



Affidavit #3 of E. Zhu  
Made January 18, 2021

NO. VLC-S-S-2013202  
VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

NORTHSTAR OWNERS CORPORATION

PETITIONER

AND:

RICHARD BURTON LAW, RENEE ALLISON LAW  
(AND OTHERS AS PER SCHEDULE A OF PETITION)

RESPONDENTS

**AFFIDAVIT**

I, Elynne Zhu, care of 1400 – 1125 Howe Street, Vancouver, British Columbia, MAKE  
OATH AND SAY THAT:

1. I am a legal assistant at Citadel Law Corporation and as such have personal knowledge of the facts hereinafter deposed to save and except where stated to be upon information and belief and where so stated I verily believe them to be true.
2. Now produced and shown to me and marked as **Exhibit "A"** to this my Affidavit is a true copy of the order sent for Mr. Justice Giaschi's signature in Supreme Court Vancouver File Registry VLC-S-S-2012979 along with a cover letter dated January 12, 2021.
3. Now produced and shown to me and marked as **Exhibit "B"** to this my Affidavit is a true copy of the Petition filed in Supreme Court Vancouver File Registry VLC-S-S-

2012979.

4. Now produced and shown to me and marked as **Exhibit "C"** to this my Affidavit is a true copy of the BC Online summary of Supreme Court Vancouver File Registry VLC-S-S-2012979.

SWORN BEFORE ME at the City of  
Vancouver, in the Province of British Columbia,  
this 18<sup>th</sup> day of January 2021.

\_\_\_\_\_  
A Commissioner for taking Affidavits for British  
Columbia

Polina H. Furtula  
Barrister and Solicitor  
Citadel Law Corporation  
1400 – 1125 Howe Street  
Vancouver, BC V6E 4E6  
Phone: 778-945-9990

\_\_\_\_\_  
ELYNNE ZHU


**CITADEL LAW CORPORATION**

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PH: 778-945-9990

Philip J. Dougan  
Silvano S. Todesco  
Polina H. Furtula\*

File No. 1016-1

January 12, 2021

Manager, Supreme Court Scheduling  
Vancouver Registry  
800 Smithe Street  
Vancouver, BC V6Z 2E1

This is Exhibit "A" referred to in the  
affidavit of E. Zhu  
sworn before me at Vancouver  
this 18 day of January 2021  
A Commissioner for taking Affidavits  
for British Columbia

Re: **Ironwood v. Kriegel et al, Vancouver Registry File: 2012979**  
**January 21, 2011 Hearing**  
**(Timeshare cancellations in Whistler, BC)**

Please forward this letter and attached order to the attention of the Honourable Mr. Justice Giaschi, who heard the Petitioner's application on January 11, 2021.

Although Justice Giaschi ordered that para. 25 of the order included in the Application Record be removed, deleting the entire paragraph has the unintended effect of deleting the language that title be transferred to the Petitioner.

Justice Giaschi's additional orders that the Petitioner be able to obtain a clearance certificate upon title transfer confirms our understanding that he ordered the transfer of titles.

Accordingly, we have removed the first part of para. 25 but kept the remaining language regarding transfer of titles. Also attached for ease of reference is the blackline version of the changes to the order from what was before his Lordship at the hearing on January 11, 2021 (see pages 10 and 11).

Please contact the writer if you have any questions.

Yours very truly,

CITADEL LAW CORPORATION

  
PHILIP J. DOUGAN

\*Denotes Law Corporation  
•Associate Counsel

**CITADEL LAW CORPORATION**

1400-1125 Howe Street, Vancouver, BC V6Z 2K8  
120-256 Wallace Street, Nanaimo, BC V9R 5B3

NO. S-2012979  
VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN:**

**IRONWOOD OWNERS ENTERPRISES LTD.**

**PETITIONER**

**AND:**

**STANLEY PIPER KRIEGEL, SUSAN SALLY KRIEGEL,  
ROBERT FRANKLIN TAYLOR, KATHLEEN ELIZABETH TAYLOR,  
DAVID MARTIN GIUSTI, SARA GIUSTI, ALAN FREDERICK HALL, WILLIAM ROBERT  
PORTER, DSP CONSULTING SERVICES, LLC, JOSEPH PAUL SELLECK, STEVE  
ALLEN NICHOLS, CRAIG STEPHEN RICE, JAMES PETER SIRIDAKIS, TINA MARIA  
SIRIDAKIS, STELLA DIRKS, MARK LLOYD WARREN, JACQUELYNNE LEE  
WARREN, VAN DRIVERS CONSULTING, LLC, MICHELLE EVELYN BRUNO,  
ELLIOTS WORLD, LLC, VIGGO ANDERSEN, LINDA ANN ANDERSEN, VARNER  
NICKLE, LILIANE NICKLE, BRUCE CAMERON MITCHELL, HANNAH MARIE BURKE,  
LESLIE BADENOCH STEVENSON, MARILYN ROBERTA STEVENSON, STARLA  
MISSIONS, LLC, JACK SHENTON, LENA ELAINE WALL, NANCY BUERMAN, BEN  
BUERMAN, TIMOTHY NEIL TIETJEN, ARLENE LINDA MCCOLLUM, VERNON  
STANLEY MCMURRAY, CAROLYN JANE MCMURRAY, AMANDA ROSE BURDICK,  
GERALD RAY BRANCH, ARLENE KAY BRANCH**

**RESPONDENTS**

**ORDER MADE AFTER APPLICATION**

BEFORE	) THE HONOURABLE ) MR. JUSTICE GIASCHI )	) ) 11/JAN/2021 )
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**ON THE APPLICATION** of the Petitioner, Ironwood Owners Enterprises Ltd., without notice coming on for hearing at 800 Smithe Street, Vancouver, British Columbia, V6Z 2E1 on January 11, 2021 at 9:45 a.m., and on hearing, counsel for the Petitioner, Philip J. Dougan;

**THIS COURT ORDERS that:**

1. Service of the Petition and supporting affidavits on the Respondents is hereby waived.

**THIS COURT DECLARES that:**

**Strata Lot 23**

2. Pursuant to a Head Lease dated May 16, 1990, and registered in the Vancouver Land Title Office on May 17, 1990, under number GD61259, the Petitioner, IRONWOOD OWNERS ENTERPRISES LTD. ("Ironwood"), is entitled to a Head Lease (the "SL23 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

Parcel Identifier: 015-401-227

Strata Lot 23 District Lot 4751

Strata Plan VR 2558

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 23")

3. All rights of and under the following subleases of the SL23 Head Lease charging the following Respondents, each as to an undivided 1/51 or 1/102 fee simple interest in Strata Lot 23 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by STANLEY PIPER KRIEGER and SUSAN SALLY KRIEGER, which was registered on July 26, 1990, under number GD84789;
- b. Sublease granted by ROBERT FRANKLIN TAYLOR and KATHLEEN ELIZABETH TAYLOR, which was registered on November 15, 1993, under number BG410679.

**Strata Lot 24**

4. Pursuant to a Head Lease dated September 10, 1992 and registered in the Vancouver Land Title Office on September 10, 1992, under number BF343980, Ironwood is entitled to a Head Lease (the "SL24 Head Lease"), charging all and singular that certain

parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

**Parcel Identifier: 015-401-235**

**Strata Lot 24 District Lot 4751**

**Strata Plan VR2558**

**Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1**

**("Strata Lot 24")**

4. All rights of and under the following subleases of the SL24 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 24 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by DAVID MARTIN GIUSTI, and SARA GIUSTI, joint tenants, which was registered on February 16, 2009, under number CA1039993.

