

TO ALL ORIGINAL PURCHASERS OF ALTA VISTA RIDGE ON
BLACKCOMB PRIVATE IN OTTAWA

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT APPROVAL HEARING

READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR RIGHTS

Notice published under the *Class Proceedings Act, 1992*

If you are an original purchaser of a property at Alta Vista Ridge or Blackcomb Private in Ottawa and did not opt out of this class action, you are a Class Member. In particular, Class Members consist of all persons:

- a) Who were either an original purchaser or who received a transfer or assignment of an original purchaser's interest before closing who purchased a condominium unit or units from Theberge Developments at Alta Vista Ridge;
- b) Who received a Disclosure Statement containing the specification for a standard unit in Schedule "2" which included forced air heating/cooling;
- c) Whose Agreement of Purchase and Sale does not include a paragraph fifteen (15) (inserted on or about February 15, 2015) stating that "The purchaser acknowledges that the water heater and HVAC System in the dwelling may be a rental unit ...";
- d) Who purchased a unit or units in Condominium Corporation 958 (Urban Flats) whose agreement of purchase and sale included a storage locker as part of the base price; and
- e) Who signed an Acknowledgement prior to close of sale.

PURPOSE OF THIS NOTICE

The parties have reached a proposed settlement of this class action lawsuit. The settlement must be approved by the Court before it will become effective. As a Class Member, your legal rights will be affected by this settlement. You can

participate in the approval process and comment on, or object to, the settlement if you want to.

THE CLASS ACTION

This class action was brought by Sabrina Heyde in Ottawa, Ontario on June 3, 2015 against Theberge Developments. The lawsuit alleges that Theberge Developments breached its contractual or statutory obligations or misrepresented what would be provided within each condominium unit and particularly whether a forced air system and storage locker were included in the purchase price.

None of the allegations have been proven in Court. Theberge Developments denies any liability or wrongdoing.

TERMS OF THE PROPOSED SETTLEMENT

The full terms of the Settlement Agreement can be viewed at:

www.kmhlawyers.ca

The net settlement proceeds will be divided and distributed amongst the members of the Class Members as follows:

Category	Amount to be Distributed	Number of Class Members
Class	\$150,000 all inclusive less the CPF Levy	113
First Subclass	\$100,000 all inclusive less the CPF Levy	60
Honorarium	\$5,000 all inclusive	Paid to the Plaintiff

Class Counsel will also be seeking approval of their legal fees and disbursements as well as payments to the Class Proceedings Fund. Those amounts are as follows:

- a) \$125,000 all inclusive for Class Counsel Fees and taxes;
- b) \$25,224.04 all inclusive for Class Counsel Disbursements that have been paid by the Plaintiff personally in the amount of \$15,469.84 and the Class Proceedings Fund in the amount of \$9,754.20;
- c) \$25,000 all inclusive for the Class Proceedings Fund Levy; and
- d) \$5,000 as an honorarium to Sabrina Heyde for her contribution in the prosecution of this Class Action for the benefit of the Class.

In exchange for these payments, the claim against Theberge Developments will be dismissed and Class Members will release any claim they have against Theberge Developments in relation to the matters alleged in the class action. This means that if the Settlement Agreement receives Court approval, you will not be able to start or continue with any other claim or legal proceeding against Theberge Developments in relation to the matters alleged in the class action.

SETTLEMENT IS SUBJECT TO COURT APPROVAL

The proposed settlement is a compromise of the disputed claims in the class action, and takes into account a variety of the risks inherent in lawsuits. The Court will decide whether to approve the proposed settlement at a settlement approval hearing to be held on **July 28, 2021 at 2 pm by video conference**.

At this hearing the Court will determine whether the Settlement Agreement is fair, reasonable and in the best interests of Class Members.

COMMENTS ON OR OBJECTIONS TO THE PROPOSED SETTLEMENT

If you approve of the proposed settlement you do not have to do anything. You may make comments on or object to the proposed settlement. Any comments or objections must be made in writing and sent to:

Theberge Developments Class Action
KMH Lawyers
B0001-2323 Riverside Drive
Ottawa, ON K1H 8L5
Attention: Miriam Vale Peters

Comments and objections should be sent no later than June 30, 2021. All written submissions received by June 30, 2021 will be brought to the attention of the Court.

A Class Member who objects to the proposed settlement and who wants to make submissions at the hearing must provide written submissions no later than July 20, 2021. That Class Member will be sent the coordinates for the video and may attend the hearing in person or send a representative to explain the reason for their objection.

Any Class Member is welcome to attend the Settlement Approval Hearing on **July 28, 2021**, but you are not required to attend.

ADDITIONAL INFORMATION

KMH Lawyers represents all Class Members in this class action.

Requests for additional information or questions about the class action or proposed settlement should be directed to Miriam Vale Peters of KMH Lawyers by phone at 613-733-3000 or by email at mvp@kmhlawyers.ca. Class Members may also visit the following website:

www.kmhlawyers.ca

INTERPRETATION

This notice is a summary of the terms of the Settlement Agreement and the class action. If there is a conflict between the provisions of this notice and the terms of Settlement Agreement, the Settlement Agreement prevails.