

## SCHEDULE A - FORM OF NOTICE

### NOTICE TO POTENTIAL CLASS MEMBERS

*White v. British Columbia Housing Management Commission d.b.a. BC Housing et al.*, Court File No. VIC-S-S-202187, Victoria Registry

**The Supreme Court of British Columbia authorized this notice pursuant to s. 19 of the *Class Proceedings Act*, R.S.B.C. 1996, c. 50, by Order of the Court dated January 11, 2024.**

Did you or any member of your household reside at the "Sanala" apartment building (Sanala, Kwakwaka'wakw), formerly known as King Arthur Court, situated at 564 Fifth Street, Nanaimo, BC, at any time after May 16, 2017.

You are not being sued. This notice is to inform you of a proposed settlement of a class action involving conditions at Sanala.

**Are you under the age of 19? Please provide this document to your parent or guardian.**

The central allegation in the class action is that conditions at Sanala fell below legal standards for health and safety. The law firm of Acheson Sweeney Foley Sahota LLP ("Class Counsel"), located in Victoria, BC, has been appointed to represent class members.

#### *Proposed Settlement and Conditional Certification*

Class Counsel and the Defendants have reached a tentative agreement (the "Proposed Settlement") to settle the Sanala class action. The settlement has to be approved by the Court. The settlement approval hearing will occur for 1 hour on assize commencing the week of June 10, 2024, at the Courthouse in Victoria, BC. The Assize System means that the hearing may be scheduled to start any day and time during that week. Please check the court website each day prior to determine which date the hearing has been scheduled. If you wish, you may attend the settlement approval hearing by going to the Courthouse. We may be able to provide a virtual link to attend the hearing and can distribute upon request.

At the settlement approval hearing, the Court will decide whether or not to approve the Proposed Settlement. The action has been conditionally certified as a class proceeding for the purposes of settlement approval. If the Court does not approve the Proposed Settlement, the action will be de-certified, with leave to Class Counsel to re-apply for certification.

Your Legal Rights

At this stage, you have a choice to make about your legal rights. This notice will help you make that choice. In this regard, it is important that you understand that the Proposed Settlement does not affect or limit your right to bring a claim for personal injury in relation to conditions at Sanala.

<b>OPTIONS</b>	
<b>OPTION 1:</b>  Remain in class action (take no action)	<b>Stay in this lawsuit and await the outcome. Share in the benefits of the settlement.</b>  If you take no action at this stage, you will remain a member of this class action. You will be entitled to share in the benefits of the Proposed Settlement. You do not need to hire your own lawyer, as class members are represented by Acheson Sweeney Foley Sahota LLP. However, you will give up your right to sue the defendants on your own about the same legal claims made in this class action.
<b>OPTION 2:</b>  Remove yourself from class action (opt out)	<b>Exit this lawsuit and get no benefits from it. Retain the right to pursue the same claims on your own.</b>  If you ask to be removed (opt out), you will not receive any of the benefits of the Proposed Settlement. You will retain your right to sue the defendants on your own about the same legal claims made in this class action, and may need to hire your own lawyer to represent you.

To pursue OPTION 1, you do not need to take any action at this time.

To pursue OPTION 2, you must fill out and return enclosed "Opt Out" form, postmarked no later than March 5, 2024.

The Proposed Settlement will, if approved by the Court, bind all Class members who do not opt out of the proceeding.

Settlement Terms

A copy of the Proposed Settlement is enclosed. It was reached between Class Counsel and BC Housing, and does not include the City of Nanaimo. If the Proposed Settlement is approved by the Court, the Class Action will be discontinued against both BC Housing and the City of Nanaimo.

The terms of the Proposed Settlement can be summarized as follows:

1. BC Housing has:
  - (a) secured safe, stable, and reasonable housing for Class members who were residing in Sanala;
  - (b) paid \$78,980.68 to Class members for damaged personal items; and
  - (c) paid \$214,434.69 on behalf of Class members for relocation costs, disposal fees, heat treatment, and administration costs.
  
2. BC Housing agrees to:
  - (a) reimburse members of the Class for all utilities-related deposits they were required to pay to third-party utilities;
  - (b) pay \$50,000 for construction of a playground facility, including a plaque honouring the Sanala residents, that will be installed at the redeveloped Sanala lands ("Community Facilities Fund");
  - (c) pay \$50,000 in legal fees, which Class Counsel will donate by matching the BC Housing Community Facilities Fund commitment; and
  - (d) issue a public apology for the conditions that existed at Sanala;
  - (e) establish a restorative engagement committee for the purposes of reviewing and recommending improvements to BC Housing policy.
  
