



No. VLC-S-S-249020
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *LAW AND EQUITY ACT*, R.S.B.C. 1996, c. 253, AS AMENDED

AND IN THE MATTER OF THE PROCEEDINGS OF SVC-MOUNTAIN SIDE ULC
AND SHELL OWNERS ASSOCIATION – PACIFIC

PETITIONERS

ORDER MADE AFTER APPLICATION
(MEMBERS REPRESENTATION ORDER)

BEFORE THE HONOURABLE
JUSTICE COVAL

) September 25, 2026
)
)

ON THE APPLICATION OF BDO Canada Limited (“**BDO**”) in its capacity as receiver, without security, of the Petitioners’ present and future assets, undertakings and property, including all proceeds thereof (in such capacity, the “**Receiver**”), coming on for hearing at Vancouver, British Columbia on this date; AND ON HEARING Mishaal S. Gill, Kibben Jackson and Jennifer Caruso, counsel to the Receiver, and those other counsel listed in Schedule “A” attached hereto, AND NO ONE ELSE APPEARING, although duly served; AND UPON READING the material filed, including the First Report of the Receiver dated September 14, 2026 (the “**First Report**”); AND PURSUANT TO the *Law and Equity Act*, R.S.B.C. 1996, c. 253, as amended, the British Columbia *Supreme Court Civil Rules*, and the inherent jurisdiction of this Honourable Court;

THIS COURT ORDERS AND DECLARES THAT:

1. All capitalized terms used in this Order but not defined have the meanings given to them in the Member Claims Process Order dated September 25, 2026, provided that herein “Members” does not include the Opt-Out Members (as defined below).
2. The time for service of this notice of application and supporting materials is hereby abridged such that the notice of application is properly returnable today.

APPOINTMENT OF REPRESENTATIVE COUNSEL

3. Borden Ladner Gervais LLP is hereby appointed as representative counsel (in such capacity, “**Representative Counsel**”) to represent the interests of the Members in these receivership proceedings for all purposes (the “**Mandate**”), including, without limiting the foregoing, initiating, prosecuting, continuing, defending, settling or compromising any claims by or against the Members in these receivership proceedings.
4. Each of the Members shall be bound by the actions of the Representative Counsel with respect to the Mandate.
5. Representative Counsel shall have access to and the right to examine all relevant records and data kept by the Petitioners and all relevant records and data related to the Members in the possession and control of the Receiver, in any form whatsoever.
6. Pursuant to section 7 of the *Personal Information Protection and Electronic Documents Act*, S.C., 2000, c 5, the Receiver is authorized and permitted to disclose personal information of identifiable individuals who are believed to be Members to Representative Counsel, provided, however, that the Receiver shall not disclose the personal information of any Opt-Out Members who have notified the Receiver of their status as an Opt-Out Member prior to the delivery of any such personal information to Representative Counsel. Representative Counsel shall maintain and protect the privacy of such information and shall limit the use of such information to its role as Representative Counsel.
7. The Petitioners, the Receiver, the Member Advisory Committees (defined below), and Representative Counsel are hereby authorized to collect, use, and disclose personal information of the Members amongst one another, but only to the extent necessary or desirable to give effect to the Mandate and the terms of this order.

APPOINTMENT OF THE MEMBER ADVISORY COMMITTEES

8. A committee of representatives of SOAP Members (the “**SOAP Advisory Committee**”) is hereby appointed to represent the interests of the SOAP Members in respect of the Mandate. The SOAP Advisory Committee shall comprise a maximum of five (5) SOAP

Members.

