

NOTICE OF AUTHORIZATION FOR A CLASS ACTION REGARDING ONLINE RESERVATIONS OF HOTELS AND OTHER ACCOMMODATIONS

The Superior Court has authorized a class action against the following defendants:

- Priceline.com, L.L.C.
- Hotwire, Inc.
- Homeaway.com, Inc.
- Accor, S.A.
- Bedandbreakfast.com, Inc.
- Canadastays (1760335 Ontario Inc.)
- Hilton Worldwide Holdings, Inc.
- Six Continents Hotels, Inc.
- Orbitz Worldwide, L.L.C.
- Hyatt Corporation
- Wyndham Hotel Group, L.L.C.
- KAYAK Software Corporation
- Benjamin & Brothers, L.L.C. (reservations.com)

The class action alleges that the defendants violated the Consumer Protection Act by advertising prices that are disaggregated and lower than the price ultimately charged to consumers. This class action seeks to obtain compensation equivalent to the amount consumers paid in excess of the advertised price, except where that price was only higher due to fees required under federal or provincial law, plus punitive damages.

Mr. Chafik Mihoubi has been designated as the class members' representative.

The authorization judgment is a preliminary step that allows the class action to begin. This judgment does not determine whether the defendants, who will be able to present their defences at trial, are in fact liable. Following the trial, which will take place in the district of Montreal, the Superior Court will decide whether the defendants breached the *Consumer Protection Act* as alleged and should be ordered to pay fees to the class members and, if so, in what amount.

WHO IS AFFECTED?

You are included in the class action if:

- You have reserved accommodations, from Quebec, using one of the defendants' websites between the dates specified below and you paid a price that was higher than the price that was initially advertised, except where that price was only higher due to fees required under federal or provincial law.

AND

- Your reservation was made between January 27, 2017 and May 13, 2022 for the following defendants:
 - Priceline.com LLC (which operates the website priceline.com)
 - Hotwire Inc. (which operates the website hotwire.com)
 - Kayak Software Corporation (which operates the website kayak.com)
 - Benjamin & Brothers, LLC (which operates the website reservations.com)
 - Accor SA (which operates the website accorhotels.com)
 - Hilton Worldwide Holdings, Inc. (which operates the website hilton.com)
 - Six Continents Hotels, Inc. (which operates the websites holidayinn.com and intercontinental.com)
 - Hyatt Corporation (which operates the website hyatt.com)
 - Wyndham Hotel Group, LLC (which operates the website wyndhamhotels.com)

- Or your reservation was made between January 27, 2017, and September 28, 2020, for the following defendants:
 - Homeaway.com Inc. (which operates the websites homeaway.ca, vrbo.com, and vacationrentals.com)
 - Bedandbreakfast.com Inc. (which operates the website bedandbreakfast.com)
 - Canadastays (1760335 Ontario Inc.) (which operates the website canadastays.com)

- Or your reservation was made between January 27, 2017 and June 4, 2020, for the following defendant:
 - Orbitz Worldwide LLC (which operates the website orbitz.com)

All individuals who meet these criteria might be entitled to compensation if the class action is successful.

WHAT CAN YOU OBTAIN?

The class action seeks compensation equivalent to the amount consumers paid in excess of the initial advertised price, except where that price was only higher due to fees required under federal or provincial law, as well as punitive damages.

LEGAL FEES will be paid only in the event that the class action is successful, in an amount based on a percentage of the compensation paid to the class members. All legal fees must first be approved by the Court. **As a result, you do not have to pay anything** unless you obtain compensation.

YOU CAN CHOOSE TO OPT OUT UNTIL JULY 15, 2022.

If you do not take any action, you will be a member of the class action and will be bound by any judgment rendered in this case.

If you do not wish to be a member of the class for any reason, you may opt out from the class.

If you opt out, you will not be entitled to any compensation if a favourable judgment or settlement is reached in this action.

You have until July 15, 2022 to opt out of the class.

To opt out, you must send a letter to this effect to the clerk of the Superior Court of Quebec, indicating the court number 500-06-001041-207 :

Grefe de la Cour supérieure du Québec
1, rue Notre-Dame Est
Montréal (Québec) H2Y 1B6

The text should be simple but clearly indicate your intention (for example, “I hereby exclude myself from the class action bearing number 500-06-001041-207”).

Counsel for the plaintiff request that a copy of this letter also be sent to them by email or by regular mail at the following address:

Trudel Johnston & Lespérance
750, Côte de la Place d’Armes, bureau 90
Montréal (Québec) H2Y 2X8
info@tjl.quebec

THE NEXT STEPS

To determine whether the class action will succeed, a trial will be held in the District of Montreal. The Superior Court will answer the following questions:

1. Are the contracts between Class Members and Defendants contracts regarding the lease of an immovable within the meaning of sections 6 and 6.1 of the CPA?
2. Are the first prices that appear on the Defendants’ websites and mobile applications following a search for accommodations advertised prices within the meaning of Section 224(c) of the CPA?
3. Did the Defendants breach their obligations under the CPA by advertising on their websites and mobile applications a lower price than the one ultimately charged?
4. Did the Defendants breach their obligations under the CPA by placing more emphasis on the price per night than the price of the stay?

5. Are the class members entitled to compensation for the difference between the advertised price and the invoiced price, less taxes and duties provided for in the exceptions to article 224(3) CPA and article 91.8 of the *Regulation*?
6. Should the defendants be ordered to pay punitive damages to the class members?
7. Should the members' claims be recovered collectively?
8. What is the amount of the fees unlawfully charged to each class member?

THE CONCLUSIONS SOUGHT

GRANT the class action for all members of the classes.

ORDER the Defendants to pay the difference between the amount charged and the amount advertised, less taxes and fees provided for in the exceptions of section 224(3) of the CPA and section 91.8 of the *Regulations*, with legal interest and additional indemnity from the date of the present request for authorization.

ORDER the Defendants to pay punitive damages in an amount to be determined, with the legal interest and additional indemnity from the date of the judgment to be rendered.

ORDER the collective recovery of these amounts.

THE WHOLE, with legal costs, including expert fees, the cost of notices and administrator expenses.

YOU MAY APPLY TO INTERVENE

Members can apply to the Court to intervene in the class action. The Court will permit the intervention if it believes it is helpful to the class.

STAY INFORMED

If you wish to receive more information, you can consult Trudel Johnston & Lespérance's website and **subscribe to the mailing list for this case** by filling out the form at <https://tjl.quebec/en/class-actions/online-accomodation-reservation/>.

IMPORTANT. Your subscription to the newsletter is not a claim! If the class action is successful, you will still have to file a claim following the procedure determined by the Court.

For more information, you can also consult the Class Action Registry, where all proceedings must be published: <https://www.registredesactionscollectives.quebec/>.

If you have any questions, you can contact Mr. Mihoubi's lawyers using the information below:



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