IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *446385 B.C. Ltd. v. Dolomite Ventures Ltd.,* 2025 BCSC 2256

Date: 20251110
Docket: S251920
Registry: Vancouver

Between:

446385 B.C. Ltd. and Roberto Fiorvento

Petitioners

And

Dolomite Ventures Ltd., Romiro Holdings Ltd., Norfolk Ventures Ltd., Eiffel Investments Ltd., Stancor Investments Ltd., 362524 B.C. Ltd. Pier Michele De Lazzari, Robert Michael De Lazzari and Norman Stevenson

Respondents

Before: The Honourable Madam Justice Murray

Oral Reasons for Judgment Re. Sequencing Application

Counsel for the Petitioners:	D. Church, KC E. Dolinsky
Counsel for the Respondents:	J. Cytrynbaum S. Shin, Articled Student
Place and Date of Hearing:	Vancouver, B.C. November 5, 2025
Place and Date of Judgment:	Vancouver, B.C. November 10, 2025

INTRODUCTION

[1] The respondents seek a sequencing order declaring that their notice to strike be heard before the petition.

[2] Briefly put, the background to this litigation involves the dissolution of a business and personal friendship between Roberto Fiorvento and Michael De Lazzari which began in the early 1990's. Between about 1993 and 2015 the two invested in commercial real estate together. Over the years, Mr. De Lazzari's sons and friends participated in some of the real estate investments.

[3] In late 2016 the relationship between the two soured as a result of a business deal involving one of their holding companies, Stancor Enterprises ("Stancor"). Stancor resulted in litigation which was resolved by way of a settlement agreement.

[4] Following the Stancor litigation both Mr. Fiorvento and Mr. De Lazzari expressed a desire to separate their interests in the three holding companies remaining from their partnership – Dolomite Ventures Ltd., Romiro Holdings Ltd, and Norfolk Ventures Ltd. They addressed the separation of their business interests in the settlement agreement arising out of the Stancor action and attempted to achieve it through mediation in June 2024. The mediation was unsuccessful. The two now estranged friends and business partners remain entangled in business ventures. Mr. Fiorvento wants out of the partnerships.

[5] In the current proceeding, the petitioners Mr. Fiorvento and his holding co- seek to dissolve the remaining holding companies under s. 324 of the *Business Corporations Act*, S.B.C. 2002, c. 57.

THE LAW

[6] It is common ground that this Court has inherent jurisdiction to control its process including through sequencing applications. It is further not in dispute that the considerations applicable in sequencing applications in class actions are relevant in other types of proceedings: *Badela v. Donald*, 2023 BCSC 2366 at para. 9. Those factors include the following:

> …
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> b) the extent to which a preliminary application may dispose of the whole proceeding or narrow the issues to be determined, taking into account the strength of the applicant's arguments on the proposed applications and the breadth of the applications;
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> c) the cost to the parties of participating in the proposed preliminary applications;
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> d) the potential for delay;
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> …
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> g) the interests of economy and judicial efficiency; and
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> h) the fair and efficient determination of the proceeding.

See *Shaver v. Mallinckrodt Canada ULC*, 2021 BCSC 455 at para. 10.

ANALYSIS

[7] The respondents argue that the petition is an abuse of process as the petitioners are seeking to relitigate disputes in the previous litigation. They say that the subject matter of the petition is covered by the settlement agreement reached in Stancor and that the petition and supporting affidavits are covered by settlement privilege.

[8] The petitioners respond that the strike application lacks merit. The petition does not relitigate the issues in the Stancor litigation, nor does it fall within the scope of the matters specified in the release. According to their response to this sequencing application, the petitioners say that while the circumstances which existed prior to January 9, 2024, are material facts that must be taken into consideration, the petition is a legal action taken in respect of events that took place after the effective date of the settlement agreement.

[9] The petitioners argue that having the application heard separately is yet another delay tactic of the respondents. The respondents' quest to delay is demonstrated in the fact that the petition was filed in March 2025 and the respondents have yet to file a response.

[10] I am satisfied for a number of reasons that the notice to strike should be argued at the same time as the petition.

[11] First, in order for the respondents to succeed on their application to strike they must demonstrate that it is plain and obvious that the proceeding is an abuse of process. It is a very high bar. In my view, based on the submissions, there is little likelihood the respondents will succeed.

[12] Second, the application to strike will require a detailed review of the evidence of the petition and will essentially amount to a hearing of the petition.

[13] For those reasons I agree with the petitioners that the respondents should make their arguments during the hearing of the petition. To do otherwise would cause undue delay and put the parties to the cost of having the same issues argued before the court, likely before two different judges, twice.

[14] The respondents say that this Court should not permit the respondents to succeed in delaying this proceeding any further. They seek an order dismissing the application along with an order that the respondents file their materials within a couple of weeks of this order.

CONCLUSION

[15] I make the following orders:

a) The respondents' application is dismissed.

b) The respondents must file their materials in response to the petition by November 26, 2025.

[16] Costs to the petitioners in any event of the cause.

"The Honourable Madam Justice Murray"