

COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: *Zhu v. Flash Advance Opportunity VII Limited*,
2026 BCCA 228

Date: 20260513
Docket: CA51554

Between:

Guo Ling Zhu also known as Catherine Chu

Appellant
(Respondent)

And

Flash Advance Opportunity VII Limited

Respondent
(Petitioner)

Before: Registrar T.R. Outerbridge

On appeal from: An order of the Supreme Court of British Columbia, date
May 12, 2026 (*Flash Advance Opportunity VII Limited v. Xiang Sheng Real Estate Group Co., Ltd.*, Vancouver Docket S257962).

Oral Reasons for Decision

Counsel for the Appellant: A.S. Boucher

Counsel for the Respondent: A. Kavanagh
N.L. Chase

Place and Date of Hearing: Vancouver, British Columbia
May 13, 2026

Place and Date of Decision: Vancouver, British Columbia
May 13, 2026

Summary:

Application before the Registrar seeking to have a stay of proceedings heard urgently. The underlying appeal related to a Mareva injunction obtained by the respondent against the appellant's assets. Held: Application dismissed. The appellant did not provide any evidence of urgency sufficient to justify setting a stay of proceedings on an expedited timeline.

[1] **REGISTRAR OUTERBRIDGE:** This is an application seeking to have a stay of proceedings heard urgently.

[2] The underlying claim in this proceeding relates to the recognition and enforcement of an arbitral award made against the appellant in October 2023. The respondent, Flash Advance Opportunity VII Limited, obtained the award for more than USD \$52 million with the China International Economic and Trade Arbitration Commission. As it applies to the appellant, the award was premised on an alleged personal guarantee related to a company in which her husband had an interest, Shinlight Limited.

[3] The enforcement of this arbitration award has met with little success. The respondent has only recovered approximately USD \$1.6 million. On 26 March 2026, the respondent sought a *Mareva* injunction against the appellant's assets, which was alleged to include interests in several British Columbia properties. As is typical, that application was heard without notice to the appellant. The court below granted the injunction, which, with limited exceptions, had the effect of freezing the appellant's British Columbia assets.

[4] A term of the injunction required the appellant to provide a list of her assets in or outside of British Columbia within 14 days of the order, whether solely or jointly owned. The order remained in effect until 5 May 2026, at which point the affected parties were to reattend court for a further hearing.

[5] On 16 April 2026, the appellant filed an application seeking to set aside the injunction and special costs. The parties appeared before the chambers judge the following day, obtaining a suspension of the disclosure requirement until 5 May 2026. The parties appeared again on 5 May and 12 May 2026.

[6] At the hearing of the appellant's application on 12 May 2026, the appellant provided new information to the chambers judge, including outlining her alleged limited knowledge and responsibility in her husband's business affairs, including in Shinlight. Although she suspects that she may have signed the guarantee at issue, she alleges she did so without reading or understanding its terms. Finally, she professed limited knowledge of the arbitration itself, although she had counsel representing her at that proceeding. She sought to establish that certain facts had not been fully disclosed at the March hearing, including the existence of settlement discussions which affected her conduct and arguments against the exigibility of her assets, including those over which she was said not to have a controlling interest.

[7] Those arguments were unsuccessful. With certain modifications, the injunction was renewed on the terms requested by the respondent. In renewing the injunction, the chambers judge found that the appellant had not provided clear evidence concerning her assets, including those over which she did not have a controlling interest. In short, the chambers judge was not satisfied with the response supplied by the appellant and dismissed the application, at least in part, for want of greater transparency.

[8] Following the chambers judge's 12 May 2026 reasons granting the renewed injunction, he inquired whether there were further issues the parties wanted to address. Counsel informed the court they had discussed the modification of the term requiring the appellant to provide a list of her assets. As the list had not yet been provided, the respondent proposed a seven (7) day timeline. By consent, the parties added a term allowing the parties to extend that timeline by written agreement. As noted above, the appellant had already sought and obtained an extension of the disclosure term in the first injunction order on 17 April 2026.

