

**IN THE MATTER OF THE REAL ESTATE DEVELOPMENT MARKETING ACT**

**-AND-**

**MARK JOHN CHANDLER**  
**-and-**  
**CHANDLER KATSURA DEVELOPMENTS INC.**  
**-and-**  
**COOK AND KATSURA HOMES INC.**  
**-and-**  
**CHANDLER HOMER STREET VENTURES LTD.**

**ORDERS UNDER SECTIONS 30(1)(a), 30(1)(b) and 32(1)**  
**REAL ESTATE DEVELOPMENT MARKETING ACT**

Upon reviewing the submissions of staff and exhibits, I make the following findings and orders:

1. Chandler Katsura Developments Inc. ("Katsura") was registered as a company in the Province of British Columbia on October 25, 2004. The registered and records office is 1100 – 505 Burrard Street, Vancouver, British Columbia. The directors and officers are Mark Chandler ("Chandler") and Rebecca Chandler, both of #502 – 1168 Hamilton Street, Vancouver, British Columbia.
2. Cook and Katsura Homes Inc. ("Cook and Katsura") was registered as a company in the Province of British Columbia on October 3, 1996. The registered and records office is 1100 – 505 Burrard Street, Vancouver, British Columbia. The directors and officers are Chandler and Rebecca Chandler, both of #502 – 1168 Hamilton Street, Vancouver, British Columbia.
3. Chandler Homer Street Ventures Ltd. ("Homer Street Ventures") was registered as a company in the Province of British Columbia on December 19, 2003. The registered and records office is 1100 – 505 Burrard Street, Vancouver, British Columbia. The sole director is Chandler, of #502 – 1168 Hamilton Street, Vancouver, British Columbia.

4. In June 2006, the Superintendent issued a cease marketing order against Chandler Katsura, Hamlin Mews Inc. Tribeca Lofts Inc., Homer Street Ventures and Chandler. The order was issued following the receipt of a complaint from a Vancouver real estate agent alleging improprieties in connection with the marketing and sale of condominium units in developments known as the Hamlin Mews, Tribeca Lofts Yaletown, H + H Yaletown, and Garden City.
5. Subsequently, on September 1, 2006, a Consent Order was entered into between the Superintendent and Chandler. The Consent Order provides amongst other things that Amendments to the Disclosure Statements will be filed clearly identifying all mortgages, liens, encumbrances and any other charges against the development properties. Furthermore, Hamlin Mews, Tribeca Lofts, Homer Street and Chandler consented to pay an administrative penalty in the amount of \$5,000.00 and investigative costs in the amount of \$3,000.00.
6. The *Real Estate Development Marketing Act* ("the Act") requires a developer who markets or intends to market a development to file with the Superintendent of Real Estate ("the Superintendent") a disclosure statement in the required form and with the required contents before the developer commences marketing the development. The disclosure statement must, without misrepresentation, plainly disclose all material facts. The developer must not enter into a purchase agreement with a purchaser unless a copy of the disclosure statement has been provided to the purchaser. If a developer becomes aware that a disclosure statement contains a misrepresentation, the developer must immediately file with the Superintendent a new disclosure statement or an amendment that clearly identifies and corrects the misrepresentation.
7. Applicable sections of the *Act* are reproduced below:

***Definitions***

***1 In this Act:***

***"developer"*** means a person who, directly or indirectly, owns, leases or has a right to acquire or dispose of development property;

***"development property"*** means any of the following:

...

*(c) 5 or more strata lots in a stratified building;*

...

**"development unit"** means any of the following in a development property:

...

*(c) a strata lot;*

...