3. The Proposed Settlement does not affect or limit Class members' claims for personal injury in relation to Sanala. BC Housing has also agreed that, for the purposes of limitation periods, a claim is "discovered" when a Class member is diagnosed with a medical condition attributed or attributable to residency at Sanala. **This means that if you or someone in your household develops a medical condition connected to living at Sanala, the deadline for pursuing legal action in a personal injury claim does not begin to run until a medical diagnosis is made.**

### Frequently Asked Questions

- Q: Do I have a lawyer to represent me in the class action?

- A: Yes. The Court has appointed Acheson Sweeney Foley Sahota LLP, a Victoria, BC law firm, to represent your interests and the interests of all Class members. You will not be asked to pay out-of-pocket for these lawyers. If the class action is not successful, you will not need to pay any legal fees. If the Proposed Settlement is approved, Class Counsel will receive legal fees of \$50,000, which shall be donated in full to the Community Facilities Fund for Sanala's redevelopment. If you wish to hire a different lawyer to represent you, in the class action or in an individual action, you may do so at your own expense.
- Q: If I remain in the class action, can I still sue the defendants for other things?
  - A: Yes. This lawsuit deals with circumstances and events at Sanala, and only affects your rights in relation to those matters. Participating in the class action does not affect your rights in relation to any other matters, including other claims against the same defendants, or any claims different defendants than those named in this action.
- Q: What happens if I have (or a member of my family has) suffered physical or psychological harm as a result of residing at Sanala?
  - A: The Proposed Settlement does not affect or limit personal injury claims, except by establishing that the deadline for bringing such claims does not begin to run until a Class member receives a medical diagnosis attributed or attributable to conditions at Sanala. You may still bring a claim of this type by initiating your own personal injury proceeding before a Court or tribunal.
- Q: Who is the representative plaintiff in the class action?
  - A: The representative plaintiff is Kari White, who commenced this lawsuit on behalf of the class members. She can be contacted through Acheson Sweeney Foley Sahota LLP, by calling toll free at 1-877-275-8766, emailing [classaction@achesonlaw.ca](mailto:classaction@achesonlaw.ca), or mailing correspondence to #300-376 Harbour Road, Victoria, BC, V9A 3S1.
- Q: How will I find out about developments in the lawsuit?
  - A: Formal notices like this one will be provided to all class members when major steps occur, such as a judgment or settlement. Other updates shall be communicated to class members on [achesonlaw.ca/sanala](http://achesonlaw.ca/sanala).

- Q: What do I do if I am not sure whether I am or a member of my household is a class member?
  - A: If you are not certain whether you are a class member, you should contact Acheson Sweeney Foley Sahota LLP, by calling toll free at 1-877-275-8766, emailing [classaction@achesonlaw.ca](mailto:classaction@achesonlaw.ca), or mailing correspondence to #300-376 Harbour Road, Victoria, BC, V9A 3S1.
  
- Q: How do I participate in the lawsuit?
  - A: By taking no action at this time. This results in you automatically remaining in the lawsuit, and may entitle you to a share of any benefits obtained through a judgment or settlement.
  
- Q: How do I remove myself from the lawsuit?
  - A: By filling out and returning the enclosed opt-out form, postmarked no later than March 5, 2024, to:

Acheson Sweeney Foley Sahota LLP  
C/O VIC-S-S-202187  
#300-376 Harbour Road, Victoria, BC  
V9A 3S1
  
- Q: If I remove myself from the lawsuit, can I pursue an individual case on my own?
  - A: Yes. However, your claim may be barred by limitation periods. You will need to commence your own proceeding against the defendants, and if you require a lawyer to represent you in your individual case, you will be fully responsible for bearing any related expense. You will also be fully responsible for taking whatever steps are necessary to protect your legal interests and prove your individual case against the defendants.
  
- Q: Whom can I contact if I have more questions about this notice or the class action?
  - A: Check [achesonlaw.ca/sanala](http://achesonlaw.ca/sanala), call Acheson Sweeney Foley Sahota LLP toll free at 1-877-275-8766, email [classaction@achesonlaw.ca](mailto:classaction@achesonlaw.ca), or mail correspondence to #300-376 Harbour Road, Victoria, BC, V9A 3S1.