search

7. Further to Exhibit "G" of Brigitte Drew's first affidavit, attached hereto and marked as **Exhibit "D"** to my affidavit is a copy of the updated title search for PID 010-401-113 dated February 10, 2026.
8. Attached hereto and marked as **Exhibit "E"** to my affidavit is a copy of the Notice of Tax Sale by the City of Vancouver for PID 010-401-113.

AFFIRMED BEFORE ME at Vancouver,
British Columbia, on February 10, 2026



A Commissioner for taking Affidavits
for British Columbia



Kimberly Lopez

SANDY LUN
Barrister • Solicitor
FARRIS LLP
2500 - 700 West Georgia Street
P.O. Box 10026, Pacific Centre
Vancouver, BC V7Y 1B3

This is Exhibit "A" to the Affidavit #1 of
Kimberly Lopez affirmed February 10, 2026
before me at the City of Vancouver, BC.



A Commissioner for taking Affidavits in and for
the Province of British Columbia.

From: Tim Louman-Gardiner
Sent: November 3, 2025 10:49 PM
To: David L. Cayley; Recky S. Lai
Cc: Annika Youn; Sandy Lun
Subject: RE: Request for Information pursuant to Forbearance Agreement and GSA and Access; Our File No. 53650-0001

Hello David and Recky,

Unless you advise us otherwise, it is apparent that your client has breached the forbearance agreement by:

- 1) Failing to pay property tax amounts as agreed;
- 2) Failing to reduce the listing price as agreed; and
- 3) Failing to make the expense reimbursement when due.

I expect you'll understand why my client will have no choice but to apply to appoint a receiver, to which your client has consented.

Please advise if I'm wrong with respect to any of the above.

Thanks,
Tim

From: Sandy Lun <slun@farris.com>
Sent: October 27, 2025 2:05 PM
To: David L. Cayley <dcayley@rbs.ca>; Recky S. Lai <rlai@rbs.ca>
Cc: Tim Louman-Gardiner <tlouman-gardiner@farris.com>; Annika Youn <ayoun@rbs.ca>
Subject: RE: Request for Information pursuant to Forbearance Agreement and GSA and Access; Our File No. 53650-0001

Good afternoon David and Recky,

Can you please confirm your client will be providing us the below, and in any event no later than October 30, 2025?

Thanks,

Sandy Lun
Associate
T: 604-661-9366 Ext: 366
F: 604-661-9349
Pronouns: she/her

FARRIS

FARRIS LLP
25th Floor, 700 W Georgia St.
Vancouver, BC V7Y 1B3
www.farris.com



This email may contain confidential information which may be protected by legal privilege. If you are not the intended recipient, please immediately notify us by reply email or by telephone. Delete this email and destroy any copies.

From: Sandy Lun
Sent: October 24, 2025 2:29 PM
To: David L. Cayley <dcayley@rbs.ca>; Recky S. Lai <rlai@rbs.ca>
Cc: Tim Louman-Gardiner <tlouman-gardiner@farris.com>; Annika Youn <ayoun@rbs.ca>
Subject: Request for Information pursuant to Forbearance Agreement and GSA and Access; Our File No. 53650-0001

Hello David and Recky,

Our client requires information from the Debtors for the purposes of an appraisal report.

As such, we hereby demand pursuant to clause 4.02(1) of our Forbearance Agreement dated August 31, 2025, and clause 7.1 of the General Security Agreement dated February 5, 2020, for full and complete information and documentation on the below:

1. Current rent roll;
2. Property tax bill for 2025;
3. Operating statements for the last two to three fiscal years;
4. Latest gas bill;
5. Latest hydro bill; and
6. Latest building insurance bill.

Please confirm whether 1) we should provide both of your contact information to the appraiser for full and complete access to the Lands; or 2) if there is another person whom our appraiser should reach out to for access, in which case please provide us their contact information.