**"market"** means

*(a) to sell or lease,*

*(b) to offer to sell or lease, and*

*(c) to engage in any transaction or other activity that will or is likely to lead to a sale or lease;*

**"material fact"** means, in relation to a development unit or development property, any of the following:

*(a) a fact, or a proposal to do something, that affects, or could reasonably be expected to affect, the value, price, or use of the development unit or development property;*

*(b) the identity of the developer;*

*(c) the appointment, in respect of the developer, of a receiver, liquidator or trustee in bankruptcy, or other similar person acting under the authority of a court;*

*(d) any other prescribed matter;*

**"misrepresentation"** means

*(a) a false or misleading statement of a material fact, or*

*(b) an omission to state a material fact;*

**"purchase agreement"** means a contract of purchase and sale or a contract to lease;

**"purchaser"** means

*(a) a purchaser, from a developer, of a development unit,*

*(b) a lessee, from a developer, of a development unit, and*

*(c) a prospective purchaser or lessee, from a developer, of a development unit;*

**Marketing of development property**

**3** *(1) A developer who markets or intends to market a development unit must*

...

*(c) file and provide a disclosure statement in accordance with Division 4 [Disclosure Statements].*

**Assurance of title**

**11** *(1) A developer must not market a development unit unless the developer has made adequate arrangements to ensure that a purchaser of the development unit will have assurance of title or of the other interest for which the purchaser has contracted.*

*(2) For the purpose of subsection (1), a developer has made adequate arrangements to ensure that a purchaser of a development unit will have assurance of title or of the other interest for which the purchaser has contracted if*

*(a) arrangements have been made for title to the development unit to be held in trust by a lawyer, notary public or another person, or class of persons, specified by the superintendent until title or the other interest for which the purchaser has contracted is assured,*

*(b) the developer provides a bond to the superintendent or other person specified by the superintendent for the benefit and protection of purchasers, with surety in the amount and subject to the terms required by the superintendent, or*

*(c) the developer has made other arrangements that are satisfactory to the superintendent.*

**(3)** *Without limiting subsection (1) or (2), if a development unit may be affected by a mortgage, lien or other encumbrance that secures or evidences the payment of money,*

*(a) the mortgage, lien or other encumbrance must provide, without condition, that a purchaser who complies with the terms and conditions of the purchaser's purchase agreement obtains title, or the other interest for which the purchaser has contracted, free and clear of the mortgage, lien or other encumbrance, or*

*(b) the developer must make other arrangements, satisfactory to the superintendent, to assure title or the other interest for which the purchaser has contracted.*

...

**Filing disclosure statements**

**14** (1) A developer must not market a development unit unless the developer has

(a) prepared a disclosure statement respecting the development property in which the development unit is located, and

(b) filed with the superintendent

(i) the disclosure statement described under paragraph (a), and

(ii) any records required by the superintendent under subsection (3).

(2) A disclosure statement must

(a) be in the form and include the content required by the superintendent,

(b) without misrepresentation, plainly disclose all material facts,

(c) set out the substance of a purchaser's rights to rescission as provided under section 21 [rights of rescission], and

(d) be signed as required by the regulations.

(3) A developer must provide to the superintendent any records the superintendent requires to support any statement contained in the disclosure statement filed under subsection (1).

(4) Without limiting section 16 [non-compliant disclosure statements], if a developer markets development units in phases, the developer, before marketing each successive phase, must file with the superintendent an amendment to a disclosure statement submitted in respect of the previous phase.

(5) On a person's payment of the prescribed fee, the superintendent must

(a) permit the person to inspect, at the superintendent's office and during regular business hours, a disclosure statement filed under this section, and

(b) provide a copy of a disclosure statement filed under this section, or a copy of part of it, to a person who requests it.