#### **Strata Lot 26**

5. Pursuant to a Head Lease dated March 29, 1990, and registered in the Vancouver Land Title Office on March 30, 1990, under number GD44322, Ironwood is entitled to a Head Lease (the "SL26 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

**Parcel Identifier: 015-401-260**

**Strata Lot 26 District Lot 4751**

**Strata Plan VR 2558**

**Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1**

**("Strata Lot 26")**

6. All rights of and under the following subleases of the SL26 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot

26 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by ALAN FREDERICK HALL, which was registered on February 29, 2000, under number BP46900 as to an undivided 1/51 interest;
- b. Sublease granted by WILLIAM ROBERT PORTER, which was registered on September 1, 2006, under number BA207797 as to an undivided 1/51 interest;
- c. Sublease granted by DSP CONSULTING SERVICES, LLC, which was registered on November 24, 2009, under number CA1361169 as to an undivided 1/51 interest.

#### **Strata Lot 27**

7. Pursuant to a Head Lease registered on October 18, 1991, under number BE274628, Ironwood is entitled to the Head Lease (the "SL27 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

**Parcel Identifier: 015-401-286**

**Strata Lot 27 District Lot 4751**

**Strata Plan VR 2558**

**Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1**

**("Strata Lot 27")**

8. All rights of and under the following subleases of the SL27 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 27 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by JOSEPH PAUL SELLECK, which was registered on November 30, 2009, under number CA1372238;
- b. Sublease granted by STEVE ALLEN NICHOLS, which was registered on May 29, 2009, under number CA1129890;
- c. Sublease granted by CRAIG STEPHEN RICE, which was registered on March 28, 1995, under number BJ90330;
- d. Sublease granted by JAMES PETER SIRIDAKIS and TINA MARIA SIRIDAKIS, which was registered on March 17, 1992, under number BF92321;
- e. Sublease granted by STELLA DIRKS, which was registered on April 20, 2011, under number CA1980759.

#### **Strata Lot 28**

9. Pursuant to a Head Lease dated July 15, 1992, and registered in the Vancouver Land Title Office on December 10, 1992, under number BF487783, Ironwood is entitled to a Head Lease (the "SL28 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

**Parcel Identifier: 015-401-308**

**Strata Lot 28 District Lot 4751**

**Strata Plan VR 2558**

**Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1**

**("Strata Lot 28")**

10. All rights of and under the following subleases of the SL28 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot



28 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by MARK LLOYD WARREN and JACQUELYNNE LEE WARREN, as joint tenants, which was registered on December 14, 1992, under number BF492112;
- b. Sublease granted by VAN DRIVERS CONSULTING, LLC, which was registered on July 12, 2011, under number BB1970469;
- c. Sublease granted by MICHELLE EVELYN BRUNO, which was registered on February 23, 1993, under number BG60816.

#### **Strata Lot 32**

11. Pursuant to a Head Lease dated October 15, 1998 and registered in the Vancouver Land Title Office on October 19, 1998, under number BM289288, Ironwood is entitled to a Head Lease (the "SL32 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

Parcel Identifier: 015-401-359  
Strata Lot 32 District Lot 4751  
Strata Plan VR 2558

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 32")

12. All rights of and under the following subleases of the SL32 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 18 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by ELLIOTS WORLD, LLC, which was registered on July 12, 2011, under number BB1970457;
- b. Sublease granted by VIGGO ANDERSEN and LINDA ANN ANDERSEN as joint tenants, which was registered on November 23, 1998, under number BM322173;
- c. Sublease granted by VARNER NICKLE and LILIANE NICKLE as joint tenants, which was registered on December 7, 1999, under number BN325373; and
- d. Sublease granted by BRUCE CAMERON MITCHELL and HANNAH MARIE BURKE as joint tenants, which was registered on September 21, 1999, under number BN253291.

#### **Strata Lot 33**

13. Pursuant to a Head Lease dated January 31, 1990, and registered in the Vancouver Land Title Office on November 6, 1991, under number BE301524, Ironwood is entitled to a Head Lease (the "SL33 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

Parcel Identifier: 015-401-367

Strata Lot 33 District Lot 4751

Strata Plan VR 2558

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 33")

14. All rights of and under the following subleases of the SL33 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 33 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by LESLIE BADENOCH STEVENSON and MARILYN ROBERTA STEVENSON as joint tenants, which was registered on March 24, 1992, under number BF98398;
- b. Sublease granted by STARLA MISSIONS, LLC., which was registered on July 25, 2011, under number CA2114107;
- c. Sublease granted by DAVID GIUSTI, which was registered on March 1, 2007, under number BB66851.

#### **Strata Lot 34**

15. Pursuant to a Head Lease dated March 6, 1990, and registered in the Vancouver Land Title Office on December 6, 1991, under number BE339952, Ironwood is entitled to a Head Lease (the "SL34 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

Parcel Identifier: 015-401-375

Strata Lot 34 District Lot 4751

Strata Plan VR 2558

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 34")

16. All rights of and under the following subleases of the SL34 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 34 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by JACK SHENTON, LENA ELAINE WALL, NANCY BUERMAN, and BEN BUERMAN as joint tenants, which was registered on March 2, 1999, under number BN49466;
- b. Sublease granted by TIMOTHY NEIL TIETJEN and ARLENE LINDA MCCOLLUM as joint tenants, which was registered on March 9, 1999, under number BN55581;
- c. Sublease granted by VERNON STANLEY MCMURRAY and CAROLYN JANE MCMURRAY as joint tenants, which was registered on July 16, 1993, under number BG252569.

#### **Strata Lot 36**

17. Pursuant to a Head Lease for Strata Lot 36 ("SL36"), dated January 15, 1992, and registered in the Vancouver Land Title Office on June 11, 1992, under number BF220642, Ironwood is entitled to a Head Lease (the "SL36 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

**Parcel Identifier: 015-401-421**

**Strata Lot 36 District Lot 4751**

**Strata Plan VR 2558**

**Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1**

**("Strata Lot 36")**

18. All rights of and under the following subleases of the SL36 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 36 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by AMANDA ROSE BURDICK, which was registered on November 25, 2010, under number CA1815905;
- b. Sublease granted by GERALD RAY BRANCH and ARLENE KAY BRANCH, which was registered on October 21, 2002, under number BT383179;
- c. Sublease granted by STELLA DIRKS, which was registered on March 31, 2011, under number CA1957795.

#### **Default**

19. The Respondents have made default under the terms of the Subleases and that all monies secured by the Subleases and SL23 Head Lease, SL24 Head Lease, SL26 Head Lease, SL27 Head Lease, SL28 Head Lease, SL32 Head Lease, SL33 Head Lease, SL34 Head Lease and SL36 Head Lease are due and owing to Ironwood.

20. Every Respondent is in breach of their obligation as owners to pay strata fees as required in s. 92 of the *Strata Property Act*.

