



Notice of Certification

Hansma v. Atira Property Management Inc. and others, BCSC Action S-232782 **(the “Class Action”)**

WHO IS IN THE CLASS?

The Class Action is about the **fire that took place on April 11, 2022 (“Fire”) at the Winters Hotel, located at 203 Abbott Street, Vancouver** (the “Hotel”).

The Class Action is a lawsuit filed by one person on behalf of a group of people. The Court certified the Class Action on behalf of the following people (the “Class” or “Class Members”):

All individuals who were tenants of the Winters Hotel, 203 Abbott Street, Vancouver on April 11, 2022 (“Tenants”) and their long-term guests (collectively with Tenants, “Residents”); and

Non-resident guests or visitors who were in the Winters Hotel at the time of the Fire (“Guests”); and

The personal representatives and dependents of Residents and Guests who they claim died as a result of the fire; but

Excluding individuals who were Residents of Unit #206 on April 11, 2022, which is where the Fire began.

WHAT HAPPENED?

The court has certified the Class Action and appointed Jennifer Hansma as the representative plaintiff for the Class.

The defendants are:

1. Atira Property Management Inc.,
2. Atira Development Society,
3. Atira Women’s Resource Society,
4. City of Vancouver (Fire and Rescue Services),
5. Winters Residence Ltd., and
6. BC Housing.

The Class Action alleges the defendants are at fault for failing to take adequate care to protect Class Members from fire risks in the Hotel.

The Class Action claims compensation for Class Members' losses and injuries, including physical and psychological injuries, lost or damaged property, lost income, loss of housing, expenses paid as a result of the Fire, and wrongful death damages for family members of the people who died as a result of the Fire. Additional breach of trust claims against one or more of the Atira defendants may also be added to these proceedings.

WHAT HAPPENS NEXT?

The next step in the litigation is for the Class Members to prove their claims at a common issues trial. The common issues trial will be primarily focused on questions about the fault of the defendants. The court will be asked to decide whether any or all of the defendants are required to pay compensation to the Class Members. If one or more of the defendants is found liable by the court, there will be individual assessments to prove class members' claims.

Class Counsel will also ask the court to award a base level of damages for Class Members to compensate them for common harms (for example, their loss of housing) if one or more of the defendants is found to be liable. The common issues trial will not determine the total amount of compensation any particular Class Member is entitled to.

If we are unsuccessful at establishing fault against any of the defendants at the common issues trial, the class action will be dismissed and you will not receive any compensation.

If we are successful at the common issues trial, we will ask the court to decide what process should be used to determine how much compensation individual Class Members are entitled to. It is likely that there will be another court hearing to determine the compensation you are owed. It is likely that you will need to participate in that hearing.

We will also attempt to negotiate a settlement with the defendants. Settlement negotiations may occur at any time, including before the common issues trial. For settlement negotiations to be successful, it is important that Class Counsel know what your losses are.

WHAT STEPS SHOULD I TAKE TO PROTECT MY RIGHTS?

You do not need to sign up for the Class Action for your legal rights to be affected. If you fit into the Class description above, you are automatically part of the Class. However, there are two steps you should take to protect your legal rights:

1. You should keep receipts and records from any treatment you receive or out of pocket expenses you pay because of the Fire. These records may help prove your damages.
2. **You should contact Class Counsel at:**

CFM Lawyers LLP, 400 – 856 Homer Street, Vancouver, B.C., V6B 2W5, ATTN:
Amy Mileusnic; or

Tel: 604-689-7555 (toll free 1-800-698-2322); or
Email: Winters@cfmlawyers.ca

Please confirm that you have received this letter and that you would like to participate in the Class Action. We will work with you to determine the approximate size of your losses, which may allow us to reach a settlement with the defendants, or prepare a more efficient process for the court to determine your compensation.

If you know of anyone else who was at the Hotel during the Fire, please also ask them to contact Class Counsel.

WHAT IF I DON'T WANT TO BE IN THIS CLASS ACTION – HOW CAN I OPT OUT?

If you do not wish to participate in the Class Action you must take action to exclude yourself, which is referred to as “opting out”.

If you do not opt out of the Class Action you will be automatically included in the Class Action and bound by the terms of any judgment or settlement in the Class Action, whether favourable or not.

If you wish to opt out of the Class Action you must do so **in writing** on or before **February 21, 2025**. You can deliver your written notice to opt out to Class Counsel by hand or you can mail or email to:

CFM Lawyers LLP, 400 – 856 Homer Street, Vancouver, B.C., V6B 2W5, ATTN: Amy Mileusnic; or

Email: Winters@cfmlawyers.ca

The letter or email must include: (i) your full name, (ii) your contact information, and (iii) a statement that you wish to opt out of the Class Action.

No Class Member will be permitted to opt out of the Class Action after **February 21, 2025**.

If you choose to opt out:

- you will not be eligible to participate in the ongoing class action, and
- you will not be bound by the outcome of the class action, including any judgment on the common issues for the class, whether favourable or not, and
- you will not receive any money from the class action, but
- you will be able to start or continue your own case against the defendants regarding the claims made in the class action.

If you do nothing, you will not be able to opt out after February 21, 2025, which means:

- you will be eligible to participate in the ongoing class action, and
- you will be bound by the outcome of the class action, including any judgment on the common issues for the class, whether favourable or not, and
- you may receive money from the class action, but
- you will not be able to start or continue your own case against the defendants regarding the claims made in the class action.

This is your only chance to opt out of the Class Action. No further right to opt out will be provided later.

WHO ARE THE LAWYERS WORKING ON THE CLASS AND HOW ARE THEY PAID?

CFM Lawyers LLP (“**Class Counsel**”) are representing the plaintiff and the class in the Class Action.

As an individual, you do not have to pay out-of-pocket for the lawyers working on the Class Action. There is an agreement between the representative plaintiff and Class Counsel that provides that Class Counsel will only be paid in the event that the case is successful (i.e., a settlement or court award). Our fees will be a percentage of the money recovered from the defendants, plus applicable taxes and disbursements (which are our out-of-pocket expenses for pursuing the case). Class Counsel’s fees and disbursements must be approved by the court.

WHERE CAN I ASK MORE QUESTIONS?

Any questions about the matters in this notice should NOT be directed to the court. The certification order and other information may be obtained by visiting Class Counsel’s website at <https://www.cfmlawyers.ca/active-litigation/winters-hotel-fire/> or you can reach Class Counsel through the contact information provided above.

Class Counsel will also be holding meetings to update Class Members, answer questions, and receive opt out requests. Information about those meetings is enclosed.