



No. H-210439  
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

PROSPERA CREDIT UNION

PETITIONER

AND:

PORTLIVING FARMS (3624 PARKVIEW) INVESTMENTS INC.  
(FORMERLY W.D.C. WHITMAR DEVELOPMENT CORPORATION)  
LIVING BEACHSIDE DEVELOPMENT LIMITED PARTNERSHIP  
PORT CAPITAL FARMS (BEACH) INC.  
PORT CAPITAL GROUP INC.  
PORT CAPITAL DEVELOPMENT INC.  
ERLENMATTE AG  
ROLAND KRUGER  
ROLAND KRUGER FAMILY TRUST IN TRUST  
HAGEN KRUGER  
HAGEN KRUGER FAMILY TRUST IN TRUST  
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF  
BRITISH COLUMBIA as represented by THE ATTORNEY GENERAL  
OF BRITISH COLUMBIA  
JOHN DOE

RESPONDENTS

**APPLICATION RESPONSE**

**Application response of:** The Bowra Group Inc., court-appointed receiver of Portliving Farms (3624 Parkview) Investments Inc. (formerly W.D.C. Whitmar Development Corporation) and Living Beachside Development Limited Partnership (the "**application respondent**" or "**Receiver**")

THIS IS A RESPONSE TO the notice of application of Prospera Credit Union filed January 13, 2022.

**PART 1 ORDERS CONSENTED TO**

The application respondent consents to the granting of the orders set out in the following paragraphs of Part 1 of the notice of application on the following terms:

1. An order substantially in the form attached as Schedule "A", or as the court may otherwise order, granting the receiver, The Bowra Group Inc. (the "**Receiver**"), the powers to market and sell the property of Portliving (3624 Parkview) Investments Inc.

(formerly, W.D.C. Whitmar Development Corporation) ("**Portliving Farms 3624**") and Living Beachside Development Limited Partnership ("**Living Beachside**") (collectively, the "**Property**")

## **PART 2 ORDERS OPPOSED**

The application respondent opposes the granting of the orders set out in paragraphs NIL of Part 1 of the notice of application.

## **PART 3 ORDERS ON WHICH NO POSITION IS TAKEN**

The application respondent takes no position on the granting of the orders set out in paragraphs NIL of Part 1 of the notice of application.

## **PART 4 FACTUAL BASIS**

1. The Receiver has received fourteen different unsolicited inquiries about the sales process and timing to make an offer for the motels.
2. Given its activities in the Receiverships to date, the Receiver is in a good position to understand the Property which would be subject to marketing and sale should the relief sought in the three applications be granted.

## **PART 5 LEGAL BASIS**

1. The relief sought by the Applicants to provide the Receiver with the power to market and sell the Property is fairly standard and is included in the BC Model Receivership Order.

## **PART 6 MATERIAL TO BE RELIED ON**

1. First Report of the Receiver dated February 4, 2022

The application respondent estimates that the application will take 10 minutes.

The application respondent has not filed in this proceeding a document that contains an address for service. The application respondent's ADDRESS FOR SERVICE is:

c/o DLA Piper (Canada) LLP  
Suite 2800, Park Place  
666 Burrard St  
Vancouver, BC V6C 2Z7

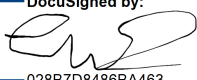
Attention: Colin D. Brousson

Telephone: 604.643.6400

Email: colin.brousson@dlapiper.com

February 4, 2022

Dated

DocuSigned by:  
  
028B7D8486BA463

Signature of  lawyer for application respondent  
DLA Piper (Canada) LLP (Colin D. Brousson)  
Lawyer for the Receiver

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IN RIGHT OF THE PROVINCE OF BRITISH  
COLUMBIA as represented by THE ATTORNEY  
GENERAL OF BRITISH COLUMBIA, JOHN DOE

RESPONDENTS

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**APPLICATION RESPONSE**

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File No.: 063227-00020

CDB/day