21. The Respondents have defaulted in the payment of their share of the common expenses due and owing to the Petitioner as defined in Section 116 of the *Strata Property Act* (the "Act"), and a declaration that the Strata Corporation through the Petitioner has a right to charge, registerable pursuant to Section 116 (4) of the Act, against the lands and premises situate, lying and being in the Resort Municipality of Whistler, in the Province of British Columbia, and more particularly known and described above as Strata Lot 23, Strata Lot 24, Strata Lot 26, Strata Lot 27, Strata Lot 28, Strata Lot 32, Strata Lot 33, Strata Lot 34, and Strata Lot 36 (the "Lands and Premises").

22. All monies secured by the SL23 Head Lease, SL24 Head Lease, SL26 Head Lease, SL27 Head Lease, SL28 Head Lease, SL32 Head Lease, SL33 Head Lease, SL34 Head Lease and SL36 Head Lease and subleases with charges BP46900,

BA207797, CA1361169, CA1372238, CA1129890, BJ90330, BF92321, CA1980759, BF492112, BB1970469, BG60816, BB1970457, BM322173, BN325373, BN253291, BF99398, CA2114107, BB66851, BN49486, BN55581, BG252569, CA1815905, BT383179, CA1957795, together with such further monies as have accrued since the filing of these proceedings, are now due and owing to the Petitioner, and will be satisfied by cancellation of the sublease and forfeiture of each of the Respondents' interest in land.

**THIS COURT FURTHER ORDERS that:**

23. Upon filing a certified copy of this Order in the New Westminster Land Title Office without the necessity of filing of a Form F pursuant to the *Strata Property Act* and subject to the terms of this Order, the ownership fee simple share of each Respondent in the Lands and Premises are conveyed to and vest in the Petitioner, in fee simple, free and clear of any estate, title, right, interest, equity of redemption, and other claims of the parties, except the reservations, provisos, exceptions, and conditions expressed in the original grants thereof from the Crown.

24. All necessary accounts, directions and inquiries are to be taken.

25. The Respondents, and each of them, her/his/their respective executors, administrators, successors and assigns and all persons claiming by, through or under him/her/them do stand absolutely debarred and foreclosed of and from all the estate, right, title, interest and equity of redemption, of, in and to the lands and premises situate, lying and being in the Resort Municipality of Whistler, in the Province of British Columbia, and all monies paid under the Head Leases/Subleases shall become the property of Ironwood free and clear from any right of the Respondents.

26. An Order that the Petitioner be at liberty to apply for a tax clearance certificate for each interest in land vested and conveyed to the Petitioner by this Court.

27. An Order that the Petitioner be empowered to take any further steps required by the Canada Revenue Agency or the Land Title and Survey Authority to complete the conveyances ordered herein.

#### **Cancellation**

28. An Order that the following subleases be cancelled:

##### **Strata Lot 23**

- a. Sublease granted by STANLEY PIPER KRIEDEL and SUSAN SALLY KRIEDEL, which was registered on July 26, 1990, under number GD84789;
- b. Sublease granted by ROBERT FRANKLIN TAYLOR and KATHLEEN ELIZABETH TAYLOR, which was registered on November 15, 1993, under number BG410679.

##### **Strata Lot 24**

- c. Sublease granted by DAVID MARTIN GIUSTI, and SARA GIUSTI, joint tenants, which was registered on February 16, 2009, under number CA1039993;

##### **Strata Lot 26**

- d. Sublease granted by ALAN FREDERICK HALL, which was registered on February 29, 2000, under number BP46900;
- e. Sublease granted by WILLIAM ROBERT PORTER, which was registered on September 1, 2006, under number BA207797;
- f. Sublease granted by DSP CONSULTING SERVICES, LLC, which was registered on November 24, 2009, under number CA1361169.

**Strata Lot 27**

- g. Sublease granted by JOSEPH PAUL SELLECK, which was registered on November 30, 2009, under number CA1372238;
- h. Sublease granted by STEVE ALLEN NICHOLS, which was registered on May 29, 2009, under number CA1129890;
- i. Sublease granted by CRAIG STEPHEN RICE, which was registered on March 28, 1995, under number BJ90330;
- j. Sublease granted by JAMES PETER SIRIDAKIS and TINA MARIA SIRIDAKIS, which was registered on March 17, 1992, under number BF92321;
- k. Sublease granted by STELLA DIRKS, which was registered on April 20, 2011, under number CA1980759;

**Strata Lot 28**

- l. Sublease granted by MARK LLOYD WARREN and JACQUELYNNE LEE WARREN, as joint tenants, which was registered on December 14, 1992, under number BF492112;
- m. Sublease granted by VAN DRIVERS CONSULTING, LLC, which was registered on July 12, 2011, under number BB1970469;
- n. Sublease granted by MICHELLE EVELYN BRUNO, which was registered on February 23, 1993, under number BG60816;



**Strata Lot 32**

- o. Sublease granted by ELLIOTS WORLD, LLC, which was registered on July 12, 2011, under number BB1970457;
- p. Sublease granted by VIGGO ANDERSEN and LINDA ANN ANDERSEN as joint tenants, which was registered on November 23, 1998, under number BM322173;
- q. Sublease granted by VARNER NICKLE and LILIANE NICKLE as joint tenants, which was registered on December 7, 1999, under number BN325373; and
- r. Sublease granted by BRUCE CAMERON MITCHELL and HANNAH MARIE BURKE as joint tenants, which was registered on September 21, 1999, under number BN253291

**Strata Lot 33**

- s. Sublease granted by LESLIE BADENOCH STEVENSON and MARILYN ROBERTA STEVENSON as joint tenants, which was registered on March 24, 1992, under number BF99398;
- t. Sublease granted by STARLA MISSIONS, LLC., which was registered on July 25, 2011, under number CA2114107;
- u. Sublease granted by DAVID GIUSTI, which was registered on March 1, 2007, under number BB66851.

**Strata Lot 34**

- v. Sublease granted by JACK SHENTON, LENA ELAINE WALL, NANCY BUERMAN, and BEN BUERMAN as joint tenants, which was registered on March 2, 1999, under number BN49466;
- w. Sublease granted by TIMOTHY NEIL TIETJEN and ARLENE LINDA MCCOLLUM as joint tenants, which was registered on March 9, 1999, under number BN55581;
- x. Sublease granted by VERNON STANLEY MCMURRAY and CAROLYN JANE MCMURRAY as joint tenants, which was registered on July 16, 1993, under number BG252569;

**Strata Lot 36**

- y. Sublease granted by AMANDA ROSE BURDICK, which was registered on November 25, 2010, under number CA1815905;
  - z. Sublease granted by GERALD RAY BRANCH and ARLENE KAY BRANCH, which was registered on October 21, 2002, under number BT383179;
  - aa. Sublease granted by STELLA DIRKS, which was registered on March 31, 2011, under number CA1957795.
29. An Order that the Petitioner be at liberty to apply for a tax clearance certificate for each interest in land vested and conveyed to the Petitioner by this Court.
30. An Order that the Petitioner be empowered to take any further steps required by the Canada Revenue Agency or the Land Title and Survey Authority to complete the conveyances ordered herein.

31. All necessary accounts, directions and inquiries are to be taken.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND  
CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS  
BEING BY CONSENT:

  
\_\_\_\_\_  
Signature of lawyer for Petitioner,  
Philip J. Dougan

By the Court.