**Providing disclosure statements to purchasers**

**15** (1) A developer must not enter into a purchase agreement with a purchaser for the sale or lease of a development unit unless

(a) a copy of the disclosure statement prepared in respect of the development property in which the development unit is located has been provided to the purchaser,

*(b) the purchaser has been afforded reasonable opportunity to read the disclosure statement, and*

*(c) the developer has obtained a written statement from the purchaser acknowledging that the purchaser had an opportunity to read the disclosure statement.*

*(2) A developer must*

*(a) retain a written statement obtained under subsection (1)(c) for a period of 3 years or a longer period prescribed by regulation, and*

*(b) produce the written statement for inspection by the superintendent on the superintendent's request.*

***Non-compliant disclosure statements***

***16 (1) If a developer becomes aware that a disclosure statement does not comply with the Act or regulations, or contains a misrepresentation, the developer must immediately***

*(a) file with the superintendent, as applicable under subsection (2) or (3),*

*(i) a new disclosure statement, or*

*(ii) an amendment to the disclosure statement that clearly identifies and corrects the failure to comply or the misrepresentation, and*

*(b) within a reasonable time after filing a new disclosure statement or an amendment under paragraph (a), provide a copy of the disclosure statement or amendment to each purchaser*

*(i) who is entitled, at any time, under section 15 [providing disclosure statements to purchasers] to receive the disclosure statement, and*

*(ii) who has not yet received title, or the other interest for which the purchaser has contracted, to the development unit in the development property that is the subject of the disclosure statement.*

*(2) A developer must file a new disclosure statement under subsection (1)(a)(i) if the failure to comply or misrepresentation referred to in that subsection*

*(a) is respecting a matter set out in paragraph (b) or (c) of the definition of "material fact" in section 1 [definitions],*

*(b) is respecting a matter set out in paragraph (d) of the definition of "material fact" in section 1, and the regulation prescribing the matter specifies that a new disclosure statement must be filed if subsection (1) of this section applies, or*

*(c) is of such a substantial nature that the superintendent gives notice to the developer that a new disclosure statement must be filed.*

*(3) A developer must file an amendment to the disclosure statement under subsection (1)(a)(ii) in any case to which subsection (2) does not apply.*

*(4) A developer who is required to file a new disclosure statement or an amendment under subsection (1) must not market a development unit in the development property that is the subject of the new disclosure statement or amendment*

*(a) until the developer has complied with subsection (1)(a), or*

*(b) unless permitted by the superintendent.*

8. On October 16, 2007, I noticed a news article about a new lawsuit against Chandler Development Group and others and requested that staff investigate whether the developers named in the article were in compliance with the *Act*.
9. Katsura is the named developer of a development property marketed under the name Garden City Residences on a Park, Phases 1 and 2, located at 6333 Katsura Street, Richmond, British Columbia ("Garden City"). The developer of the property is named as Katsura. Cook and Katsura Homes Inc. is the registered owner of the property and is disclosed to be holding title as bare trustee for Katsura. The legal description of the development property was as follows, PID: 026-216-337, Lot 1, Section 10, Lot 4 North, Range 6 West, New Westminster District, Plan BCP15647.
10. A Disclosure Statement was filed with the Superintendent by Katsura for Phase 2 of this development on September 19, 2005. The charges disclosed in paragraph 4.3 of the Disclosure Statement filed September 19, 2005 only includes the following mortgages:
  - (a) Mortgage in favour of 636455 B.C. Ltd.; and
  - (b) Mortgage in favour of BCMP Mortgage Investment Corporation.
11. However, a review of the Land Title records pertaining to Garden City indicates that the BCMP Mortgage Investment Corporation mortgage was not registered until April 19, 2006.
12. A First Amendment to the Disclosure Statement for Garden City was filed on November 24, 2006. The charges disclosed in the Disclosure Statement as amended on November 24, 2006, included only the following mortgages:

- (a) Mortgage in favour of 636455 B.C. Ltd.
  - (b) MCAP Financial Corporation in trust for British Columbia Investment Management Corporation; and
  - (c) Mortgage in favour of BCMP Mortgage Investment Corporation.
13. However, a review of the Land Title records pertaining to Garden City indicates that the MCAP Financial Corporation in trust for BCIMC was registered on September 26, 2005. This mortgage was not disclosed until approximately one year after it was registered on title. Furthermore, the BCMP Mortgage Investment Corporation was registered on April 19, 2006 which was seven months prior to disclosure.
14. A Second Amendment to the Disclosure Statement for Garden City was filed on July 18, 2007. The charges disclosed in the Disclosure Statement as it read at July 18, 2007 included only the following mortgages:
- (a) Mortgage in favour of 636455 B.C. Ltd.
  - (b) MCAP Financial Corporation in trust for British Columbia Investment Management Corporation; and
  - (c) Mortgage in favour of BCIMC Specialty Fund Corporation.
15. However, a review of the Land Title records pertaining to Garden City indicates that the mortgage in favour of BCIMC Specialty Fund Corporation was registered on March 21, 2007. This mortgage was disclosed approximately four months after it was registered on title.
16. Cook and Katsura Homes Inc. transferred over 75 strata units in Garden City (Phases 1 and 2) to purchasers between August 30, 2007 and September 21, 2007.
17. Those units marketed and sold prior to September 19, 2007 were marketed under disclosure statements which did not accurately reflect the mortgages registered against title.
18. The disclosure statements filed with the Superintendent for both Phase 1 and Phase 2 of Garden City state that "there is no outstanding or contingent litigation or liabilities in



respect of the Property or against the Developer that may affect the Strata Corporation or Strata Lot Owners.”

19. A certificate of pending litigation was registered as a charge against the title to the development on September 26, 2007, in favour of Susan Richards Investment Ltd., Theodore Freeman, and Susan Freeman.
20. Homer Street Ventures is the named developer of a development property marketed under the name H + H Yaletown, located at 1133 Homer Street, Vancouver, British Columbia (“H + H”). A disclosure statement was filed with the Superintendent by Homer Street Ventures on March 6, 2006 (“the H + H Disclosure Statement”).
21. A disclosure statement was filed with the Superintendent by Homer Street Ventures on March 6, 2006. At the time the disclosure statement was filed Homer Street Ventures was the registered owner, or had the right to acquire the development property.
22. The only mortgages disclosed as charges in paragraph 4.3(b) are stated to be in favour of MCAP Financial Corporation and Christopher Capital Funding Ltd. It does not appear from Land Title Records that either lender ever had such a charge. In fact as of March 6, 2006 there was only one mortgage charge on title in favour of Strand Financial III Corp. which was registered on December 12, 2005.
23. An amendment to the disclosure statement was filed on September 14, 2006. The amended disclosure statement filed with the Superintendent on September 14, 2006, states that “there is no outstanding or contingent litigation or liabilities in respect of the Property or against the Developer that may affect the Strata Corporation or Strata Lot Owners.”
24. The amended disclosure statement filed September 14, 2006 discloses only the following three mortgages as registered against title:
  - (a) Mortgage in favour of BCIMC Construction Fund Corporation;
  - (b) Mortgage in favour of Strand Financial III Corp.; and
  - (c) Mortgage in favour of Cooper Pacific II Mortgage Investment Corporation.

25. The following charges were registered against the H + H development property as of September 14, 2006:

- (a) Mortgage registered on December 12, 2005, in favour of Strand Financial III Corp.;
- (b) Mortgage registered on April 28, 2006 in favour of BCIMC Construction Fund Corporation;
- (c) Mortgage registered on April 28, 2006 in favour of Cooper Pacific II Mortgage Investment Corporation;

And after September 14, 2006 the following charges were registered:

- (d) Mortgage registered on February 19, 2007, in favour of P3 Holdings Inc.;
- (e) Mortgage registered on March 8, 2007 in favour of 636455 B.C. Ltd.; and
- (f) Certificate of Pending Litigation registered by Susan Richards Investments Ltd., Theodore Freeman and Susan Freeman on September 26, 2007.