Lastly, please confirm your client will be acting in accordance with our agreements, and will be providing the above to us promptly, and in any event no later than October 30, 2025.

Thanks,

Sandy Lun
Associate

T: 604-661-9366 Ext: 366

F: 604-661-9349

Pronouns: she/her

FARRIS

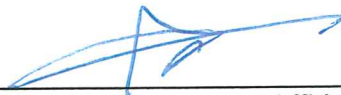
FARRIS LLP

25th Floor, 700 W Georgia St.

Vancouver, BC V7Y 1B3

www.farris.com

This is Exhibit "B" to the Affidavit #1 of
Kimberly Lopez affirmed February 10, 2026
before me at the City of Vancouver, BC.

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

A Commissioner for taking Affidavits in and for
the Province of British Columbia.

Reply Attention of: Tim Louman-Gardiner
Direct Dial Number: 604 661 1729
Email Address: tg@farris.com

FARRIS

File No: 53650-0001

January 27, 2026

BY EMAIL: DCAYLEY@RBS.CA AND RLAI@RBS.CA

Richards Buell Sutton LLP
700 – 401 West Georgia Street
Vancouver, BC V6B 5A1

Attention: David L. Cayley and Recky S. Lai

Re: Forbearance Agreement dated August 31, 2025

Dear Sirs/Mesdames:

As you are aware, we act for the Creditor with respect to the Forbearance Agreement dated August 31, 2025 (the "**Forbearance Agreement**"). All defined terms used in this letter have the same meaning as defined in the Forbearance Agreement, unless otherwise defined herein.

Pursuant to section 4.02 of the Forbearance Agreement, the Debtors agreed to provide the Creditor full and complete access to the Debtors' business records at the request of the Creditor. On October 24, 2025, our office requested specific information and documents (the "**October 24 Request**") with respect to the Debtors' business records. On November 21, 2025, our office followed up on the October 24 Request. As of the date of this letter, our office have not received the information and documents from our October 24 Request.

Pursuant to section 4.03, the Debtors agreed to make all property tax payments, including 2025 property taxes, and arrears and penalties owing by October 30, 2025. The Debtors failed to pay property taxes by October 30, 2025, and the total property taxes remain due and owing. On January 9, 2026, the Creditor obtained a further property certificate for the Lands, and the total taxes owing was in the amount of \$221,964.76, and unpaid utilities with a total account owing of \$17,049.76.

Pursuant to section 4.05, the Debtors agreed to pay \$8,700.00 each month to the Creditor as reimbursement for carrying costs of the Creditors' loan obligation in respect of capital gains tax incurred and paid in connection of the sale of the Lands. As of the date of this letter, the Debtors have failed to pay the October, November and December 2025 monthly expense reimbursement.

Pursuant to section 4.07, the Debtors agreed to enter into a commitment to lease the vacant commercial space in the Lands by January 1, 2026. To the Creditor's knowledge, the Debtors have not entered into any commercial lease agreements. The Creditor is not satisfied that the untenanted commercial space is reasonably priced (in fact, the Debtors failed to further reduce its listing price as described below), rendering a failure to lease the commercial space as not being a Forbearance Default.

Pursuant to section 4.08, the Debtors were required to further reduce the listing price by January 1, 2026, and has failed to do as of the date of this letter (and only previously reduced the listing price after the required October 15, 2025, deadline under the Forbearance Agreement).

FARRIS LLP

25th Floor – 700 W Georgia Street Vancouver, BC Canada V7Y 1B3
Tel 604 684 9151 farris.com

12460637v4

January 27, 2026

- 2 -

FARRIS

As such, pursuant to section 9.01 of the Forbearance Agreement, it is a Forbearance Default if the Debtors fail to perform or observe any term, condition, covenant or obligation contained in the Forbearance Agreement. The Debtors have failed to perform sections 4.02, 4.03, 4.05, 4.07 and 4.08 of the Forbearance Agreement. Accordingly, pursuant to sections 10.01 and 11.02, we hereby deliver notice to the Debtors of the occurrence of the Forbearance Default set out here and the Creditor's immediate termination of the remainder of the Forbearance Period. We further write to advise you that our client elects to proceed with enforcement steps as set out in section 10.01.