\_\_\_\_\_  
Registrar

NO. S-2012979

VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

**BETWEEN:**

**IRONWOOD OWNERS ENTERPRISES LTD.**

**PETITIONER**

**AND:**

**STANLEY PIPER KRIEDEL, SUSAN SALLY KRIEDEL,  
ROBERT FRANKLIN TAYLOR, KATHLEEN ELIZABETH TAYLOR,  
DAVID MARTIN GIUSTI, SARA GIUSTI, ALAN FREDERICK HALL, WILLIAM ROBERT  
PORTER, DSP CONSULTING SERVICES, LLC, JOSEPH PAUL SELLECK, STEVE  
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SIRIDAKIS, STELLA DIRKS, MARK LLOYD WARREN, JACQUELYNNE LEE  
WARREN, VAN DRIVERS CONSULTING, LLC, MICHELLE EVELYN BRUNO,  
ELLIOTS WORLD, LLC, VIGGO ANDERSEN, LINDA ANN ANDERSEN, VARNER  
NICKLE, LILIANE NICKLE, BRUCE CAMERON MITCHELL, HANNAH MARIE BURKE,  
LESLIE BADENOCH STEVENSON, MARILYN ROBERTA STEVENSON, STARLA  
MISSIONS, LLC, JACK SHENTON, LENA ELAINE WALL, NANCY BUERMAN, BEN  
BUERMAN, TIMOTHY NEIL TIETJEN, ARLENE LINDA MCCOLLUM, VERNON  
STANLEY MCMURRAY, CAROLYN JANE MCMURRAY, AMANDA ROSE BURDICK,  
GERALD RAY BRANCH, ARLENE KAY BRANCH**

**RESPONDENTS**

**ORDER MADE AFTER APPLICATION**

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**CITADEL LAW CORPORATION**  
Barristers and Solicitors  
14th Floor – 1125 Howe Street  
Vancouver, B.C.  
V6Z 2K8 778-945-9980

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File No. 1016-1

Court File No. **VLC-S-S-2012979**NO.  
VANCOUVER REGISTRY**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

**IRONWOOD OWNERS ENTERPRISES LTD.****PETITIONER****AND:**

**STANLEY PIPER KRIEDEL, SUSAN SALLY KRIEDEL,  
ROBERT FRANKLIN TAYLOR, KATHLEEN ELIZABETH TAYLOR,  
DAVID MARTIN GIUSTI, SARA GIUSTI, ALAN FREDERICK HALL, WILLIAM ROBERT  
PORTER, DSP CONSULTING SERVICES, LLC, JOSEPH PAUL SELLECK, STEVE ALLEN  
NICHOLS, CRAIG STEPHEN RICE, JAMES PETER SIRIDAKIS, TINA MARIA SIRIDAKIS,  
STELLA DIRKS, MARK LLOYD WARREN, JACQUELYNNE LEE WARREN, VAN  
DRIVERS CONSULTING, LLC, MICHELLE EVELYN BRUNO, ELLIOTS WORLD, LLC,  
VIGGO ANDERSEN, LINDA ANN ANDERSEN, VARNER NICKLE, LILIANE NICKLE,  
BRUCE CAMERON MITCHELL, HANNAH MARIE BURKE, LESLIE BADENOCH  
STEVENSON, MARILYN ROBERTA STEVENSON, STARLA MISSIONS, LLC, JACK  
SHENTON, LENA ELAINE WALL, NANCY BUERMAN, BEN BUERMAN, TIMOTHY  
NEIL TIETJEN, ARLENE LINDA MCCOLLUM, VERNON STANLEY MCMURRAY,  
CAROLYN JANE MCMURRAY, AMANDA ROSE BURDICK, GERALD RAY BRANCH,  
ARLENE KAY BRANCH**

**RESPONDENTS****PETITION TO THE COURT****THIS IS THE PETITION OF:**

**IRONWOOD OWNERS ENTERPRISES LTD.  
c/o Citadel Law Corporation  
1125 Howe Street, Suite #1400  
Vancouver, BC V6Z 2K8**

**ON NOTICE TO:****SEE SCHEDULE "A" ATTACHED HERETO.****This proceeding has been started by the Petitioner for the relief set out in Part 1 below.**

This is Exhibit **B**  
affidavit of **E. Zhu**  
sworn before me at **Vancouver**  
this **18** day of **January** 2021  
A Commissioner for taking Affidavits  
for British Columbia

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If you intend to respond to this Petition, you or your lawyer must:

- (a) file a Response to Petitioner in form 67 in the above-named registry of this Court within the time for response to Petition described below, and
- (b) serve on the Petitioner
  - (i) 2 copies of the filed Response to Petition, and
  - (ii) 2 copies of each filed Affidavit on which you intend to rely at the hearing.

**Orders, including Orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the Response to Petition within the time for response.**

**Time for response to Petition**

**A Response to Petition must be filed and served on the Petitioner:**

- (a) if you reside anywhere in Canada, within 21 days after the date on which a copy of the filed Petition was served on you,
- (b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed Petition was served on you,
- (c) if you reside elsewhere, within 49 days after the date on which a copy of the filed Petition was served on you, or
- (d) if the time for Response has been set by Order of the Court, within that time.

(1) The address of the registry is: 800 Smith Street, Vancouver, B.C. V6Z 2E1
(2) The ADDRESS FOR SERVICE of the Petitioner is: 1400 - 1125 Howe Street Vancouver, B.C., V6Z 2K8
(3) The name and office address of the Petitioner's lawyer is: Philip Citadel Law Corp. 1400 - 1125 Howe Street Vancouver, B.C., V6Z 2K8

## **ENDORSEMENT ON ORIGINATING PROCESS FOR SERVICE OUTSIDE BRITISH COLUMBIA**

The petitioner claims the right to serve this Petition to the Court on the Respondents, JOHN STANLEY PIPER KRIEGLER, SUSAN SALLY KRIEGLER, ROBERT FRANKLIN TAYLOR, KATHLEEN ELIZABETH TAYLOR, DAVID MARTIN GIUSTI, SARA GIUSTI, ALAN FREDERICK HALL, WILLIAM ROBERT PORTER, DSP CONSULTING SERVICES, LLC, JOSEPH PAUL SELLECK, STEVE ALLEN NICHOLS, CRAIG STEPHEN RICE, JAMES PETER SIRIDAKIS, TINA MARIA SIRIDAKIS, STELLA DIRKS, MARK LLOYD WARREN, JACQUELYNNE LEE WARREN, VAN DRIVERS CONSULTING, LLC, MICHELLE EVELYN BRUNO, ELLIOTS WORLD, LLC, VIGGO ANDERSEN, LINDA ANN ANDERSEN, BRUCE CAMERON MITCHELL, HANNAH MARIE BURKE, LESLIE BADENOCH STEVENSON, MARILYN ROBERTA STEVENSON, STARLA MISSIONS, LLC, TIMOTHY NEIL TIETJEN, ARLENE LINDA MCCOLLUM, VERNON STANLEY MCMURRAY, CAROLYN JANE MCMURRAY, AMANDA ROSE BURDICK, GERALD RAY BRANCH, ARLENE KAY BRANCH and outside British Columbia on the ground that this matter concerns contractual obligations, and the contractual obligations, to a certain extent, were to be performed in British Columbia, and on the ground that this matter is brought to enforce, assert, declare or determine proprietary or possessory rights or a security interest in property in British Columbia that is immovable and/or movable property.

