

This is the 1st Affidavit
of Dylan Chochla in this case
and was made on April 25, 2025

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-MOUNTAINSIDE ULC AND
SHELL OWNERS ASSOCIATION – PACIFIC**

AFFIDAVIT

I, Dylan Chochla, of 333 Bay St. #2400, Toronto, Ontario, lawyer, AFFIRM THAT:

1. I am a Partner at Fasken Martineau DuMoulin LLP (“**Fasken**”), counsel for BDO Canada Limited, Licensed Insolvency Trustees (“**BDO**”), as administrator appointed pursuant to the order of this Court made herein on January 24, 2025 (in such capacity, the “**Administrator**”) and proposed receiver of the Petitioners, SVC-MountainSide ULC and Shell Owners Association – Pacific (in such capacity, the “**Proposed Receiver**”), and as such have personal knowledge of the facts hereinafter deposed to except where stated to be on information and belief, in which case I verily believe them to be true.
2. I am the lawyer who has had primary carriage of this matter at Fasken, and I am authorized to make this affidavit on behalf of Fasken.
3. Capitalized terms used but not otherwise defined in this Affidavit have the meanings ascribed to them in the First Report of the Administrator and Proposed Receiver to Court, to be filed.
4. Attached hereto and marked as **Exhibit “A”** are copies of the first pages of the following invoices (collectively, the “**Fasken Accounts**”) issued by Fasken to the Administrator showing fees for services rendered and disbursements incurred in this matter for the period May 23, 2024 to April 24, 2025 (the “**Fee Period**”):

Invoice #	Invoice Date	Fees (\$)	Disb's (\$)	Taxes (\$)	Total (\$)
2097514A	March 27, 2025	54,919	397.40	6,609.80	61,926.20
2114488	March 27, 2025	14,779	-	1,773.48	16,552.48
2123568	April 22, 2025	23,001	850.76	2,765.60	26,617.36
2126167	April 25, 2025	42,955.50	166.76	5,156.99	48,279.25
TOTAL		135,654.50	1,414.92	16,305.87	153,375.29

5. The body of the Fasken Accounts, which contain the detailed narratives of the work performed by the Fasken timekeepers, have not been included in order to protect the legal privilege between Fasken and the Administrator.
6. As detailed in the Fasken Accounts, during the Fee Period, Fasken invoiced fees amounting to \$135,654.50 and incurred and invoiced for disbursements in the amount of \$1,414.92 and taxes in the amount of \$16,305.87, for a total of \$153,375.29 (the “Fees”).
7. The work carried out by Fasken as counsel to the Administrator in these proceedings includes, but is not limited to, the following:
- (a) reviewing and revising the Administrator’s various reports to Court;
 - (b) making applications on behalf of the Administrator for various orders herein, including the Appointment Order, the Sale and Investment Solicitation Process Order, the Approval and Vesting Order, and the Receivership Order;
 - (c) attending to various matters related to the sale and investment solicitation process, including reviewing and revising related agreements and marketing materials, and communicating with parties participating in that process; and
 - (d) generally advising the Administrator on legal matters relating to this proceeding.
8. The Fees set out in the Fasken Accounts are calculated on the basis of the hours spent by Fasken personnel, multiplied by the applicable standard hourly rates charged by Fasken. To the best of my knowledge, information and belief, those hourly rates are consistent with those charged by other law firms for work of a similar nature in Vancouver and Toronto.

9. Several members of Fasken have expended time in this matter. The following is a summary of the time expended in this matter by each of them during the Fee Period, the hourly rate and the total fees billed of each person involved:

Timekeeper	Hours	Hourly Rate	Total Fees Billed
Dylan Chochla, partner	20.2	\$900	\$18,180
	34.3	\$1,000	\$34,300
Kibben M. Jackson, partner	36	\$1,000	\$36,000
Laura J. Smith, partner	6.5	\$710.00	\$4,615
Lucky Johal, associate	23.5	\$570	\$13,395
Mishaal Gill, associate	14.3	\$500	\$7,150
	34.9	\$540	\$18,846
Heidi Esslinger, associate	1.1	\$500	\$550
Jennifer Caruso, associate	1.6	\$785	\$1,256
Suzanne Volkow, paralegal	2.5	\$450	\$1,125
Megan L. Sedmak, paralegal	.5	\$475	\$237.50

10. I am a member in good standing of the Law Society of Ontario and have been so since 2012. I practice in the area of insolvency and restructuring as well as commercial litigation.

11. With respect to the other lawyers of Fasken who have been involved in this matter:

- (a) Kibben M. Jackson is a partner with Fasken. He was called to the Bar in British Columbia in 2001 and practices in the area of insolvency and restructuring. He is a member in good standing of the Law Society of British Columbia.
- (b) Laura J. Smith is a partner with Fasken. She was called to the Bar in British Columbia in 2013 and practices in the area of real estate law. She is a member in good standing of the Law Society of British Columbia.
- (c) Lucky Johal is an associate with Fasken. He was called to the Bar in British Columbia in 2019 and practices in the area of real estate law. He is a member in good standing of the Law Society of British Columbia.
- (d) Mishaal Gill is an associate with Fasken. He was called to the Bar in British Columbia in 2020 and practices in the area of commercial insolvency and banking and finance. He is a member in good standing of the Law Society of British Columbia.
- (e) Heidi Esslinger is an associate with Fasken. She was called to the Bar in British Columbia in 2024 and practices in the area of insolvency and restructuring. She is a member in good standing of the Law Society of British Columbia.