26. Until the filing of the amended disclosure statement on September 14, 2006, purchasers of lots in H + H would have had no disclosure under the legislation of the Strand Financial III Mortgage, the BCIMC Construction Fund Mortgage, or the Cooper Pacific II Mortgage Investment Corporation. As of October 23, 2007, Homer Street Ventures has not disclosed the P3 Holdings Inc. Mortgage, the 636455 B.C. Ltd. Mortgage or the Certificate of Pending Litigation.

27. As of today, my office has not received a new disclosure statement or an amendment to the filed disclosure statement from Katsura or Homer Street Ventures that clearly identifies and corrects the disclosure on the status of title.

28. An action was filed in the B.C. Supreme Court on September 26, 2007, Vancouver Registry No. S076462. The Plaintiffs are shown as Susan Richards Investments Ltd. and Theodore Freeman, also known as Ted Freeman and Susan Freeman. The Defendants are Mark John Chandler, 685774 B.C. Ltd., Chandler Development Group Inc., CEG Construction Ltd., Chandler Homer Street Ventures Ltd., El Dorado Management Group Ltd., Tribeca Lofts Yaletown Inc., Hamlin Mews Inc., Cook and

Katsura Homes Inc., 0723922 B.C. Ltd., Anndale Holdings Ltd., Chandler Anndale Projects Ltd., Chandler Acquisitions Ltd., Chandler Cayer Holdings Ltd., Chandler Developments Inc., Chandler Katsura Developments Inc., and Chandler Millwork Inc.

29. Certificates of Pending Litigation were filed on September 26, 2007, in favour of Susan Richards Investment Ltd., Theodore Freeman, and Susan Freeman against the H + H and Garden City development properties.
30. On September 27, 2007, an Order was made in the B.C. Supreme Court by the Honourable Mr. Justice Groberman. Among other things, the Defendants were prohibited from disposing of or dealing with any of their assets except in the ordinary course of business and specifically the real property described in Schedule D of the Order. Schedule D of the Order includes the Garden City property and the H + H property.
31. The September 27, 2007 order of Mr. Justice Groberman was extended on October 9, 2007, to extend the order until further order:
  - (a) Order to remain in force until 90 days following the final judgment unless otherwise ordered or unless the Defendants placed into court \$35 000 000.00 as security;
  - (b) All Defendants excluding 0723922 B.C. Ltd. shall cooperate with KPMG in providing materials/instruction except over which privilege claimed; and
  - (c) There is no prohibition on the sale of units however notice must be provided to the Plaintiffs.
32. The amended disclosure statements filed with the Superintendent for Garden City and H + H state that "there is no outstanding or contingent litigation or liabilities in respect of the Property or against the Developer that may affect the Strata Corporation or Strata Lot Owners". Pursuant to section 16 of the *Act* and the Superintendent's Policy Statement 1, Katsura and Homer Street Ventures are required to file an amendment to the Disclosure Statement to disclose the outstanding or contingent litigation and liabilities in respect of the action commenced by Susan Richards Investments Ltd., Theodore Freeman and Susan Freeman. No such amendment has been filed.

33. The website of Chandler Developments is located at [www.chandlerdev.com](http://www.chandlerdev.com). The developer's website makes the representation that the Garden City Project presentation centre is reopening soon and that the project is being marketed through Edward Wong and Associates Realty Inc.
34. On October 17, 2007, Investigator Ken Fraser ("Fraser") spoke with Edward Wong ("Wong") of Edward Wong and Associates Realty Inc. Wong stated that his company had marketed Phase 1 of the Garden City Project. And that marketing had ceased around July of 2007 as a result of all the units being sold. Some of the units are however, pending sales. One of the purchasers in Phase One of the Garden City Project has indicated some concerns about completing as a result of the recent media stories.
35. Wong told Fraser that he has not marketed any units in Phase 2 of the Garden City Project. Wong did not expect to start marketing until sometime next year. Callers wishing information on Phase 2 are being told to call back next year.
36. The Land Title Office records pertaining to Garden City (Phases 1 and 2) indicates that the following development units are owned by Cook and Katsura.