### **CLAIMS OF THE PETITIONER:**

#### **Part 1: ORDER(S) SOUGHT**

1. An order waiving service of the Petition and supporting affidavits on the Respondents, or in the alternative, an order for substituted service on the Respondents.

#### **Strata Lot 23**

2. A declaration that pursuant to a Head Lease dated May 16, 1990, and registered in the Vancouver Land Title Office on May 17, 1990, under number GD61259, the Petitioner, IRONWOOD OWNERS ENTERPRISES LTD. ("Ironwood"), is entitled to a Head Lease (the "SL23 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

**Parcel Identifier: 015-401-227**

**Strata Lot 23 District Lot 4751**

**Strata Plan VR 2558**

**Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1**

**("Strata Lot 23")**

**3. A declaration that all rights of and under the following subleases of the SL23 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 23 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:**

**a. Sublease granted by STANLEY PIPER KRIEDEL and SUSAN SALLY KRIEDEL, which was registered on July 26, 1990, under number GD84789;**

**b. Sublease granted by ROBERT FRANKLIN TAYLOR and KATHLEEN ELIZABETH TAYLOR, which was registered on November 15, 1993, under number BG410679.**

#### **Strata Lot 24**

**4. A declaration that pursuant to a Head Lease dated September 10, 1992 and registered in the Vancouver Land Title Office on September 10, 1992, under number BF343980, Ironwood is entitled to a Head Lease (the "SL24 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:**

**Parcel Identifier: 015-401-235**

**Strata Lot 24 District Lot 4751**

**Strata Plan VR2558**

**Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1**

**("Strata Lot 24")**



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4. A declaration that all rights of and under the following subleases of the SL24 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 24 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by DAVID MARTIN GIUSTI, and SARA GIUSTI, joint tenants, which was registered on February 16, 2009, under number CA1039993.

#### **Strata Lot 26**

5. A declaration that pursuant to a Head Lease dated March 29, 1990, and registered in the Vancouver Land Title Office on March 30, 1990, under number GD44322, Ironwood is entitled to a Head Lease (the "SL26 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

**Parcel Identifier: 015-401-260**

**Strata Lot 26 District Lot 4751**

**Strata Plan VR 2558**

**Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1**

**("Strata Lot 26")**

6. A declaration that all rights of and under the following subleases of the SL26 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 26 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by ALAN FREDERICK HALL, which was registered on February 29, 2000, under number BP46900 as to an undivided 1/51 interest;
- b. Sublease granted by WILLIAM ROBERT PORTER, which was registered on September 1, 2006, under number BA207797 as to an undivided 1/51 interest;
- c. Sublease granted by DSP CONSULTING SERVICES, LLC, which was registered on November 24, 2009, under number CA1361169 as to an undivided 1/51 interest.

**Strata Lot 27**

7. A declaration that pursuant to a Head Lease registered on October 18, 1991, under number BE274628, Ironwood is entitled to the Head Lease (the "SL27 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

**Parcel Identifier: 015-401-286**

**Strata Lot 27 District Lot 4751**

**Strata Plan VR 2558**

**Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1**

**("Strata Lot 27")**

8. A declaration that all rights of and under the following subleases of the SL27 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 27 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by JOSEPH PAUL SELLECK, which was registered on November 30, 2009, under number CA1372238;
- b. Sublease granted by STEVE ALLEN NICHOLS, which was registered on May 29, 2009, under number CA1129890;
- c. Sublease granted by CRAIG STEPHEN RICE, which was registered on March 28, 1995, under number BJ90330;
- d. Sublease granted by JAMES PETER SIRIDAKIS and TINA MARIA SIRIDAKIS, which was registered on March 17, 1992, under number BF92321;
- e. Sublease granted by STELLA DIRKS, which was registered on April 20, 2011, under number CA1980759.

**Strata Lot 28**

9. A declaration that pursuant to a Head Lease dated July 15, 1992, and registered in the Vancouver Land Title Office on December 10, 1992, under number BF487783, Ironwood is entitled to a Head Lease (the "SL28 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

Parcel Identifier: 015-401-308

Strata Lot 28 District Lot 4751

Strata Plan VR 2558

Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 28")

10. A declaration that all rights of and under the following subleases of the SL28 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 28 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by MARK LLOYD WARREN and JACQUELYNNE LEE WARREN, as joint tenants, which was registered on December 14, 1992, under number BF492112;
- b. Sublease granted by VAN DRIVERS CONSULTING, LLC, which was registered on July 12, 2011, under number BB1970469;
- c. Sublease granted by MICHELLE EVELYN BRUNO, which was registered on February 23, 1993, under number BG60816.

**Strata Lot 32**

11. A declaration that pursuant to a Head Lease dated October 15, 1998 and registered in the Vancouver Land Title Office on October 19, 1998, under number BM289288, Ironwood is entitled

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to a Head Lease (the "SL32 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

**Parcel Identifier: 015-401-359**

**Strata Lot 32 District Lot 4751**

**Strata Plan VR 2558**

**Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1**

**("Strata Lot 32")**

**12. A declaration that all rights of and under the following subleases of the SL32 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 18 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:**

- a. Sublease granted by ELLIOTS WORLD, LLC, which was registered on July 12, 2011, under number BB1970457;**
- b. Sublease granted by VIGGO ANDERSEN and LINDA ANN ANDERSEN as joint tenants, which was registered on November 23, 1998, under number BM322173;**
- c. Sublease granted by VARNER NICKLE and LILIANE NICKLE as joint tenants, which was registered on December 7, 1999, under number BN325373; and**
- d. Sublease granted by BRUCE CAMERON MITCHELL and HANNAH MARIE BURKE as joint tenants, which was registered on September 21, 1999, under number BN253291.**

### **Strata Lot 33**

**13. A declaration that pursuant to a Head Lease dated January 31, 1990, and registered in the Vancouver Land Title Office on November 6, 1991, under number BE301524, Ironwood is entitled to a Head Lease (the "SL33 Head Lease"), charging all and singular that certain parcel or tract of**

lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:

**Parcel Identifier: 015-401-367**

**Strata Lot 33 District Lot 4751**

**Strata Plan VR 2558**

**Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1**

**("Strata Lot 33")**

**14. A declaration that all rights of and under the following subleases of the SL33 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 33 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:**

- a. Sublease granted by LESLIE BADENOCH STEVENSON and MARILYN ROBERTA STEVENSON as joint tenants, which was registered on March 24, 1992, under number BF99398;**
- b. Sublease granted by STARLA MISSIONS, LLC., which was registered on July 25, 2011, under number CA2114107;**
- c. Sublease granted by DAVID GIUSTI, which was registered on March 1, 2007, under number BB66851.**

#### **Strata Lot 34**

**15. A declaration that pursuant to a Head Lease dated March 6, 1990, and registered in the Vancouver Land Title Office on December 6, 1991, under number BE339952, Ironwood is entitled to a Head Lease (the "SL34 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:**

**Parcel Identifier: 015-401-375**

**Strata Lot 34 District Lot 4751**

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**Strata Plan VR 2558**

**Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1**

**("Strata Lot 34")**

**16. A declaration that all rights of and under the following subleases of the SL34 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 34 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:**