Yours truly,

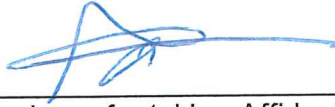
FARRIS LLP

Per: 

Tim Louman-Gardiner

TLG/SNL/kgj

This is Exhibit "C" to the Affidavit #1 of
Kimberly Lopez affirmed February 10, 2026
before me at the City of Vancouver, BC.

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

A Commissioner for taking Affidavits in and for
the Province of British Columbia.

District of British Columbia
Court File No.
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

MINA ANGELICOLA

PETITIONER

AND:

1235922 B.C. LTD.
FORT PELLY HOLDINGS LTD.
H.E. ROOMS INC.
THEODORE FROMSON
GILLIAN ANN FROMSON
JOHN DOE
JANE DOE

RESPONDENTS

CONSENT TO ACT AS RECEIVER

BDO Canada Limited is a licensed trustee in bankruptcy under the *Bankruptcy and Insolvency Act* and is licensed to act in all provinces and territories of Canada.

BDO Canada Limited is prepared to accept an appointment as Receiver or Receiver-Manager of 1235922 B.C. Ltd. and Fort Pelly Holdings Ltd. pursuant to the terms of an Order of the Supreme Court of British Columbia.

Dated at Vancouver, British Columbia, this 12th day of November 2025.

BDO Canada Limited

Per:



Chris Bowra
Unit 1100, 1055 W Georgia St
Vancouver, BC, V6E 3P3
PH: 604-688-5421

This is Exhibit "D" to the Affidavit #1 of
Kimberly Lopez affirmed February 10, 2026
before me at the City of Vancouver, BC.

A handwritten signature in blue ink, consisting of a stylized, cursive script that is difficult to decipher but appears to be a personal name.

A Commissioner for taking Affidavits in and for
the Province of British Columbia.

TITLE SEARCH PRINT

2026-02-10¹⁰, 10:09:02

File Reference: 53650-0001-0000

Requestor: Kimberly Lopez

Declared Value \$8700000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District

VANCOUVER

Land Title Office

VANCOUVER

Title Number

CA8022409

From Title Number

BM290928

Application Received

2020-02-05

Application Entered

2020-02-24

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

1235922 B.C. LTD., INC.NO. BC1235922
235 HASTINGS ST E
VANCOUVER, BC
V6A 1P2

Taxation Authority

Vancouver, City of

Description of Land

Parcel Identifier:

010-401-113

Legal Description:

LOT 34 BLOCK 28 DISTRICT LOT 541 PLAN 210

Legal Notations

HERETO IS ANNEXED EASEMENT CB630962 OVER LOT E PLAN EPP76989

Charges, Liens and Interests

Nature:

MORTGAGE

Registration Number:

CA8022412

Registration Date and Time:

2020-02-05 16:54

Registered Owner:

MINA ANGELICOLA

Remarks:

INTER ALIA

Nature:

ASSIGNMENT OF RENTS

Registration Number:

CA8022413

Registration Date and Time:

2020-02-05 16:54

Registered Owner:

MINA ANGELICOLA

Remarks:

INTER ALIA

TITLE SEARCH PRINT

File Reference: 53650-0001-0000

Declared Value \$8700000

Nature: MORTGAGE
Registration Number: CA9898334
Registration Date and Time: 2022-05-02 14:25
Registered Owner: THEODORE FROMSON
GILLIAN ANN FROMSON
AS JOINT TENANTS
Remarks: INTER ALIA