**PHASE ONE**

- PID 027-041-271, Strata Lot 1, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-280, Strata Lot 2, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-298, Strata Lot 3, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-301, Strata Lot 4, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-310, Strata Lot 5, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-328, Strata Lot 6, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-336, Strata Lot 7, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-344, Strata Lot 8, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-387, Strata Lot 12, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-441, Strata Lot 18, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-450, Strata Lot 19, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-476, Strata Lot 21, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-727, Strata Lot 46, Section 10, Block 4, strata plan BCS2259.
- PID 027-042-111, Strata Lot 85, Section 10, Block 4, strata plan BCS2259.
- PID 027-042-189, Strata Lot 92, Section 10, Block 4, strata plan BCS2259.
- PID 027-042-219, Strata Lot 95, Section 10, Block 4, strata plan BCS2259.
- PID 027-042-235, Strata Lot 97, Section 10, Block 4, strata plan BCS2259.
- PID 027-042-294, Strata Lot 103, Section 10, Block 4, strata plan BCS2259.
- PID 027-042-308, Strata Lot 104, Section 10, Block 4, strata plan BCS2259.
- PID 027-042-316, Strata Lot 105, Section 10, Block 4, strata plan BCS2259.
- PID 027-042-324, Strata Lot 106, Section 10, Block 4, strata plan BCS2259.

- PID 027-042-332. Strata Lot 107, Section 10, Block 4, strata plan BCS2259.
- PID 027-042-341, Strata Lot 108, Section 10, Block 4, strata plan BCS2259.

**PHASE TWO**

- PID 026-216-337, Lot 1, Except Phase One Strata Plan BCS2259 Section 10, Block 4, DL6, plan BCP15647.
37. Cook and Katsura transferred a number of strata units in Garden City (Phases 1 and 2) to purchasers between August 30, 2007 and September 21, 2007.
  38. Land Title Office records pertaining to Homer Street Ventures indicates that the parcels described in the H + H Disclosure Statement have been consolidated into one parcel (PID 026-709-287) by Plan BCP2393. The registered owner of the consolidated development property is Homer Street Ventures.
  39. On October 18 and 22, 2007, staff conducted telephone interviews with Chandler. Chandler informed staff that H + H is now sold out. H + H has not been subdivided yet, and Chandler estimates that the subdivision plan and freehold transfers to the development unit purchasers will take place in May or June of 2008. Chandler stated the sales of the H + H units took place in August 2006.
  40. I agree with staff that a hearing of this matter would require at least four days of time and that scheduling of the parties and the hearing officer would mean that the hearing would not take place until at least three or four months from now. I find that such a delay would be detrimental to the public interest since the properties at issue may be marketed before such a time without an order in place.
  41. Katsura and Homer Street Ventures have units that could be marketed in the Garden City Project and the H + H Project respectively. While Chandler says that H + H is sold out, the developer remains on title and I find that it is likely that there are units which may still be marketed by Chandler and H + H since title has not passed.
  42. Katsura and Homer Street Ventures will be required to file accurate disclosure statements for Garden City and H + H to disclose the pending litigation commenced by Susan Richards Investments Ltd., Theodore Freeman and Susan Freeman in order to market the properties.

43. Despite executing the Consent Order to file and market in accordance with the *Act*, Katsura and its Director Mark Chandler continued to market the Garden City development without having filed disclosure statements which accurately disclose the mortgages charged against the Garden City development.
44. Chandler admitted to Investigator Leoni on October 22, 2007 that the H + H was marketed in August 2006. Homer Street Ventures and Chandler were subject to a cease marketing order issued by the Superintendent at that time. This cease marketing order was lifted on September 1, 2006 by Consent Order and Chandler and H + H were not permitted to market until the disclosure statement was filed with the Superintendent on September 14, 2006. Since that date more mortgages have been charged against the property.

I AM THEREFORE OF THE OPINION that Mark John Chandler, Chandler Katsura Developments Inc., Cook and Katsura Homes Inc., and Chandler Homer Street Ventures have been non compliant with the *Act*.