- a. Sublease granted by JACK SHENTON, LENA ELAINE WALL, NANCY BUERMAN, and BEN BUERMAN as joint tenants, which was registered on March 2, 1999, under number BN49466;**
- b. Sublease granted by TIMOTHY NEIL TIETJEN and ARLENE LINDA MCCOLLUM as joint tenants, which was registered on March 9, 1999, under number BN55581;**
- c. Sublease granted by VERNON STANLEY MCMURRAY and CAROLYN JANE MCMURRAY as joint tenants, which was registered on July 16, 1993, under number BG252569.**

**Strata Lot 36**

**17. A declaration that pursuant to a Head Lease for Strata Lot 36 ("SL36"), dated January 15, 1992, and registered in the Vancouver Land Title Office on June 11, 1992, under number BF220642, Ironwood is entitled to a Head Lease (the "SL36 Head Lease"), charging all and singular that certain parcel or tract of lands and premises situate, lying and being in the Resort Municipality of Whistler, British Columbia, more particularly known and described as follows:**

**Parcel Identifier: 015-401-421  
Strata Lot 36 District Lot 4751  
Strata Plan VR 2558**

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Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1

("Strata Lot 36")

18. A declaration that all rights of and under the following subleases of the SL36 Head Lease charging the following Respondents, each as to an undivided 1/51 fee simple interest in Strata Lot 36 are absolutely forfeited or abandoned by the following Respondents in favour of Ironwood:

- a. Sublease granted by AMANDA ROSE BURDICK, which was registered on November 25, 2010, under number CA1815905;
- b. Sublease granted by GERALD RAY BRANCH and ARLENE KAY BRANCH, which was registered on October 21, 2002, under number BT383179;
- c. Sublease granted by STELLA DIRKS, which was registered on March 31, 2011, under number CA1957795.

#### **Default**

19. A declaration that the Respondents have made default under the terms of the Subleases and that all monies secured by the Subleases and SL23 Head Lease, SL24 Head Lease, SL26 Head Lease, SL27 Head Lease, SL28 Head Lease, SL32 Head Lease, SL33 Head Lease, SL34 Head Lease and SL36 Head Lease are due and owing to Ironwood.

20. A Declaration that every Respondent is in breach of their obligation as owners to pay strata fees as required in s. 92 of the *Strata Property Act*.

21. A declaration that the Respondents have defaulted in the payment of their share of the common expenses due and owing to the Petitioner as defined in Section 116 of the *Strata Property Act* (the "Act"), and a declaration that the Strata Corporation through the Petitioner has a right to charge, registerable pursuant to Section 116 (4) of the Act, against the lands and premises situate, lying and being in the Resort Municipality of Whistler, in the Province of British Columbia, and more particularly known and described above as Strata Lot 23, Strata Lot 24, Strata Lot 26, Strata

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Lot 27, Strata Lot 28, Strata Lot 32, Strata Lot 33, Strata Lot 34, and Strata Lot 36 (the "Lands and Premises").

22. A declaration that all monies secured by the SL23 Head Lease, SL24 Head Lease, SL26 Head Lease, SL27 Head Lease, SL28 Head Lease, SL32 Head Lease, SL33 Head Lease, SL34 Head Lease and SL36 Head Lease and subleases with charges BP46900, BA207797, CA1361169, CA1372238, CA1129890, BJ90330, BF92321, CA1980759, BF492112, BB1970469, BG60816, BB1970457, BM322173, BN325373, BN253291, BF99398, CA2114107, BB66851, BN49466, BN55581, BG252569, CA1815905, BT383179, CA1957795, together with such further monies as have accrued since the filing of these proceedings, are now due and owing to the Petitioner.

23. A declaration that the Respondents, if a lien has to be filed, be required to pay the amount adjudged to be due and owing together with the costs of this proceeding to discharge the lien.

24. An Order that the Petitioner recover Judgment from the Respondents for the amount adjudged to be due and owing together with the administrative and legal costs of the Petitioner.

25. Unless each of the Owners pay the amount adjudged to be due and owing into Court to the credit of this proceeding, at the registry of this Court at 800 Smithe Street, Vancouver, British Columbia, or to the Petitioner on or before the expiration of one day after the making of this Order, upon filing a certified copy of this Order in the New Westminster Land Title Office without the necessity of filing of a Form F pursuant to the *Strata Property Act* and subject to the terms of this Order, the Lands and Premises are conveyed to and vest in the Petitioner, in fee simple, free and clear of any estate, title, right, interest, equity of redemption, and other claims of the parties, except the reservations, provisos, exceptions, and conditions expressed in the original grants thereof from the Crown.

26. An Order that the Petitioner be entitled to register a certificate of pending litigation against the Lands and Premises.



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27. An Order that all necessary accounts, directions and inquiries are to be taken.
28. An Order that the Respondents, and each of them, her/his/their respective executors, administrators, successors and assigns and all persons claiming by, through or under him/her/them do stand absolutely debarred and foreclosed of and from all the estate, right, title, interest and equity of redemption, of, in and to the lands and premises situate, lying and being in the Resort Municipality of Whistler, in the Province of British Columbia, and all monies paid under the Head Leases/Subleases shall become the property of Ironwood free and clear from any right of the Respondents.

#### **Cancellation**

29. An Order that the following subleases and mortgages be cancelled:

##### **Strata Lot 23**

- a. Sublease granted by STANLEY PIPER KRIEGEL and SUSAN SALLY KRIEGEL, which was registered on July 26, 1990, under number GD84789;
- b. Sublease granted by ROBERT FRANKLIN TAYLOR and KATHLEEN ELIZABETH TAYLOR, which was registered on November 15, 1993, under number BG410679.

##### **Strata Lot 24**

- c. Sublease granted by DAVID MARTIN GIUSTI, and SARA GIUSTI, joint tenants, which was registered on February 16, 2009, under number CA1039993;

##### **Strata Lot 26**

- d. Sublease granted by ALAN FREDERICK HALL, which was registered on February 29, 2000, under number BP46900;
- e. Sublease granted by WILLIAM ROBERT PORTER, which was registered on September 1, 2006, under number BA207797;

- f. Sublease granted by DSP<sup>14</sup> CONSULTING SERVICES, LLC, which was registered on November 24, 2009, under number CA1361169.