9. A committee of representatives of MLMA Members (the “**MLMA Advisory Committee**”, and together with the SOAP Advisory Committee, the “**Member Advisory Committees**”) is hereby appointed, *nunc pro tunc*, to represent the interests of MLMA Members in respect of the Mandate. The MLMA Advisory Committee shall comprise a maximum of five (5) MLMA Members.
10. Members may thereafter be appointed to or removed from the applicable Member Advisory Committees from time to time on such terms as may be agreed to by the Receiver, Representative Counsel and the respective Member Advisory Committee, or pursuant to further order of this Court.
11. In the course of their engagement, Representative Counsel may rely and act on the instructions of the majority of each Member Advisory Committee, without the need for further communication to or from the Members, except as may otherwise be ordered by this Court.
12. The Member Advisory Committees and Representative Counsel are authorized to take all steps and to do all acts necessary or desirable to carry out the terms of this order, including dealing with any other court, regulatory body, and government ministry, department or agency, and to take all such steps as are necessary or incidental thereto.
13. The Representative Counsel and Member Advisory Committees shall have no personal liability or obligations as a result of the performance of their duties in carrying out the provisions of this order, save and except liability arising out of gross negligence or wilful misconduct and, in the case of the Member Advisory Committees, arising from the terms of their contractual obligations (which may include but are not limited to the terms of any non-disclosure agreements) as a result of being appointed to the Member Advisory Committees.
14. No proceeding may be commenced against Representative Counsel or the Member Advisory Committees in respect of the performance of their duties under this order without

leave of this Court, on at least seven (7) Business Days' notice to Representative Counsel, the Member Advisory Committees, and the Receiver.

15. Representative Counsel and the Member Advisory Committees are hereby authorized and empowered to apply to this Court for such advice and directions in the discharge or variation of their powers and duties under this order, on not less than seven (7) Business Days' notice to the Service List.

NOTICE PROCEDURE

16. Within fifteen (15) Business Days following the date of this order:
 - (a) the Receiver shall issue, through the facilities of the National Edition of *The Globe and Mail* or a similar service provider, a press release giving notice of this order and the appointment of Representative Counsel;
 - (b) the Receiver shall post a copy of this order to the Receiver's Website; and
 - (c) the Receiver shall issue through electronic mail to all Members for which the Receiver has an electronic mailing address, a notice of this Order and the appointment of Representative Counsel.
17. Representative Counsel shall provide a copy of this order to any Member who makes a written request for same.

OPT-OUT MEMBERS

18. Any Member who wishes not to be represented by Representative Counsel as contemplated by this order must notify the Receiver and Representative Counsel by no later than twenty (20) days from the date of this order, or by such later date as may be consented to by Representative Counsel and Receiver, or as may subsequently be order by this Court, and, thereafter, such persons (collectively, the "**Opt-Out Members**") shall not be "Members" for the purposes of this order and shall be responsible for representing themselves, personally or through counsel, to the extent they wish to appear in these proceedings.

CHARGES CREATED BY THIS ORDER

19. The Petitioners shall pay the reasonable fees and disbursements of Representative Counsel, and Representative Counsel is hereby granted a charge (the “**Representative Counsel Charge**”) on the Property (as defined under the Amended and Restated Appointment Order dated May 8, 2025, as amended restated or supplemented from time to time, the “**A&R Appointment Order**”) in the amount of \$100,000 as security for the payment of their fees and disbursements in respect of these proceedings, whether incurred before or after the making of this Order. The Representative Counsel Charge shall have the same priority as the Administration Charge as set forth under the A&R Appointment Order.
20. Representative Counsel shall report to the Receiver at such times as requested by the Receiver, to advise as to the amount of the then-accrued fees and disbursements of Representative Counsel, inclusive of any taxes.
21. The Petitioners are hereby authorized and directed to pay from time to time the interim accounts of Representative Counsel upon receipt of approval from the majority of the Members on each Member Representative Committee and the Receiver, acting reasonably, or as otherwise ordered by the Court.

MISCELLANEOUS

22. Any party may apply to this Court to vary or amend this order on not less than seven (7) Business Days’ notice to the Service List and to any other party who may be affected by the variation or amendment, or upon such other notice, if any, as this Court may order.

23. Endorsement of this order by counsel appearing on this application, other than counsel for the Receiver, is hereby dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

Signature of Mishaal S. Gill
Lawyer for the Receiver,
BDO Canada Limited.

BY THE COURT





SCHEDULE "A"
COUNSEL APPEARING

Name of Party	Counsel Name
The Petitioners	Tevia R.M. Jeffries Rachel Nicholson (via MS Teams)
Borden Ladner Gervais LLP	Sam Babe (via MS Teams)

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