

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE JUSTICE)
)
EDWARD BELOBABA)
)

THURSDAY THE 27
DAY OF AUGUST, 2020.

B E T W E E N:

CLEMENT CHU, NAHOM ABADI and IDA FABRIGA-CHU

Plaintiffs

and

PARWELL INVESTMENTS INC., BLEEMAN HOLDINGS LIMITED,
650 PARLIAMENT RESIDENCES LIMITED, 650 PARLIAMENT (LHB)
INVESTMENTS LIMITED, ELECTRICAL SAFETY AUTHORITY,
GREATWISE DEVELOPMENTS CORPORATION and
77 HOWARD (LHB) INVESTMENTS LIMITED

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**ORDER
(Further Certification Order)**

THIS MOTION, made by the plaintiffs for certification of this action as a class proceeding, was heard this day in writing.

ON READING the motion record filed,

AND ON READING the partial certification order dated June 13, 2019,

AND BEING ADVISED of the consent of the parties other than ESA;

1. FOR THE PURPOSES OF THIS FURTHER CERTIFICATION ORDER,
the following definitions apply:

- (a) “**650 Parliament**” means the rental apartment buildings located at **650 Parliament Street**, Toronto, which consists of a north tower and a south tower;
- (b) “**Buildings**” means the premises municipally described as 650 Parliament Street, Toronto;
- (c) “**Class**” and “**Class Members**” means all persons, excluding the defendants, their senior employees, officers or directors, who on August 21, 2018, rented a **Unit** or was ordinarily resident in a **Unit**, or was present in a **Unit**;
- (d) “**Class Counsel**” means Strosberg Sasso Sutts LLP and Charney Lawyers PC;
- (e) “**ESA**” means Electrical Safety Authority; and
- (f) “**FLA**” means the *Family Law Act*, R.S.O. 1990, c.F.3;
- (g) “**Family Class**” and “**Family Class Member**” means the living partner, spouse, child, grandchild, parent, grandparent or sibling of a **Class Member**;
- (h) “**June 13, 2019 Order**” means the certification order made by Justice Belobaba;
- (i) “**Notice**” means the notice of certification of this action as a class proceeding generally in the form attached as Schedule A;
- (j) “**Notice Program**” means the method of distributing the **Notice**;
- (k) “**Opt-Out Date**” means 5:00 p.m. eastern time on November 2, 2020, and
- (l) “**Unit**” means an apartment or other utilizable space at the **Buildings**.

2. THIS COURT DECLARES that by the June 13, 2019 order, this action was certified as a class proceeding against Parwell Investments Inc. and 650 Parliament (LHB) Investments Limited and that Clement Chu and Nahom Abadi were appointed representative plaintiffs of the Class which was defined as:

all persons, excluding the defendants, their senior employees, officers or directors, who on August 21, 2018, rented a Unit or was ordinarily resident in a Unit at the premises municipally described as 650 Parliament Street, Toronto, Ontario.

3. THIS COURT ORDERS that the Family Class is defined as the living partner, spouse, child, grandchild, parent, grandparent or sibling of a Class Member who has not opted out of this class action.

4. THIS COURT ORDERS that Ida Fabriga-Chu is hereby appointed as the representative plaintiff of the Family Class.

5. THIS COURT ORDERS that the Notice, generally in the form attached as Schedule “A”, is hereby approved.

6. THIS COURT ORDERS that the Class shall be given notice, on or before September 8, 2020 of the certification of this class action in the following manner (the “Notice Program”):

- (a) by Class Counsel posting the Notice on the website www.strosbergco.com/class-actions/parliament/;
- (b) by Class Counsel sending the Notice by email to every person who registered with Class Counsel and provided a valid e-mail address; and

- (c) by the defendants Parwell Investments Inc. and 650 Parliament (LHB) Investments Limited, at their own expense:
 - (i) placing the Notice under each door of each Unit in the Buildings at 650 Parliament;
 - (ii) sending the Notice by regular mail to each person who was a tenant in the Buildings at 650 Parliament on August 21, 2018 and who provided a forwarding address;
 - (iii) sending the Notice by email to each person who was a tenant in the Buildings at 650 Parliament on August 21, 2018 and who provided an email address; and
 - (iv) until November 2, 2020, posting the Notice in the lobby and elevators in the Buildings at 650 Parliament; and on the website WPSQ.com.

7. THIS COURT ORDERS THAT on or before September 22, 2020, Class Counsel and counsel for Parwell Investments Inc. and 650 Parliament (LHB) Investments Limited, must file with the court an affidavit that they have complied with the notice requirements set out in paragraph 6 of this order.

8. THIS COURT ORDERS that a Class Member may only opt out of this action by sending an election to opt out, by ordinary mail, fax, email or courier which election must be received or post marked on or before the Opt-Out Date, and must be signed by the Class Member or such Class Members' authorized representative, stating that the Class Member opts out of this action and also stating the Class Member's full name, address, telephone number and birth date:

BY REGULAR MAIL TO:
Gregory D. Wrigglesworth
Kirwin Partners LLP

423 Pelissier Street
Windsor, Ontario N9A 4L2

Attention: 650 Parliament Street Fire Class Action

or BY FAX TO:
519.790.0034

or BY EMAIL TO:
parliament@kirwinpartners.com, Attention: Gregory Wrigglesworth
subject: 650 Parliament Street Fire Class Action

9. THIS COURT ORDERS that no Class Member may opt out of this action after November 2, 2020 at 5:00 p.m. eastern time on the Opt-Out Date, subject to further order of the Court.

