

# IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Bank of Montreal v. Lew*,  
2023 BCSC 1986

Date: 20231106  
Docket: H210219  
Registry: Vancouver

Between:

**Bank of Montreal**

Petitioner

And

**Karen Wai King Lew and Ming Shek Liu**

Respondents

Before: The Honourable Justice Wilkinson

## **Oral Reasons for Judgment**

In Chambers

Counsel for the Petitioner:

L. G. Yang

Respondent Karen Wai King Lew appearing  
on her own behalf:

K. W. K. Lew

No other appearances.

Place and Date of Hearing:

Vancouver, B.C.  
November 6, 2023

Place and Date of Judgment:

Vancouver, B.C.  
November 6, 2023

[1] **THE COURT:** Karen Wai King Lew appeals the order of Master Bilawich made August 17th, 2023, for vacant possession by October 17th, 2023, to the Bank of Montreal. The bank is the first mortgagee on the residential property involved in this foreclosure.

[2] An order nisi of foreclosure was made September 21st, 2021, and the redemption period expired in March of 2022. That order was upheld on appeal: *Bank of Montreal v. Lew*, 2022 BCSC 1320. Leave to appeal that order was denied by the court of appeal on October 20th, 2022.

[3] Ms. Lew asserts that Master Bilawich made the order in error because he was prejudiced, biased, his decision was arbitrary, contradicting and wrong.

[4] She repeats prior allegations on the appeal that the bank and its lawyers are trying to kill her. She also repeats, on a limited basis, submissions based on the fantastical doctrine of NESARA/GESARA. These are acronyms that stand for National Economic Security and Reformation Act and Global Economic Security and Reformation Act.

[5] The Bank of Montreal asserts that no error was made because the order granted was within the discretion of the master and there was no prejudice or bias on the part of Master Bilawich.

### **Standard of Review**

[6] The standard of review on an appeal from a master's order depends on the nature of the order appealed. An order granting vacant possession in a foreclosure proceeding is an interlocutory order. Therefore, the standard of appellate review is whether the order was clearly wrong: *Canadian Western Bank v. 353806 B.C. Ltd.*, 2017 BCSC 1072, at para.11: *Urban Land Holdings Ltd. v. Babich*, 2019 BCSC 1318, at para. 24.

[7] The rehearing on appeal proceeds on the record before the master unless there is an application to adduce fresh evidence. On the rehearing, the chambers

judge may substitute his or her own assessment of the evidence before the master even in cases involving the exercise of discretion: *Abermin Corp. v. Granges Exploration Ltd.*, (1990) 45 BCLR (2nd) 188.

[8] As she did on prior applications, Ms. Lew submitted that all debt, including hers, will be forgiven or otherwise wiped out in December of this year under a new world financial order. She described it as a pending new world order that has its roots in the United States (NESARA), but has evolved to the global movement (GESARA), to which 205 countries are signatories, including Canada.

[9] As before, Ms. Lew did not provide the Court with any Canadian or British Columbia legislation implementing NESARA or GESARA. Nor did she provide any legal authority incorporating the principles of NESARA and GESARA into creditor-debtor law or the law of foreclosure in British Columbia.

[10] There was no evidence before Master Bilawich and there is no evidence on this appeal that the mortgage was forgiven.

[11] Ms. Lew had refused to answer phone calls, letters, emails and text messages from the bank's agents to arrange for access to the property and refused to come to the door when they visited. She alleges the bank is trying to kill her and that is why she does not allow them to enter. Before Master Bilawich, she proposed the bank sell on a bare land basis so as to avoid the necessity for entry. However, Master Bilawich considered this to be against her financial interests.

[12] On the record before Master Bilawich it was clearly open to him to grant vacant possession. Rule 13-5(5) in Supreme Court Civil Rules, B.C. Reg. 168/2009, confers on the Court extensive discretionary power to direct a sale as it sees fit, intervening as little or as much as it considers necessary: *Sun Life Savings and Mortgage Corp. v. Sampson*, (1991) 59 BCLR (2nd) 355, at pages 358 to 369; *Phoenix Homes Ltd. v. Takhar*, 2017 BCSC 699, at para.10.

[13] In a foreclosure proceeding where conduct of sale is granted, the court has an obligation to assist in ensuring the best possible price is realized for the benefit of all parties: *Addenda Capital Inc. v. 0781995 BC Ltd.*, 2016 BCSC 957, at para. 60.

[14] I cannot say that the order of Master Bilawich is clearly wrong in the circumstances. Ms. Lew has refused to cooperate with the foreclosure process. His decision seems to me to be eminently reasonable.

[15] There is nothing in the record or the reasons to indicate any bias or prejudice on the part of Master Bilawich. He thoughtfully considered Ms. Lew's arguments and reasons for an alternative basis of listing the property. There is no merit to Ms. Lew's assertion of bias or an apprehension of bias.

[16] In her submissions, Ms. Lew stated that what is really at issue is the order for conduct of sale made by Master Robertson. That order has been upheld on appeal. Ms. Lew cannot seek to revisit that order in this appeal.

### **Conclusion**

[17] In conclusion, Ms. Lew has not established that Master Bilawich was clearly wrong, biased or that there could be an apprehension of bias.

[18] The appeal is dismissed.

### **Stay in Place**

[19] There is a stay of Master Bilawich's order which was granted by Justice Blake on October 13th, 2023, with an expiry date of January 7th, 2023, or as otherwise ordered by the court. The bank does not ask me to vary the stay order and so it will remain in place.

### **Costs**

[20] With regards to costs, Ms. Lew was ordered by Justice Blake not to make submissions based on NESARA/GESARA on this appeal and to comply with the order of Master Robertson. Her oral submissions before me on NESARA/GESARA

were very limited. However, Ms. Lew admits she has refused to allow anyone to enter her property.

[21] Most concerning, Ms. Lew repeats in her written allegations of criminal conduct (fraud, theft, and attempted murder), by the bank and its counsel, continuing to do so in her oral submissions. Her evidence in support of these allegations is a series of observations of unknown persons driving by her home and taking pictures, as well as the conduct of the proceedings generally. This is reprehensible conduct worthy of rebuke by way of special costs.

[22] The bank will have its costs on this appeal as special costs to be assessed.

[23] I will dispense with Ms. Lew's signature on the order resulting from today's appeal.

“WILKINSON, J.”