

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *1145194 B.C. Ltd. v. MKB Investments Ltd.*,
2026 BCSC 1184

Date: 20260611
Docket: S227630
Registry: Vancouver

Between:

**1145194 B.C. Ltd.
1076897 B.C. Ltd.**

Plaintiffs

And

**MKB Investments Ltd., Berarco Investments Ltd.,
Berar Capital Corporation, 1180423 B.C. Ltd., 651365 B.C. Inc.,
653965 B.C. Inc., and 1140912 B.C. Ltd.**

Defendants

- and -

Docket: S227631
Registry: Vancouver

Between:

**1145198 B.C. Ltd.
1145182 B.C. Ltd.**

Plaintiffs

And

**1140909 B.C. Ltd.
1140910 B.C. Ltd.
1140912 B.C. Ltd.
1140398 B.C. Ltd.**

Defendants

- and -

Docket: S232892
Registry: Vancouver

Between:

**1145194 B.C. Ltd.
1076897 B.C. Ltd.**

Plaintiffs

And

**MKB Investments Ltd.
Berar Capital Corporation
1247381 B.C. Ltd.
1368236 B.C. Ltd.**

Defendants

- and -

Docket: S236346
Registry: Vancouver

Between:

Karmjit Kaur Berar

Plaintiff

And

**Sundee Gill, Pawandeep Gill, 1318801 B.C. Ltd.,
Amarjeet Gill, 1145198 B.C. Ltd. and
Warwickshire Homes (Bedford Gardens) Ltd. Inc. No. BC1510644**

Defendants

Corrected Judgment: The text of the judgment was corrected at the cover page on
June 25, 2026.

Before: The Honourable Justice Stephens

**Oral Ruling re Admissibility
on Prior Consistent Statement Objection (Karmjit Berar Direct
Examination)**

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Y. Li-Reilly

Place and Date of Trial/Hearing:

Vancouver, B.C.
June 11, 2026

Place and Date of Judgment:

Vancouver, B.C.
June 11, 2026

[1] **THE COURT:** In Mrs. Karmjit Berar's direct testimony, she was just asked a question about the 128th Street property and how her involvement in that property came about and gave an answer which by my note (as edited per the draft daily transcript) is as follows:

Jinder mentioning it to me that the kids pitched it to him. That's Manpreet and Sunny. They wanted it to go ahead themselves but they didn't have the funds so wanted to involve Jinder and I.

[2] Mr. Lamer, counsel for the Gill parties, objects to that evidence on the basis that it is a prior consistent statement, and I do find for the purposes of this ruling that it appears to be consistent with evidence that Mr. Harjinder (Jinder) Berar has given at this trial. The objection has been made that this is evidence of a prior consistent statement and is inadmissible.

[3] *Concord Pacific Acquisitions Inc. v. Oei*, 2018 BCSC 2408 [*Concord*], sets out principles concerning an objection of this nature. And I will not recite all of them in detail, but the court notes at para. 9 that there is an exception to a prior consistent statement's admissibility, a narrative as circumstantial evidence exception, and as I understand it, the Berar parties rely on that exception.

[4] At para. 10, *Concord* refers to *R. v. Gill*, 2018 BCCA 275, which in turn states, among other things:

[65] The general rule excluding prior consistent statements, along with its exceptions, applies to out-of-court statements that are consistent with the declarant's in-court testimony: *R. v. Béland*, [1987] 2 S.C.R. 398 at para. 11. Prior consistent statements are presumptively inadmissible for two reasons: (a) they lack probative value and (b) they constitute inadmissible hearsay when adduced for the truth of their contents: *R. v. Stirling*, [2008] 1 S.C.R. 272, 2008 SCC 10 at para. 5; *Dinardo* at para. 36. Prior consistent statements lack probative value because "the fact that someone said the same thing on a prior occasion to what he/she has said in court is, generally speaking, not probative of whether the witness is offering truthful testimony in court": *R. v. Khan*, 2017 ONCA 114 at para. 25, leave to appeal ref'd [2017] S.C.C.A. No. 139.

[5] Further on in *Gill*, which is quoted in *Concord*, it says:

[68] When prior consistent statements are admitted pursuant to an exception to the general exclusionary rule, their use is limited in accordance

with the rationale underlying the rule itself. The trier of fact must never use a prior consistent statement to support the “prohibited inference” that a witness is more likely to be telling the truth because he or she repeated the same thing more than once: *Stirling* at para. 7; *Khan* at para. 41.

[6] And, at para. 76 of the *Gill* case, quoted in *Concord*, it is stated:

[76] One such exception is the narrative as circumstantial evidence exception, which recognizes that “a prior consistent statement admitted as narrative may be of service to the trier of fact in the assessment of the truthfulness or reliability of the declarant”: *M.C.* at para. 66. The exception permits the introduction of a prior consistent statement if the fact that it was made and the circumstances in which it was made, including its timing, are such that the statement may be useful to the trier of fact in assessing the credibility and reliability of the declarant’s in-court testimony. ... Rather, “the probative value of the statement lies in the inferences that can be drawn from the timing and circumstances of the statement, rather than the simple fact that the [witness] has said the same thing before”: *R. v. M. E-H.*, 2015 BCCA 54 at para. 46; see also *M.C.* at para. 60.

[7] The *Gill* case at para. 77, in turn, quotes Justice Paciocco’s article “The Perils and Potential of Prior Consistent Statements: Let’s Get It Right” (2013) 17 Can. Crim. L. Rev. 181 at 199, which states, among other things: “Most commonly, where relevant inferences are drawn from narrative evidence, those inferences derive from the timing of the statement.”

[8] In *Concord*, Justice Voith, then of this court, excluded as admissible certain prior consistent statements, and I will not read the relevant portions of that case in full, but I have referred to the analysis at paras. 15–20. In para. 20 of *Concord* this is stated by Justice Voith:

[20] In *Gill*, at para. 69, Fitch J.A. posed the question of whether the challenged prior consistent statement had “sufficient value, apart from these prohibited uses, to justify its admission”. I do not consider that the Email has sufficient value to justify its admission. In particular, I consider that the mischief or prejudicial effect of the Email, for the reasons I have described, outweighs its probative value.

[9] In the circumstances before me, the impugned evidence was given without any evidence about the timing of, or the circumstances around, the statement, and I express no criticism for that, but nevertheless that is the evidence that I am dealing with right now on the objection.

[10] I find in the circumstances, on the premise that I am correct that the impugned evidence does include a prior consistent statement, that it is inadmissible under the prior consistent statement rule. I do not find, given the lack of detail provided, including as to timing, that there is sufficient probative value in the impugned evidence as narrative as circumstantial evidence that that particular piece of evidence outweighs its prejudicial effect. And so, I rule that answer to be inadmissible, and the objection is sustained.

[11] I add that I have made this ruling on the basis of the question that was asked and the answer that was given, and nothing in this ruling fetters my decisions on any further or other statements that may have a prior consistent quality to them, and I reserve the right to continue to consider any such evidence, and any objections if they arise, on a case-by-case basis.

[12] Objection sustained.

“Stephens J.”