

**260 WELLESLEY CLASS ACTION
NOTICE OF SETTLEMENT APPROVAL**

**LONG FORM NOTICE
NOTICE OF SETTLEMENT APPROVAL IN THE 260 WELLESLEY CLASS ACTION**

**TO ALL TENANTS, RESIDENTS OF OR VISITORS TO 260 WELLESLEY ON JANUARY 22,
2019**

This is a Court authorized notice. This is not a solicitation from a lawyer.

While not admitting liability for the claims advanced under this Class Action, the owners, landlords and agents of 260 Wellesley Street East (together, the “**Defendants**”) have agreed to a settlement of this Class Action that will provide compensation to eligible persons who on January 22, 2019 were tenants at 260 Wellesley (the “**Building**”) or were present in the Building on January 22, 2019 (the “**Class Members**”).

The Ontario Superior Court of Justice has approved the settlement of this class action against the Defendant on behalf of the Class. The Court has determined that the Settlement Agreement is fair, reasonable, and in the best interests of the Class, and it has been approved in the action Edwards v 260 Wellesley Residents et al., Court File No.: CV019-00614213-00CP

This class action alleged that the Defendants did not take proper care of the Building, which resulted in the flood and power outage on January 22, 2019 (the “**Loss**”).

The Defendants have agreed to pay the all-inclusive sum of up to **\$935,000.00** in full and final settlement of all claims, including Class Counsel fees and Claims Administration Fees, in return for comprehensive release from the Class and the Ontario Ministry of Health, and a dismissal of the class action.

The Court has approved payment of Class Counsel’s fees and disbursements inclusive of HST and disbursements, in the amount of \$292,500.00 (exclusive of Administration Fees). The fees are 27.2% of the Settlement Amount, exclusive of tax and disbursements. The Court has further approved a payment of approximately \$75,000.00 to be paid to RicePoint Administration Inc. (“**RicePoint**”) to administer claims. These amounts will be deducted from the Settlement Amount.

This Notice provides a summary of the Settlement Agreement. The full Settlement Agreement may be viewed at www.260WellesleySettlement.com

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BASIC INFORMATION

1. Why was this notice issued?

This Class Action was certified by Court Order dated March 6, 2020.

The Court has now determined that the Settlement Agreement is fair, reasonable, and in the best interest of the Class, and it has been approved.

Eligible Class Members may now submit a claim to receive a portion of the Settlement Amount.

2. Who is a member of the Class?

The proposed settlement includes all persons who, on January 22, 2019 were tenants at 260 Wellesley (“**Resident Class**”) and all other visitors of tenants who were present at the Building on January 22, 2019 (“**Visitor Class**”).

3. What are the settlement benefits?

The Defendants have agreed to pay the all-inclusive sum of up to **\$935,000.00** in full and final settlement of all claims, including Class Counsel fees and Claims Administration Fees, in return for comprehensive release from the Class and the Ontario Ministry of Health, and a dismissal of the class action.

In broad terms, Class Members who complete a valid claim form before the **Claims Deadline of October 19, 2021** will be eligible to receive the following:

- A. If you are a member of the Tenant Class

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- i. each successful claimant will receive up to a maximum of **\$600.00** for general inconvenience and displacement. This sum may be reduced depending on how many people make eligible claims;
 - ii. each successful claimant will additionally receive up to a maximum of **\$1,000.00** to compensate for certain injuries sustained due to the flood and power outage. This additional sum for injury compensation may be reduced depending on how many people make eligible claims.
- B. If you are a member of the Visitor Class
- i. each successful claimant may additionally receive up to a maximum of **\$1,000.00** to compensate for certain injuries sustained due to the flood and power outage. This additional sum for injury compensation may be reduced depending on how many people make eligible claims.

HOW TO SUBMIT A CLAIM

4. How I submit a claim

To be eligible to receive part of the Settlement Fund, Class Members must submit a completed Claims Form to the Claim Administrator, RicePoint, postmarked no later than **October 19, 2021**. See Claims Form attached hereto. Alternatively the Claims Form can be completed online at www.260WellesleySettlement.com.

A person who submits a claim must meet specific criteria and submit supporting documents to be entitled to a portion of the settlement fund. It is the Administrator's responsibility to determine if a person who submits a claim is a Class Member, and ultimately whether that Class Member is entitled to a portion of the Settlement Fund.

Once the claims period has expired payments under the Settlement Agreement will be distributed to Class Members by RicePoint.