I AM FURTHER OF THE OPINION that the length of time that would be required to complete an investigation or hold a hearing, or both, would be detrimental to the public interest. Katsura and Cook and Katsura continue to hold title to some Garden City properties and to all the H + H properties, and may undertake further marketing of those properties in the future. Katsura and Homer Street Ventures have not updated their disclosure statements for Garden City and H + H respectively to provide accurate disclosure which the purchasers are entitled to receive and which Katsura and Homer Street Ventures are required to provide. All of the parties have breached orders of the Superintendent with respect to these properties. I further agree with staff that a hearing of this matter would require at least four days of time and that scheduling of the parties and the hearing officer would mean that the hearing would not take place until at least three or four months from now. I find that such a delay would be detrimental to the public interest since the properties may be marketed before such a time without an order in place.

IN ADDITION, I am of the opinion that the failure to comply with the *Act* and the omissions and misrepresentations with respect to the disclosure matters described above, are of such a substantial nature that I should give notice to Mark John Chandler, Chandler Katsura Developments Inc., Cook and Katsura Homes Inc., and Chandler Homer Street Ventures that a

new disclosure statement must be filed, rather than an amendment to the existing disclosure statement.

I CONSIDER IT in the public interest to make the following Orders pursuant to sections 30(1)(a), 30(1)(b) and 32(1) of the *Act*.

I THEREFORE MAKE the following orders:

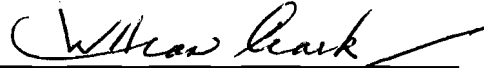
1. That Mark John Chandler, Chandler Katsura Developments Inc., Cook and Katsura Homes Inc. and Chandler Homer Street Ventures Ltd. shall refrain from marketing any and all development units in the following development properties named Garden City Residences on a Park and H + H Yaletown, prior to the filing of a new disclosure statement as set out below:

- PID 026-216-337, Lot 1, Except Phase One Strata Plan BCS2259, Section 10, Block 4, DL6, plan BCP15647.
- PID 027-041-271, Strata Lot 1, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-280, Strata Lot 2, Section 10, Block 4, strata plan BCS2259.
- PID 027-041-298, Strata Lot 3, Section 10, Block 4, strata plan BCS2259.
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- PID 027-042-308, Strata Lot 104, Section 10, Block 4, strata plan BCS2259.
- PID 027-042-316, Strata Lot 105, Section 10, Block 4, strata plan BCS2259.
- PID 027-042-324, Strata Lot 106, Section 10, Block 4, strata plan BCS2259.
- PID 027-042-332, Strata Lot 107, Section 10, Block 4, strata plan BCS2259.
- PID 027-042-341, Strata Lot 108, Section 10, Block 4, strata plan BCS2259.
- PID 026-709-287, Lot 1, Block 95, DL541, plan BCP23923.

2. That Chandler Katsura Developments Inc. and Chandler Homer Street Ventures Ltd. shall file a new disclosure statement, rather than an amendment to its existing Disclosure Statement, to plainly disclose all material facts as required under section 14 of the *Act* before resuming the marketing of any and all development units in the development property named Garden City Residences On A Park and H + H Yaletown.

**TAKE NOTICE** that Mark John Chandler, Chandler Katsura Developments Inc., Cook and Katsura Homes Inc. and Chandler Homer Street Ventures Ltd. may, pursuant to section 37(1)(f) of the *Act*, appeal the Orders pertaining to each to the Financial Services Tribunal, or require a hearing before the Superintendent pursuant to section 32(4) of the *Act*.

Dated at the City of Surrey,  
Province of British Columbia  
this 23<sup>rd</sup> day of October, 2007.



W. Alan Clark  
Superintendent of Real Estate  
Province of British Columbia

TO: Mark John Chandler

[REDACTED]  
[REDACTED]  
[REDACTED]

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