**Strata Lot 27**

- g. Sublease granted by JOSEPH PAUL SELLECK, which was registered on November 30, 2009, under number CA1372238;
- h. Sublease granted by STEVE ALLEN NICHOLS, which was registered on May 29, 2009, under number CA1129890;
- i. Sublease granted by CRAIG STEPHEN RICE, which was registered on March 28, 1995, under number BJ90330;
- j. Sublease granted by JAMES PETER SIRIDAKIS and TINA MARIA SIRIDAKIS, which was registered on March 17, 1992, under number BF92321;
- k. Sublease granted by STELLA DIRKS, which was registered on April 20, 2011, under number CA1980759;

**Strata Lot 28**

- l. Sublease granted by MARK LLOYD WARREN and JACQUELYNNE LEE WARREN, as joint tenants, which was registered on December 14, 1992, under number BF492112;
- m. Sublease granted by VAN DRIVERS CONSULTING, LLC, which was registered on July 12, 2011, under number BB1970469;
- n. Sublease granted by MICHELLE EVELYN BRUNO, which was registered on February 23, 1993, under number BG60816;

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**Strata Lot 32**

- o. Sublease granted by ELLIOTS WORLD, LLC, which was registered on July 12, 2011, under number BB1970457;**
- p. Sublease granted by VIGGO ANDERSEN and LINDA ANN ANDERSEN as joint tenants, which was registered on November 23, 1998, under number BM322173;**
- q. Sublease granted by VARNER NICKLE and LILIANE NICKLE as joint tenants, which was registered on December 7, 1999, under number BN325373; and**
- r. Sublease granted by BRUCE CAMERON MITCHELL and HANNAH MARIE BURKE as joint tenants, which was registered on September 21, 1999, under number BN253291**

**Strata Lot 33**

- s. Sublease granted by LESLIE BADENOCH STEVENSON and MARILYN ROBERTA STEVENSON as joint tenants, which was registered on March 24, 1992, under number BF99398;**
- t. Sublease granted by STARLA MISSIONS, LLC., which was registered on July 25, 2011, under number CA2114107;**
- u. Sublease granted by DAVID GIUSTI, which was registered on March 1, 2007, under number BB66851.**

**Strata Lot 34**

- v. Sublease granted by JACK SHENTON, LENA ELAINE WALL, NANCY BUERMAN, and BEN BUERMAN as joint tenants, which was registered on March 2, 1999, under number BN49466;**

- w. Sublease granted by TIMOTHY NEIL <sup>16</sup> TIETJEN and ARLENE LINDA MCCOLLUM as joint tenants, which was registered on March 9, 1999, under number BN55581;
- x. Sublease granted by VERNON STANLEY MCMURRAY and CAROLYN JANE MCMURRAY as joint tenants, which was registered on July 16, 1993, under number BG252569;

**Strata Lot 36**

- y. Sublease granted by AMANDA ROSE BURDICK, which was registered on November 25, 2010, under number CA1815905;
- z. Sublease granted by GERALD RAY BRANCH and ARLENE KAY BRANCH, which was registered on October 21, 2002, under number BT383179;
- aa. Sublease granted by STELLA DIRKS, which was registered on March 31, 2011, under number CA1957795.
30. An Order that all necessary accounts, directions and inquiries are to be taken.
31. An Order for such further and other relief as to this Honourable Court may seem just.

**Part 2: FACTUAL BASIS**

1. The Petitioner, Ironwood Owners Corp. ("Ironwood"), is the holder of head leases registered against title to each of Strata Lots 23, 24, 26, 27, 28, 32, 33, 34, 36 (the "Head Leases"), having its registered office at 800 – 1070 Douglas Street, Victoria, British Columbia.
2. The Respondents as listed in Appendix "A" hereto, are each the registered owners of the corresponding strata lot and each Respondent's address is as listed in Appendix "A".

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3. Pursuant to the terms and conditions of the Head Leases, Ironwood must pay insurance, rent, strata fees, rates for water, electric light, gas and telephone, and to pay taxes and the common expenses and any other costs levied against each of the strata lots pursuant to the *Strata Property Act*.
4. Each of the Respondents have signed a sublease with Ironwood (the "Subleases").
5. Pursuant to the terms and conditions of the Subleases:
  - a. Ironwood must pay on behalf of each Respondent owner, the costs of fire and extended perils insurance, liability insurance, municipal taxes and assessments, provide linen, maid service, accounting, and audit services and supplies, associated with the operation of the condominium;
  - b. each Respondent owner is responsible for paying to Ironwood the "Owners Association Costs" and the "Strata Corporation Costs" (as defined in the Sublease) applicable to the fractional interest of each Respondent in the building and the leasehold rights granted under the terms of the Subleases;
  - c. each Respondent is also responsible for paying to Ironwood:
    - i. all repair or replacement costs incurred by Ironwood as a result of abuse or misuse to the strata lot by the owner or their invitee; and
    - ii. 2% interest per month on all outstanding amounts owing.
  - d. if a Respondent owner is in default under the Sublease and fails to cure such default within 30 days of being notified of same, then pursuant to paragraph 8.2 of the Sublease, "All rights of the Owner, including the right to vote and the right to the use and possession of the CONDOMINIUM, shall be forfeited to the OWNERS ASSOCIATION, until such default has been rectified, and such forfeiture shall be without prejudice to any additional remedies the OWNERS ASSOCIATION may have against the OWNER"; and
  - e. Ironwood is expressly permitted to give notice to a Respondent owners by regular

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mail at the last known address of the Respondent owners, any notice so mailed shall be deemed to have been received 72 hours after mailing, and the Respondent Owners expressly "agree to immediately notify the other of any changes in mailing address."

6. Pursuant to the terms of the Head Leases and Subleases, the amount due and owing by the Respondents to Ironwood as of November 2019 is as follows:

Strata Lot #	Respondent(s)	Arrears
23	STANLEY & SUSAN KRIEGL	\$11,954.66
23	ROBERT & KATHLEEN TAYLOR	\$9,240.04
24 & 33	DAVID & SARA GIUSTI	\$42,625.77
26	ALAN FREDERICK HALL	\$15,839.70
26	WILLIAM ROBERT PORTER	\$13,192.89
26	DSP CONSULTING SERVICES, LLC	\$19,299.12
27	JOSEPH PAUL SELLECK	\$16,419.43
27	STEVE ALLEN NICHOLS	\$19,703.42
27	CRAIG STEPHEN RICE	\$24,777.32
27	JAMES & TINA SIRIDAKIS	\$5,502.80
27 & 36'	STELLA DIRKS	\$31,541.69
28	MARK & JACQUELYNNE WARREN	\$13,477.70
28	VAN DRIVERS CONSULTING, LLC	\$17,850.47
28	MICHELLE EVELYN BRUNO	\$14,778.27
32	ELLIOTS WORLD, LLC	\$37,719.26
32	VIGGO & LINDA ANDERSEN	\$26,114.01
32	VARNER & LILIANE NICKLE	\$16,223.51
32	BRUCE MITCHELL & HANNAH BURKE	\$9,663.89
33	LESLIE & MARILYN STEVENSON	\$14,828.31
33	STARLA MISSIONS, LLC	\$14,576.82
34	JACK SHENTON, LENA ELAINE WALL, NANCY BUERMAN, BEN BUERMAN	\$14,482.52
34	TIMOTHY TIETJEN & ARLENE MCCOLLUM	\$23,029.97
34	VERNON & CAROLYN MCMURRAY	\$9,240.04
36	AMANDA ROSE BURDICK	\$17,774.74
36	GERALD & ARLENE BRANCH	\$18,244.10

(collectively the "Arrears")

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7. Ironwood, through its solicitor, has demanded payment of the Arrears attributable to each of the aforesaid Respondents, but they have neglected or refused to pay the sum or any part of the sum, and such default has persisted in the case of each Respondent owner for a period of at least six months.

**Part 3: LEGAL BASIS**

1. Rules 2-1(2), 4-4, 4-5, 8-1, 16-1 of the Supreme Court;
2. Section 37 of the *Law and Equity Act*;
3. *Strata Property Act*; and
4. The Subleases, including but not restricted to paragraph 8.2 thereof
5. The inherent jurisdiction of the Court.

