

NOTICE OF SETTLEMENT APPROVAL OF THE 2 SECORD AVENUE EXPLOSION CLASS ACTION

This Notice may affect your rights. Please read carefully.

PURPOSE OF THIS NOTICE

This class action concerns the explosion at 2 Secord Avenue in Toronto ("2 Secord") on July 20, 2008.

This notice is directed to Class Members who are those persons (who did not opt out of this action) who on July 20, 2008:

- (a) rented an apartment and/or townhouse or other utilizable space at 2 Secord (a "Unit"); or
- (b) ordinarily resided in a Unit; or
- (c) was present in a Unit but was not ordinarily resident in that Unit; or
- (d) owned or had an interest in property located in or on a Unit; or
- (e) owned one or more of the Units.

excluding Toronto Hydro and Gonte Construction Limited, and their officers, directors, servants or agents and also excluding employees of the City of Toronto who in the course of their employment with the fire department attended at 2 Secord Avenue on July 20, 2008.

On June 16, 2014, the settlement was approved by a judge of the Ontario Superior Court of Justice. The defendants will pay the sum of \$6,526,679.01 in full and final settlement of all claims in this action in return for a release and a dismissal of the class action. The defendants do not admit any wrongdoing or liability. This settlement is a compromise of disputed claims.

SUMMARY OF THE SETTLEMENT TERMS

The following compensation will be available to Class Members:

\$1,425,000 fund for **INCONVENIENCE and LOST USE** for Class Members who ordinarily resided in a Unit and were displaced will receive \$2,250 per Class Member for being displaced for up to 42 days. If a Class Member was displaced for in excess of 42 days, they can receive \$50 for every additional day of displacement. Each Class Member who resided in townhouse but was not displaced will also receive \$2,250 to be compensated for inconvenience.

\$1,000,000 fund for **UNINSURED LIVING EXPENSES and PROPERTY DAMAGE CLAIMS** for uninsured living expenses incurred and property damage incurred as a result of the explosion and fire, but wasn't covered by insurance.

\$100,000 fund for **LOST INCOME** incurred by Class Members as a result of the explosion.

\$75,000 fund for **INSURANCE DEDUCTIBLES** for reimbursement of insurance deductibles paid by Class Members.

\$1,200,000 fund for **INSURANCE COMPANIES** for partial compensation for the money spent fixing damage to the Units and other expenses associated with the explosion.

\$400,000 **PERSONAL INJURY FUND** for injuries sustained as a result of the explosion.

If there are excess funds available after all claims are paid in full, the excess funds will be shared by the Class Members. If there are insufficient funds to pay the claims, the awards will be reduced *pro rata*.

All claims for compensation must be accompanied by supporting documentation and must be approved by the Administrator. In some cases, disputes about compensation will be settled by the Arbitrator.

HOW DO YOU MAKE A CLAIM FOR COMPENSATION?

Detailed instructions for submitting your claim are available at www.secordclassaction.com

You must deliver your completed claim with supporting documentation to the Administrator on or before October 3, 2014 in order to be eligible to receive compensation. If you do not submit a completed claim form on or before October 3, 2014, you will **not** be eligible to receive any settlement funds.

The Administrator will communicate directly with you about the outcome of your claim for compensation.

Most Class Members will receive this notice directly with detailed instructions about how to make a claim. If you believe that you are a Class Member, but you did not receive this notice directly, please visit the website at www.secordclassaction.com to get detailed instructions about how to submit a claim.

INFORMATION

Any questions for the Administrator regarding the settlement should be directed to:

BY MAIL:

Marsh Canada, Administrator
Secord Class Action Settlement
PO Box 428, Station A, Toronto, ON M5W 1C2

BY COURIER:

Marsh Canada, Administrator
Secord Class Action Settlement
161 Bay St., #1400, Toronto, ON M5J 2S4

Tel: 416.907.6054

Fax: 1.866.792.4137

Email: secordclassaction@marsh.com

Any questions for Class Counsel regarding the settlement should be directed to:

Sharon Strosberg
SUTTS, STROSBURG LLP

Tel: 519.561.6296

Fax: 519.561.6203

Email: secordclassaction@strosbergco.com

Ted Charney
CHARNEY LAWYERS

Tel: 416.964.7950 x221

Fax: 416.964.7416

Email: tedc@charneylawyers.com

INTERPRETATION

This Notice has been approved by the court and is a summary of some of the terms of the judgment in this action. If there is a conflict between the provisions of this notice and the terms of the judgment, the judgment prevails. The judgment can be found at www.secordclassaction.com