Nature: ASSIGNMENT OF RENTS
Registration Number: CA9898335
Registration Date and Time: 2022-05-02 14:25
Registered Owner: THEODORE FROMSON
GILLIAN ANN FROMSON
AS JOINT TENANTS
Remarks: INTER ALIA

Nature: EASEMENT
Registration Number: CB630959
Registration Date and Time: 2023-05-18 14:47
Remarks: INTER ALIA
APPURTENANT TO LOT E PLAN EPP76989

Nature: PRIORITY AGREEMENT
Registration Number: CB630960
Registration Date and Time: 2023-05-18 14:47
Remarks: INTER ALIA
GRANTING CB630959 PRIORITY OVER CA8022412 AND
CA8022413

Nature: PRIORITY AGREEMENT
Registration Number: CB630961
Registration Date and Time: 2023-05-18 14:47
Remarks: INTER ALIA
GRANTING CB630959 PRIORITY OVER CA9898334 AND
CA9898335

Nature: TAX SALE NOTICE
Registration Number: CB2500623
Registration Date and Time: 2025-12-05 12:00

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

This is Exhibit "E" to the Affidavit #1 of
Kimberly Lopez affirmed February 10, 2026
before me at the City of Vancouver, BC.

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

A Commissioner for taking Affidavits in and for
the Province of British Columbia.



Land Title Act

Charge, Notation or Filing

NEW WESTMINSTER LAND TITLE OFFICE

DEC 05 2025 12:00:42.001

CB2500623

1. Application

Deduct LTO Fees:Yes

Document Fees: \$82.52

Pearl Ng, Agent
City of Vancouver Law Department
453 West 12th Avenue
Vancouver BC V5Y 1V4
604.873.7183

LS-25-00003-036
165 W Pender Street - 1235922 B.C. Ltd.
LTO Client No. 10647

2. Description of Land

PID/Plan Number Legal Description

010-401-113 LOT 34 BLOCK 28 DISTRICT LOT 541 PLAN 210

3. Nature of Charge, Notation, or Filing

Type Affected Number Additional Information

NOTICE OF TAX SALE

4. Person Entitled to be Registered as Charge Owner

CITY OF VANCOUVER
453 WEST 12TH AVENUE
VANCOUVER BC V5Y 1V4

Electronic Signature

Your electronic signature is a representation that you are a designate authorized

- (a) to electronically sign this application by an e-filing direction made under section 168.22 (2) of the *Land Title Act*, RSBC 1996, c 250, and
- (b) if this application requires a supporting document, to certify this application under section 168.4 of the Act, that you certify this application under section 168.43 (3) of the Act, and that the supporting document, or a true copy of the supporting document if a true copy is allowed under an e-filing direction, is in your possession.

YI NG ZRVPIJ

Digitally signed by
YI NG ZRVPIJ
Date: 2025-12-05
12:00:35 -08:00



FINANCE & SUPPLY CHAIN MANAGEMENT
Financial Services
Revenue Services

NOTICE OF TAX SALE

TO THE REGISTRAR OF TITLES
VANCOUVER BC

Pursuant to section 272 of the Land Title Act, I hereby notify you that the following parcel of land was sold for taxes:

P.I.D.: 010-401-113
 Folio: 592-157-57-0000
 Civic Address: 165 PENDER ST W
 Legal Description: LOT 35 BLOCK 28 PLAN VAP210 DISTRICT LOT 541 NWD & LOT 34 BLOCK 28 PLAN VAP210 DISTRICT LOT 541 NWD & LOT 36 BLOCK 28 PLAN VAP210 DISTRICT LOT 541 NWD
 Sold on Date: Nov 12, 2025
 Sold for Price: 78,410.88

Registered Owners	Occupation	Mailing Address
1235922 BC LTD		235 HASTINGS ST E VANCOUVER BC V6A 1P2

Dated Nov 27, 2025

Maureen Marzini
 Collector of Taxes
 City of Vancouver