STEP ONE: MEMBERSHIP IN THE CLASS

Tenant Class

Claimants who were residents of 260 Wellesley on January 22, 2019 that wish to make a claim must provide the Administrator with the following:

- i. a completed Claim Form;
- ii. proof of identification;
- iii. proof of residence in the Building on January 22, 2019.

Documents that shall be good and sufficient proof of residence in the Building includes but is not limited to:

- I. Claimants aged 18 years and older:
 - i. a copy of government ID listing the building as Claimant address;
 - ii. a copy of 2018 tax correspondence address to the Claimant at the Building;

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- iii. a copy of contemporaneous utility or financial correspondence addressed to the Claimant at the Building; or
 - iv. a copy of registration with a family doctor or medical clinic listing the Building as Claimant address.
- II. School age Claimants, ages 5-17 years
- i. A copy of government identification listing the Building as Claimant address;
 - ii. A copy of school registration listing the Building as Claimant address; or
 - iii. A copy of registration with registration with a family doctor or medical clinic listing the Building as Claimant address.
- III. Claimants aged 2-4 years:
- i. A copy of a birth certificate indicating a Resident Tenant as a parent; or
 - ii. A copy of daycare or nursery school registration listing the Building as the address of the Claimant.

The above list of documents is in-exhaustive. The Claims Administrator may consider additional documentation as proof of residence at their sole discretion.

Visitor Class

- A. Claimants other than members of the Tenant Class that were in the Building on January 22, 2019 who wish to make a claim must provide the Administrator with the following:
- i. A copy of Proof of Identification; and
 - ii. Provide a Sworn Declaration that the Claimant was present in the Building on January 22, 2019, visiting with another Tenant Class Member that has been found by the Claims Administrator to be a Tenant Class Member.

STEP TWO: CLAIM TO A FUND

General Claims Fund

A member of the Tenant Class will receive a payment from the General Claims fund of up to \$600.00. This sum may be reduced depending on how many people make eligible claims.

Members of the Visitor Class are not eligible for a payment from the General Claims Fund.

Injury Claims Fund

A member of the Tenant Class or Visitor Class may make a claim to the Injury Claim Fund of up to \$1,000.00 if they sustained a physical or psychological injury caused by the Loss.

To make a claim to the Injury Claim Fund a Class Member must provide the Administrator with a copy of their medical records dated January 22, 2019 or soon thereafter that documents a physical or psychological injury caused by the Loss.

The Claims administrator will determine that a Class Member sustained a physical or psychological injury *caused by the Loss* if:

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- I. the Class Member attended a hospital, walk-in clinic or a family doctor within six (6) months of the Loss and reported an objective injury caused by the Loss; or
- II. the Class Member attended a hospital, walk-in clinic or family doctor within two (2) months of the Loss and reported a qualitative deterioration in a pre-existing medical condition caused by the Loss.

A pre-existing medical condition will have qualitatively deteriorated if:

- i. the Class Member experienced deterioration by an objective metric applicable to the Claimant's pre-existing condition and the Claimant's treating practitioner opines that the Loss caused or contributed to the deterioration; or
- ii. the Class Member was prescribed a new medication, or the Claimant's standing prescription for a medication was increased and the Claimant's treating practitioner opines that the Loss caused or contributed to the need for the new or updated prescription

THE LAWYERS REPRESENTING YOU

5. How will Class Counsel be paid?

The Court has approved payment of Class Counsel's fees and disbursements inclusive of HST and disbursements, in the amount of \$292,500.00 (exclusive of Administration Fees). The fees are 27.2% of the Settlement Amount, exclusive of tax and disbursements. The Court has further approved a payment of approximately \$75,000.00 to be paid to RicePoint Administration Inc. to administer claims. These amounts will be deducted from the Settlement fund.

The Court has additionally approved payment of an honorarium to the Representative Plaintiffs in the amount of \$4,000 each.

ADDITIONAL INFORMATION

6. How can I get more information?

Claims Administrator:	Class Counsel:
260 Wellesley Street Class Action c/o RicePoint Administration Inc. P.O. Box 4454, Toronto, Station A 25 The Esplanade Toronto, ON M5W 4B1 www.260WellesleySettlement.com	Landy Marr Kats LLP Attention: Vadim Kats 2 Sheppard Avenue East, Suite 900 Toronto, ON M2N 5Y7 260@lmklawyers.com

The Ontario Superior Court of Justice has authorized this Notice. Questions about this Notice should NOT be directed to the Court.