[9] This brings us to the application today. In this urgent application, the appellant's complaint is that the 12 May 2026 order now requires disclosure of the appellant's assets on or before next Tuesday, 19 May 2026. The appellant argues that, once that disclosure is complete, the asset list may be used for collateral

purposes, particularly those that may be harmful to the appellant's other interests. In response, the respondent points to the restrictive terms of the order, including a requirement that the respondent's solicitor not disclose the asset list or the information within, except for the purposes of this proceeding. According to the terms of the order, the asset list must also be destroyed or returned to the appellant's solicitor. There is also the undertaking as to damages provided.

[10] In *Vabuolas v. British Columbia (Information and Privacy Commissioner)*, 2024 BCCA 41 (Registrar), I discussed the practice of bringing urgent applications:

[6] Urgent applications are governed by Rule 57 of the *Court of Appeal Rules*. That rule provides that a party may apply to a justice or the registrar for permission to bring an application on shorter notice than otherwise required.

[7] On an urgent application, or what is better described as an application seeking to hear another application urgently, a justice or the registrar may allow an abridgement of time to hear the main application and make various incidental orders under Rule 57(3). If an order is made under Rule 57(3), the party who brought the application must serve notice of that order on each party under Rule 57(4).

[8] A leading case on urgent applications, or "short leave" applications as they were once known, is Master Baker's decision in *O'Callaghan v. Hengsbach*, 2017 BCSC 2182. The Master observed as follows:

[17] Such applications should be restricted to emergent circumstances and should not reward inefficiency, inattention to a particular case, or a lack of oversight. To abridge the time limits imposed by [the *Rules*] is, presumably, to prejudice the other party who is, naturally, entitled to rely on timelines imposed by the *Rules* and to expect the opposing party to do likewise.

[9] The same reasoning applies to urgent applications under Rule 57. Before bringing the application, a party should consider whether the matter is truly urgent or if an accommodation can be reached to allow the regular timelines to apply. If it proceeds, it should be served by whatever means possible on the other parties.

[11] In *Goodall v. Reeves*, 2024 BCCA 162 (Registrar), at para. 14, I observed that: "[s]eeking to shorten time inevitably puts the respondent to inconvenience and cost." As described in *Henry v. Fontaine*, 2022 BCSC 733, at para. 12, the party seeking to shorten time should exhibit "... the sense of urgency that they ask this court to find exists in order to grant short leave."

[12] In this case, there is no question the appellant has exhibited the sense of urgency required by filing an appeal and this application shortly after the order below was made. Unfortunately, the appellant has supplied the Court with no evidence of why this application must be urgently heard other than a statement in her notice of application indicating that the disclosure order takes effect on 19 May 2026.

[13] It is understood that urgent applications must naturally be heard quickly and the parties' ability to prepare evidence in support can be limited. Lengthy affidavits are not encouraged. In fact, where the need to abridge a timeline is evident on the record, none may be required.

[14] However, when there is an important or pivotal fact in dispute between the parties about urgency, there should be at least some evidence from the applicant, explaining why the matter is urgent: *O'Callaghan v. Hengsbach*, 2017 BCSC 2182 at para. 18(f); *Goodall* at para. 12. In this application, the pivotal issue in dispute is whether the appellant will suffer any prejudice if they are required to produce the asset list prior to bringing their stay application on the regular timeline contemplated by the *Court of Appeal Rules*. The appellant would have me infer that prejudice from the underlying facts and, importantly, any innate prejudice that arises from the irrevocable nature of the disclosure.

[15] That prejudice, to the extent it has been established by inference and not mitigated by the terms of the order, is balanced against the cost and inconvenience of requiring the respondent to prepare materials on an expedited timeline. Although the appellant argued that the respondent's decision not to extend the deadline to produce the asset list by consent does, to an extent, make the respondent the author of their prejudice, the burden remains on the applicant to show urgency. The respondent is not under any obligation to consent to an extension.

[16] In my view, given the lack of evidence here, and balancing the factors as articulated above, the appellant has simply not met the necessary burden to have this stay application heard urgently. The application is dismissed.

“T.R. Outerbridge, Registrar”