



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

ANCILLARY ORDER

BEFORE) THE HONOURABLE) May 8, 2025
) JUSTICE COVAL)
)
)

ON THE APPLICATION of the Petitioners coming on for hearing at Vancouver, British Columbia, on the 8th day of May, 2025; AND ON HEARING Mitchell W. Grossell and Shurabi Srikaruna, counsel for the Petitioners, Kibben Jackson, counsel for BDO Canada Limited (“BDO”) in its capacities as the Administrator (in such capacity, the “Administrator”) and the proposed receiver (in such capacity, the “Receiver”), and those other counsel listed on Schedule “A” hereto; AND UPON READING the material filed, including the affidavit of Anthony Cimo affirmed April 24, 2025, (the “Cimo Affidavit”) and the Exhibits thereto, the First Report of the Administrator, to be filed; AND PURSUANT to the *Law and Equity Act*, R.S.B.C. 1996, c.253, as amended;

THIS COURT ORDERS AND DECLARES THAT:

REIMBURSEMENT OF 2025 MAINTENANCE FEES

1. The Petitioners, in consultation with the Receiver, are hereby authorized to refund all or a portion of the 2025 maintenance fees (excluding interest or penalties) paid by SVC-Mountainside ULC, Shell Owners Association – Pacific, members of Shell Owners Association – Pacific or members of Mountainside Lodge Members Association who are unable to use their interval(s) for the 2025 calendar year (collectively, the “**2025 Maintenance Fee Refund**”).
2. The Petitioners are authorized to pre-fund all or a portion of the 2025 Maintenance Refund to Wyndham Resort Development, or such other affiliate of the Petitioners as directed by the Petitioners, for the purpose of facilitating such refunds. The 2025 Maintenance Fee Refund shall be completed through the original payment method. If the original payment method is not possible for any reason, Wyndham Resort Development shall be entitled to issue the 2025 Maintenance Fee Refund by cheque sent by prepaid ordinary mail to the last known mailing address of the applicable member.

APPROVAL OF EMPLOYEE RETENTION PLAN

3. The employee retention plan (the “**ERP**”) described in the Cimo Affidavit, is hereby approved, and the Petitioners or one of their affiliates are hereby authorized and directed to make payments in accordance with the terms of the ERP.

GENERAL

4. **THIS COURT HEREBY REQUESTS** the aid and recognition of any court, tribunal, regulatory or administrative body, wherever located, to give effect to this Order and to assist the Receiver and its agents in carrying out the terms of this Order. All courts, tribunals, regulatory and administrative bodies are hereby respectfully requested to make such orders and to provide such assistance to the Receiver, as an officer of this Court, as may be necessary or desirable to give effect to this Order or to assist the Receiver and its agents in carrying out the terms of this Order.

Schedule A – List of Counsel

Counsel	Party
Mitchell W. Grossell, Shurabi Srikaruna and Tevia Jeffries	Petitioners
Kibben Jackson	BDO Canada Limited
Scott Stephens	DIP Lender & Stalking Horse Purchaser