NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARING

Saebels et al v UBC Properties Investments Ltd. et al
S-242923

The publication of this Notice has been approved by the Supreme Court of British Columbia. Please review this Notice carefully as it may affect your legal rights.

INTRODUCTION:

This Notice concerns a class action filed in the Supreme Court of British Columbia ("**Court**") pertaining to alleged structural damage to buildings located at 1360 Bertram Street and 1405 St. Paul Street, in Kelowna, British Columbia, arising out of construction activities at 550 Doyle Avenue, Kelowna, British Columbia. The class action advances claims in negligence, nuisance, and ejectment against the Defendants on behalf of a proposed Class defined as follows:

> Persons residing or doing business in British Columbia who live in or conduct business activities in buildings located at 1360 Bertram Street, Kelowna, B.C. and 1405 St. Paul Street, Kelowna, BC. Including:
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> a) Residential Tenant Subclass: Persons who were tenants in the building located at 1360 Bertram Street, Kelowna, B.C. known as Hadgraft Wilson Place ("**Residential Subclass**").
> b) Business Subclass: Persons (individuals or incorporated entities) conducting business activities in a building located at 1405 St. Paul Street, Kelowna, BC V1Y 2E4 as of December 1, 2023 ("**Business Subclass**").
>
> (collectively "**Class Members**").

The purpose of this Notice is to advise Class Members that a Proposed Settlement has been reached between the Plaintiffs and UBC Properties Investments Ltd., Doyle Street Properties Ltd. and the University of British Columbia ("**UBC Defendants**"). The Proposed Settlement provides for the payment of CAD $4,676,000 by the UBC Defendants to Class Members, in full and final settlement of the claims asserted in the class action.

The Proposed Settlement is not an admission of liability on the part of the Defendants, who deny the allegations and vigorously defend the action against them. The Proposed Settlement represents a compromise of disputed claims. The Proposed Settlement is subject to approval of the Court.

On October 9, 2026, the Supreme Court of British Columbia certified the Action as a class action for settlement purposes.

PROPOSED SETTLEMENT

On August 4, 2026, the Plaintiffs and the UBC Defendants executed a Settlement Agreement providing for the settlement of the Action ("**Settlement**"). The Settlement Agreement provides for

the payment of CAD$4,676,000 ("**Settlement Amount**") in full and final settlement of the claims advanced against the Defendants in this class action. The Settlement Amount includes all legal fees, disbursements, taxes, and administration expenses.

The Settlement Amount is broken down into the following categories:

Category	Settlement Amount	Description
Rent	$504,000	Directed at compensating Residential Subclass members for increased rent payments between March 31, 2024 to March 31, 2027.
Additional rent	$540,000	Up to an additional $10,000 per Residential Subclass member, if new pathways building is not ready for occupancy by March 31, 2027, or if pathways does not offer them tenancy. Money left over after all claims assessed and paid will revert to defendants
General damages	$1,740,000	$20,000 per Residential Subclass member.
Personal Injury damages	$600,000	Directed at compensating Residential Subclass members who experienced significant physical or psychological injury that did not resolve within 18 months.
Counsel fees, disbursements, and administration costs	$100,000	Directed at covering portion of counsel fees, disbursements, and costs of administering settlement
Special damages	$300,000	Directed at compensating Residential subclass members for out-of-pocket expenses incurred as a result of the evacuation on March 31, 2024.
Interim Settlement amount	$792,000	Includes amount already paid to Residential subclass members pursuant to the Interim Settlement Agreement.

Business Class damages	$60,000	Directed at compensating Business Subclass members for damages sustained as a result of evacuation of 1405 St. Paul Street.

Class Members who wish to receive a copy of the Settlement Agreement may do so by emailing Class Counsel at ABordignon@NapoliLaw.ca by December 12, 2026.

APPLICATION FOR FINAL APPROVAL OF THE PROPOSED SETTLEMENT

On January 12, 2027 at 9:00 a.m. at the Kelowna Courthouse at 1355 Water Street, Kelowna, BC V1Y 9R3, the Court will hear an application for final approval of the proposed settlement. As part of that application, the Court will be asked to also grant orders as follows:

a) an Order approving honorarium payments to the plaintiffs Monique Saebels, Megan Backman, Eight Spaces Group Inc., and Natasha Chance, each in the amount of $4,000;
b) an Order approving Class Counsel's fees, at 25% of CAD $4,676,000 gross settlement amount and Class Counsel's out of pocket expenses.

In the event that the Court approves the proposed settlement, a further notice will be issued that will provide details regarding the Claims Process, and how Class Members apply for and obtain compensation.

In the event that the Court declines to approve the proposed settlement, the proposed settlement shall be terminated and it shall have no effect. The parties will then be required to continue the litigation. The Defendants strenuously deny liability and intend to continue to vigorously defend the claims against them. The outcome of the action will be uncertain.

If you wish to participate at the hearing, you must inform Class Counsel by no later than **January 2, 2027**, by delivering a written objection by prepaid mail or email at any of the addresses specified below so that necessary arrangements can be made to ensure the proceeding will go smoothly, and you may ask the Court for permission to speak at the hearing if you wish to do so.

YOUR OPTIONS

At this time, the options available to Class Members are as follows:

1. **Do nothing**: if you have no comment on the Proposed Settlement, you need not do anything. The Proposed Settlement will follow its course to obtain approval of the Court. If the Court approves the Proposed Settlement, a further notice will be issued in due course, which will provide information regarding the claims process and instructions for how you may claim compensation from the settlement fund;

2. **submit an opt-out form**: If you wish to be excluded from the class action and the settlement so that you can pursue your own individual claim against one or more of the Defendants, you must complete and submit the Opt-Out Form, in the form approved by the Court and available here [**Opt Out Form**], by no later than 11:59 p.m., Pacific Time, on

December 12, 2026, by prepaid mail to 400 – 1628 Dickson Avenue Kelowna, British Columbia, V1Y 9X1, or by email to ABordignon@NapoliLaw.ca.

3. **submit an objection**: If you have comments regarding or wish to object to the Proposed Settlement, including the representative plaintiffs' honouraria or Class Counsel's fee request, which you wish to bring to the attention of the Court at the hearing of the application for final approval of the Proposed Settlement, you may provide your comments by no later than 11:59 p.m., Pacific Time, on **January 2, 2027**, by prepaid mail to 400 – 1628 Dickson Avenue Kelowna, British Columbia, V1Y 9X1, or by email at ABordignon@NapoliLaw.ca. Class Counsel will bring the comments or objections that may be received to the attention of the Court.

ADDITIONAL INFORMATION

This is not an advertisement or solicitation by a lawyer. The court has approved the content of this notice, and it affects your legal rights. You may seek independent legal advice to consider your options.

You can review additional documents related to the class proceeding at www.napolilaw.ca/ubc-construction-class-action. This website will be updated frequently and any changes to the settlement approval hearing, including changes to the date, time, or location of the hearing, will be posted here.

You may also contact Class Counsel directly with inquiries about the class action and Proposed Settlement and for further information on whether you are a class member and how you may participate further.

Class Counsel's contact information is as follows:

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