**Part 4: MATERIAL TO BE RELIED ON**

1. Affidavit #1 of Allan Haven made January 21, 2020;
2. Affidavit #2 of Allan Haven made January 21, 2020;
3. Affidavit #1 of E. Zhu made December 2, 2020;
4. Such further materials as counsel may advise.

The Petitioner estimates that the hearing of the Petitioner will take 30 minutes.

DATED November 10, 2020.

  
 Signature of lawyer for Petitioner,  
 Philip J. Dougan

**To be completed by the Court only:**

Order made

☐ in the terms requested in paragraphs

of Part 1 of this Petition

20

☐ with the following variations and additional terms:

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Date: \_\_\_\_\_

Signature of ☐ Judge ☐ Master \_\_\_\_\_



## Appendix A

Strata Lot #	Respondent	Address
23	STANLEY PIPER KRIEDEL	281 N Beach Drive Port Ludlow, Washington 98365 USA
23	SUSAN SALLY KRIEDEL	281 N Beach Drive Port Ludlow, Washington 98365 USA
23	ROBERT FRANKLIN TAYLOR	1186 Trout Lake Road Middleton, NS B0S 1P0
23	KATHLEEN ELIZABETH TAYLOR	1186 Trout Lake Road Middleton, NS B0S 1P0
24	DAVID MARTIN GIUSTI	13609 SW 220th Street Vashon, Washington 98070-6309 USA
24	SARA GIUSTI	13609 SW 220th Street Vashon, Washington 98070-6309 USA
26	ALAN FREDERICK HALL	510 Bell Street Edmonds, Washington 98020 USA
26	WILLIAM ROBERT PORTER	8332 8th Street, South East Everett, Washington 98025 USA
26	DSP CONSULTING SERVICES, LLC	278 Stone Ridge Drive Jeffersonville, PA 19403-0 Montgomery, USA
27	JOSEPH PAUL SELLECK	272 Main Street PO Box 410 Alma, Colorado 80420 USA
27	STEVE ALLEN NICHOLS	PO Box 3048 Cleveland, Georgia 30528 USA
27	CRAIG STEPHEN RICE	3320 North 7th Street Tacoma, Washington 98406 USA
27	JAMES PETER SIRIDAKIS	6677 Snug Harbor Lane Gig Harbor, Washington 98335 USA
27	TINA MARIA SIRIDAKIS	6677 Snug Harbor Lane Gig Harbor, Washington 98335 USA
27	STELLA DIRKS	14300 NE 20th Avenue, Suite D-102 Vancouver, Washington 98686 USA

28	MARK LLOYD WARREN	10058 Collins Road Sedro Woolley, Washington 98284 USA
28	JACQUELYNNE LEE WARREN	10058 Collins Road Sedro Woolley, Washington 98284 USA
28	VAN DRIVERS CONSULTING, LLC	125 North 2nd Street, Suite 110-613 Phoenix, Arizona 85004 USA
28	MICHELLE EVELYN BRUNO	41315 268th Avenue SE Enumclaw, Washington 98022 USA
32	ELLIOTS WORLD, LLC	1160 Vierling Dr E, # 305 Shakopee, Minnesota 55379-4313 USA
32	VIGGO ANDERSEN	11323 1st Avenue South East Everett, Washington 98208 USA
32	LINDA ANN ANDERSEN	11323 1st Avenue South East Everett, Washington 98208 USA
32	VARNER NICKLE	5A-139 Drake Street Vancouver, BC V6Z 2T8
32	LILIANE NICKLE	5A-139 Drake Street Vancouver, BC V6Z 2T8
32	BRUCE CAMERON MITCHELL	3220 Magnolia Boulevard West Seattle, Washington 98199 USA
32	HANNAH MARIE BURKE	3220 Magnolia Boulevard West Seattle, Washington 98199 USA
33	LESLIE BADENOCH STEVENSON	1560 S Atlantic Street Seattle, Washington 98144 USA
33	MARILYN ROBERTA STEVENSON	1560 S Atlantic Street Seattle, Washington 98144 USA
33	STARLA MISSIONS, LLC	1004 Quinn Drive #8 Waukegan, Wisconsin 53597 USA
34	JACK SHENTON	19823 - 48th Avenue Langley, BC V3A 3L2
34	LENA ELAINE WALL	19823 - 48th Avenue Langley, BC V3A 3L2
34	NANCY BUERMAN	19823 - 48th Avenue Langley, BC V3A 3L2
34	BEN BUERMAN	19823 - 48th Avenue

23

		Langley, BC V3A 3L2
34	TIMOTHY NEIL TIETJEN	2820 West Gymkhana Tucson, Arizona 85742 USA
34	ARLENE LINDA MCCOLLUM	2820 West Gymkhana Tucson, Arizona 85742 USA
34	VERNON STANLEY MCMURRAY	16741 W Aspen View Drive Surprise, AZ 85387
34	CAROLYN JANE MCMURRAY	16741 W Aspen View Drive Surprise, AZ 85387
36	AMANDA ROSE BURDICK	117 Wood Gate Circle Winston Salem, North Carolina 27107 - 6415 USA
36	GERALD RAY BRANCH	39800 Mertz Drive Stayton, Oregon 97383 USA
36	ARLENE KAY BRANCH	39800 Mertz Drive Stayton, Oregon 97383 USA



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Style of Cause: IRONWOOD OWNERS ENTERPRISES LTD. v KRIEGEL, Stanley Piper

Location: Vancouver Law Courts

Level of Court: Supreme

Class of Court: Supreme Civil (General)

Initiating Document(s): Petition

This is Exhibit " C " referred to in the  
affidavit of E. Zhu  
sworn before me at Vancouver  
this 18 day of January 2021

\_\_\_\_\_  
A Commissioner for taking Affidavits  
for British Columbia





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### Details for Document: Order Made after Application

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Date Filed: 11Jan2021

#### Filing Parties

#### Terms of Order

#### Order Made after Application

1. Petitioner be at liberty to apply for a tax clearance certificate for each interest in land vested and conveyed to the Petitioner by this Court and that the Petitioner be empowered to take any further steps required by the CRA or the Land Title and Survey Authority to complete the conveyances ordered herein
2. The order to be directed to Mr Justice Giaschi for approval and signature
3. Counsel to resubmit his draft order without Paragraphs 23 - 26 with the addition to paragraph 22 and the further addition of recommended terminology of the notary

#### Hearings For Document

Initiating Document	Amended Document	#	Document Description	Date Document Filed	Claim Amount	Document Request
			<a href="#">Order Made after Application</a>	11Jan2021		
		10	<a href="#">Notice of Hearing</a>	06Jan2021		<a href="#">View</a>
		9	<a href="#">Electronic Filing Statement - Supreme</a>	10Dec2020		
		8	<a href="#">Affidavit</a>	10Dec2020		
		7	<a href="#">Electronic Filing Statement - Supreme</a>	02Dec2020		
		6	<a href="#">Affidavit</a>	02Dec2020		
		5	<a href="#">Electronic Filing Statement - Supreme</a>	02Dec2020		
		4	<a href="#">Affidavit</a>	02Dec2020		
		3	<a href="#">Electronic Filing Statement - Supreme</a>	02Dec2020		
		2	<a href="#">Affidavit</a>	02Dec2020		
<input checked="" type="checkbox"/>		1	<a href="#">Petition</a>	02Dec2020		<a href="#">View</a>