



No. S-247764
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

KINGSETT MORTGAGE CORPORATION

PETITIONER

AND:

**6511 SUSSEX HEIGHTS DEVELOPMENT LTD., MINORU SQUARE DEVELOPMENT
LIMITED PARTNERSHIP, MINORU VIEW HOMES LTD, AND THIND PARKING CORP.**

RESPONDENTS

APPLICATION RESPONSE

Application response of: Gurmail Singh (the "**application respondent**")

THIS IS A RESPONSE TO the notice of application of KSV Restructuring Inc. in its capacity as the court-appointed Receiver (as defined in that application) filed on September 23, 2025.

The application respondent estimates that the application will take 60 minutes.

Part 1: ORDERS CONSENTED TO

The application respondent consents to the granting of the orders set out in **NONE** of the paragraphs of Part 1 of the notice of application.

Part 2: ORDERS OPPOSED

The application respondent opposes the granting of the orders set out in **NONE** of the paragraphs 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 **ALL** of the paragraphs of Part 1 of the notice of application.

Part 4: FACTUAL BASIS

1. Mr. Singh filed a notice of application in this action on August 12, 2025 seeking to lift the stay of proceedings against 6511 Sussex Heights Development Ltd. ("**6511 Sussex**") in order to prosecute his claim against 6511 Sussex in Supreme Court of British Columbia action no. S-255846 (New Westminster registry) (the "**Singh Action**").
2. Prior to the appointment of the receiver in this proceeding, Mr. Singh has negotiated a letter agreement dated November 25, 2024 with 6511 Sussex and KingSett Mortgage Corporation (the "**Letter Agreement**") whereby \$800,000 was paid into trust with KingSett's counsel to stand in place of certain property owned by 6511 Sussex in which Mr. Singh claimed an interest (the "**Security Funds**").
3. In his claim filed in the Singh Action, Mr. Singh claims that he is the sole beneficial owner of the Security Funds and seeks an order directing KingSett's counsel to pay those funds to him.
4. In the event that Mr. Singh is found not to be the beneficial owner of the Security Funds, but rather simply has a security interest in them, Mr. Singh claims his interest to those funds is in priority to KingSett's interest.

Part 5: LEGAL BASIS

5. The proposed amended receivership order contemplates expanding the receiver's appointment to include 6511 Sussex's interest in the Security Funds. As 6511 Sussex's interest in the Security Funds is currently disputed in the Singh Action, this Court will first have to resolve that issue prior to the receiver taking any steps in relation to the Security Funds.
6. Mr. Singh takes no position on the receiver being appointed over the Security Funds in the event that the Security Funds are found to be 6511 Sussex's property.
7. Mr. Singh opposes the receiver taking any action in respect of the Security Funds prior to the determination of 6511 Sussex's interest in those funds.

Part 6: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Jordanna Littau filed August 12, 2025.
☒ The application respondents have filed in this proceeding a document that contains the application respondents' address for service.

Dated: September 29, 2025



Signature

☒ Lawyer for application respondents
Nicholas M. Vaartnou

THIS APPLICATION RESPONSE is prepared and delivered by NICHOLAS M. VAARTNOU and FORREST FINN of the firm Farris LLP, Barristers & Solicitors, whose place of business and address for service is 3rd Floor 1005 Langley Street, Victoria BC V8W 1V7. Telephone: (250) 382.1100. Facsimile: (250) 405-1984. **Attention: Nicholas Vaartnou** Email: nvaartnou@farris.com, ffinn@farris.com, and jlittau@farris.com