- (f) Jennifer Caruso is an associate with Fasken. She was called to the Bar in Ontario in 2020 and practices in the area of insolvency and restructuring. She is a member in good standing of the Law Society of Ontario.

12. To the best of my knowledge, information and belief, the information contained in the Fasken Accounts as to:

- (a) the number of hours worked;
- (b) the nature of work performed;
- (c) the identity of the individuals who performed work; and
- (d) the rates charged for the work performed,

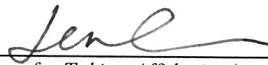
is true and correct in all respects.

13. I have reviewed the Fasken Accounts and do verily believe that:

- (a) Fasken's professional fees and disbursements as reflected thereupon were properly incurred and are fair and reasonable in the circumstances;
- (b) the work completed by Fasken was delegated to the appropriate professionals with the appropriate seniority and hourly rates;
- (c) Fasken's Fees in this matter are consistent with the fees charged by similar firms with the capacity to handle a matter of comparable size and complexity;
- (d) Fasken's Accounts were provided to the Administrator when rendered and all have been approved by the Administrator; and
- (e) the services reflected in Fasken's Accounts were performed by Fasken in a prudent and economical manner.

14. I make this affidavit expressly for the purposes of the Administrator's application seeking approval of its accounts and Fasken Accounts, and for no other purpose. Nothing herein is intended to be a waiver of solicitor-client privilege by the Administrator.

This is **Exhibit "A"** referred to in the 1st Affidavit of Dylan
Chochla affirmed on April 25, 2025.



Commissioner for Taking Affidavits (or as may be)

Jennifer L. Caruso
LSO # 79321K

FASKEN

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BDO Canada Limited
20 Wellington Street East
Suite 500
Toronto ON M5E 1C5

March 27, 2025
Invoice #: 2097514A

GST/HST#: 87937 6127
QST#: 1023151835

Attention: Matthew Marchand

Matter Number: 240198.00055

Matter: Mountainside Lodge Members' Association

For Professional Services rendered through January 31, 2025 as described in the attached memorandum.

Total Fees	\$ 54,919.00
Total Taxable Disbursements	390.40
Total Non Taxable Disbursements	7.00
Total Disbursements	<u>397.40</u>
Total Taxes	6,609.80
Total Fees, Disbursements and Taxes	<u>61,926.20</u>
Total Amount Owing This Bill	<u><u>CAD \$ 61,926.20</u></u>

Tax Summary

BCPST	3,844.33
GST	<u>2,765.47</u>
Total Taxes Included in This Bill	<u><u>6,609.80</u></u>

Fasken Martineau DuMoulin LLP



This account has been reviewed, verified and approved by
Dylan Chochla who has authorized the signing and rendering
of this account.
E. & O.E.

Your payment via EFT, Wire, Online Bank Pay or Credit Card is appreciated.
Our Banking Details are below. For credit card payments please contact your Fasken office directly.

Terms: payment due upon receipt. Pursuant to the *Solicitors Act*, interest will be charged at the rate of 4% per annum on unpaid fees, charges or disbursements calculated from a date that is one month after this statement is delivered. Any disbursement not posted to your account on the date of this statement will be billed later.

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BDO Canada Limited
20 Wellington Street East
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Toronto ON M5E 1C5

March 27, 2025
Invoice #: 2114488

GST/HST#: 87937 6127
QST#: 1023151835

Attention: Matthew Marchand

Matter Number: 240198.00055
Matter: Mountainside Lodge Members' Association

For Professional Services rendered through February 28, 2025 as described in the attached memorandum.

Total Fees	\$ 14,779.00
Total Taxes	1,773.48
Total Amount Owing This Bill	CAD \$ 16,552.48

Tax Summary

BCPST	1,034.53
GST	738.95
Total Taxes Included in This Bill	<u>1,773.48</u>

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BDO Canada Limited
20 Wellington Street East
Suite 500
Toronto ON M5E 1C5

April 22, 2025
Invoice #: 2123568
GST/HST#: 87937 6127
QST#: 1023151835

Attention: Matthew Marchand

Matter Number: 240198.00055
Matter: Mountainside Lodge Members' Association

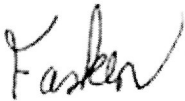
For Professional Services rendered through March 31, 2025 as described in the attached memorandum.

Total Fees	\$ 23,001.00
Total Taxable Disbursements	109.60
Total Non Taxable Disbursements	741.16
Total Disbursements	<u>850.76</u>
Total Taxes	2,765.60
Total Fees, Disbursements and Taxes	<u>26,617.36</u>
Total Amount Owing This Bill	<u>CAD \$ 26,617.36</u>

Tax Summary

BCPST	1,610.07
GST	<u>1,155.53</u>
Total Taxes Included in This Bill	<u>2,765.60</u>

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BDO Canada Limited
20 Wellington Street East
Suite 500
Toronto ON M5E 1C5

April 25, 2025
Invoice #: 2126167

GST/HST#: 87937 6127
QST#: 1023151835

Attention: Matthew Marchand

Matter Number: 240198.00055
Matter: Mountainside Lodge Members' Association

For Professional Services rendered through April 24, 2025 as described in the attached memorandum.

Total Fees	\$ 42,955.50
Total Taxable Disbursements	46.54
Total Non Taxable Disbursements	120.22
Total Disbursements	<u>166.76</u>
Total Taxes	5,156.99
Total Fees, Disbursements and Taxes	<u>48,279.25</u>
Total Amount Owing This Bill	<u>CAD \$ 48,279.25</u>

Tax Summary

BCPST	3,006.89
GST	<u>2,150.10</u>
Total Taxes Included in This Bill	<u>5,156.99</u>

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