



This is the 1st Supplemental Affidavit
of Tian Kusumoto in this case
and was made on June 16, 2025

No. S-243389
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN BANKRUPTCY AND INSOLVENCY

IN THE MATTER OF THE RECEIVERSHIP OF
ECOASIS DEVELOPMENTS LLP AND OTHERS

BETWEEN:

SANOVEST HOLDINGS LTD.

PETITIONER

AND:

ECOASIS DEVELOPMENTS LLP, ECOASIS BEAR
MOUNTAIN DEVELOPMENTS LTD., ECOASIS RESORT
AND GOLF LLP, 0884185 B.C. LTD., 0884188 B.C. LTD.,
0884190 B.C. LTD., 0884194 B.C. LTD., BM 81/82 LANDS
LTD., BM 83 LANDS LTD., BM 84 LANDS LTD., BM
CAPELLA LANDS LTD., BM HIGHLANDS GOLF COURSE
LTD., BM HIGHLANDS LANDS LTD., BM MOUNTAIN GOLF
COURSE LTD. and BEAR MOUNTAIN ADVENTURES LTD.

RESPONDENTS

SUPPLEMENTAL AFFIDAVIT

I, Tian Kusumoto, of 228 West 5th Avenue, Vancouver, British Columbia, businessperson,
AFFIRM THAT:

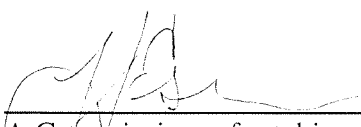
1. I am a director of Sanovest Holdings Ltd. (“**Sanovest**”) and have been since February 2021. Since June 2021, I have also been a director of the Respondent corporations in these proceedings, including Ecoasis Bear Mountain Developments Ltd., the managing partner of Ecoasis Developments LLP and Ecoasis Resort and Golf LLP (the “**Resort Partnership**”). Accordingly, I have personal knowledge of the facts deposed to in this affidavit except where stated to be on information and belief, in which case I believe both the statements and information to be true.

2. I am authorized to make this affidavit on behalf of Sanovest and as a supplement to my affidavit made May 29, 2025 (my “**Second Affidavit**”), as further support for Sanovest’s application to, among other things, amend the Receivership Order to appoint Alvarez & Marsal Canada Inc. as the receiver and manager of the Resort Partnership’s operations and business, including the arbitration proceeding (the “**Hotel Arbitration**”) between the Resort Partnership and Bear Mountain Resort & Spa Ltd., BM Management Holdings Ltd., and BM Resort Assets Ltd. (collectively, the “**Hotel Operator**”). This supplemental affidavit should be read in conjunction with my Second Affidavit. All capitalized terms used but not otherwise defined herein have the meaning given to them in my Second Affidavit.

3. I understand that on June 4, 2025, the Court dismissed the Hotel Operator’s application for leave to appeal the final award made in the Resort Partnership’s favour by the arbitrator in the Hotel Arbitration.

4. I also understand that the Hotel Operator continues to challenge the final arbitral award, including by seeking to have a division of the Court of Appeal overturn the decision of Justice Winteringham dismissing the Hotel Operator’s leave to appeal application. Attached hereto as **Exhibit “A”** is a copy of the Hotel Operator’s Notice of Application to Vary or Cancel an Order of a Justice, filed June 11, 2025.

5. The Hotel Operator’s continued efforts to challenge the results of the Hotel Arbitration only further delay the Resort Partnership’s ability to collect on the final awards made in its favour, while simultaneously increasing legal costs arising in relation to the Hotel Arbitration.


AFFIRMED BEFORE ME at Vancouver,)
British Columbia on June 16, 2025)
)
)
)
)
)
)

A Commissioner for taking Affidavits for)
British Columbia)



TIAN KUSUMOTO

HEIDI N. ESSLINGER
Barrister & Solicitor
Fasken Martineau DuMoulin LLP
2900 - 550 Burrard Street
Vancouver, BC V6C 0A3
604 631 4885

This is Exhibit "A"
Referred to in the Supplemental Affidavit of
TIAN KUSUMOTO
Sworn before me this 16th day of
June, 2025


A Commissioner for taking Affidavits
in British Columbia

M.C. (Mark) Stacey
D 604 673 7423
mstacey@singleton.com
Our File: 59266.011

June 11, 2025

BY EMAIL: ROGER.LEE@CA.DLAPIPER.COM

DLA Piper (Canada) LLP
Suite 2700, The Stack 1133 Melville St
Vancouver, BC V6E 4E5

Attention: Roger D. Lee

Dear Sirs/Mesdames:

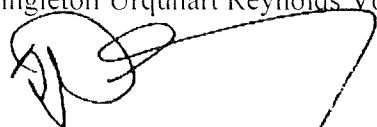
***Re: Bear Mountain Resort & Spa Ltd. v. Ecoasis Resort and Golf LLP – Application for
Leave to Appeal and Stay***

Please find enclosed for service pursuant to *Court of Appeal Rules* 4, and 62 the Appellants' Notice of Application to Vary the Order of Justice Winteringham.

We will file and serve our Application Book on the Respondent within 14 days in accordance with Rule 62(2)(b).

Yours truly,

Singleton Urquhart Reynolds Vogel LLP



M.C. (Mark) Stacey

MCS/BP

Enclosure

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 8

NOTICE OF APPLICATION TO VARY OR CANCEL AN ORDER OF A JUSTICE (RULE 62(2))



Court of Appeal File No.

CA50676

The file number can be found on the upper right corner of the Notice of Appeal.

PARTIES TO THE APPEAL

Appellant(s)

List the name(s) of the appellant(s) named on Form 1: Notice of Appeal.

Bear Mountain Resort & Spa Ltd., BM Management Holdings Ltd., and BM Resort Assets Ltd.

Respondent(s)

List the name(s) of the respondent(s) named on Form 1: Notice of Appeal.

Ecoasis Resort and Golf LLP

To the person(s) filing the application (the *applicant*):

An application to vary or cancel an order of a justice is heard by a division of the court. Contact the court scheduler to obtain an application hearing date and time.

Communicate with the other person(s) to ensure they are available on the requested date. Applications to vary or cancel are to be no more than 30 minutes.

Name of person(s) bringing the application
Include name of law firm if represented.

Bear Mountain Resort & Spa Ltd., BM Management Holdings Ltd., and BM Resort Assets Ltd.

Singleton Urquhart Reynolds Vogel LLP
1200 – 925 West Georgia Street
Vancouver, British Columbia, V6C 3L2

(4)

Attention: Mark C. Stacey, Daniel Babcock

Date the order you are seeking to
vary or cancel was pronounced
*Not the date the order was
entered.*

04/06/2025

DD/MM/YYYY

Name of justice who
pronounced the order

Justice Winteringham

Application hearing date and time to be set by the associate registrar

Date form completed

11/06/2025

DD/MM/YYYY

Name of lawyer or applicant
authorizing filing of this form

Mark C. Stacey

No. S-243389
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SANOVEST HOLDINGS LTD.

PETITIONER

AND:

ECOASIS DEVELOPMENTS LLP and others

RESPONDENTS

AFFIDAVIT

FASKEN MARTINEAU DuMOULIN LLP

Barristers and Solicitors

Suite 2900, 550 Burrard Street

Vancouver BC, V6C 0A3

Attn: Kibben Jackson / Jessica Cameron

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Matter No: 329480.00004