10. THIS COURT ORDERS that if a Class Member opts out, the related Family Class Members shall be deemed to have also opted out of this class action.

11. THIS COURT ORDERS that a Family Class Member may not opt out of this class action unless the related Class Member has validly and timely opted out.

12. THIS COURT ORDERS that no person may opt out a minor or a mentally incapable member of the Class from this action without the permission of the Court after notice to The Children's Lawyer and/or the Public Guardian and Trustee, as the case may be.

13. THIS COURT ORDERS that Gregory Wrigglesworth shall, on or before November 9, 2020, report to the Court and to counsel for the parties by affidavit and list the names and addresses of those persons, if any, who have opted out of this action.

14. THIS COURT ORDERS that the defendants, Parwell Investments Inc. and 650 Parliament (LHB) Investments Limited, shall pay the costs of Gregory Wrigglesworth in the amount of \$2500 plus reasonable disbursements plus HST on or before November 23, 2020.

Signed: *Justice Edward P. Belobaba*

Notwithstanding Rule 59.05, this Judgment [Order] is effective from the date it is made, and is enforceable without any need for entry and filing. In accordance with Rules 77.07(6) and 1.04, no formal Judgment [Order] need be entered and filed unless an appeal or a motion for leave to appeal is brought to an appellate court. Any party to this Judgment [Order] may nonetheless submit a formal Judgment [Order] for original signing, entry and filing when the Court returns to regular operations.

NOTICE OF CERTIFICATION OF THE PARLIAMENT STREET FIRE CLASS ACTION**This Notice may affect your rights. Please read carefully****TO CLASS MEMBERS, WHO ARE:**

all persons, excluding the defendants, their senior employees, officers or directors, who on August 21, 2018, rented an apartment or other utilizable space ("Unit") or was ordinarily resident in a Unit, or was present in a Unit, at the premises municipally described as 650 Parliament Street, Toronto, Ontario.

AND FAMILY CLASS MEMBERS, WHO ARE:

the living partner, spouse, child, grandchild, parent, grandparent or sibling of a Class Member who has not opted out of this class action.

CERTIFICATION

A class action was commenced in the Ontario Superior Court of Justice against Parwell Investments Inc., 650 Parliament (LHB) Investments Limited, Electrical Safety Authority, and others ("the Defendants").

This class action seeks damages on behalf of the Class and the Family Class arising out of a fire which occurred at 650 Parliament Street, Toronto, Ontario on August 21, 2018.

On June 13, 2019 and on [INSERT DATE], Justice Belobaba certified the action as a class proceeding against the defendants Parwell Investments Inc. and 650 Parliament (LHB) Investments Limited. The certification orders are posted at www.strosbergco.com/class-actions/parliament/

DO NOTHING IF YOU WISH TO PARTICIPATE IN THE CLASS ACTION

If you fit within the definition of the Class and/or the Family Class, you are automatically included in the class action and need not do anything at this time if you wish to participate. You will be bound by the judgment in the action whether favourable or not.

OPTING OUT

If you are part of the Class as defined above but wish to be excluded from this class action and not bound by any order made in this class action, you must send the Opt-Out Form which is attached to this Notice, by prepaid mail, fax or email to:

Gregory Wrigglesworth/Kirwin Partners LLP
423 Pelissier Street
Windsor, Ontario N9A 4L2
Attention: Parliament Street Fire Class Action
Fax: 519.790.0034
Email: parliament@kirwinpartners.com

If your Opt Out-Form is not received by 5:00 p.m. eastern time on November 2, 2020, you will be a member of the Class and/or the Family Class.

A person who opts out will not be bound by the judgment in the class action and will not be eligible for any recovery in the class action but may be eligible to pursue an individual claim. If a Class Member opts out, their family members will automatically be excluded. A Family Class Member cannot elect to opt out and will be bound by the decision to opt out by a Class Member.

Do not opt out if you wish to participate in the class action.**CLASS COUNSEL FEES AND DISBURSEMENTS**

The plaintiffs and Class Counsel signed a fee agreement providing for the payment of fees, disbursements and applicable taxes, only in the event of success in the class action, to be paid out of any recovery in the class action as follows:

- (a) 20% of the recovery, plus disbursements and applicable taxes if the action is settled after the delivery of the motion record for certification;
- (b) 25% of the recovery, plus disbursements and applicable taxes if the action is settled after the commencement of the contested motion for certification or after a consent order is made certifying the class action;
- (c) 30% of the recovery, plus disbursements and applicable taxes if the action is settled after the commencement of examinations for discovery including the delivery of an affidavit of documents;
- (d) 33% of the recovery, plus disbursements and applicable taxes if the action is settled after the commencement of the trial of the common issues.

Class Counsel will make a motion to the court to have the fee agreement approved. If Class Members require individual representation after the class action is resolved, they will be required to pay fees, disbursements and taxes for this additional service, in addition to the amounts set out above.

INFORMATION

Any questions for Class Counsel regarding the class action and the certification order should be directed to:

Kiara Sancler/	Tel: 416.964.7950 x223
Cisy Mahendralingam	Tel: 416.964.7850x226
Charney Lawyers PC	Fax: 416.964.7416
#602-151 Bloor St. W.,	Email: ksancler@charneylawyers.com
Toronto, ON M5S 1S4	cmlingam@charneylawyers.com

Sharon Strosberg	Tel: 866.270.4350 (toll free)
Strosberg Sasso Sutts LLP	Fax: 866.316.5308 (toll free)
1561 Ouellette Avenue	Email: sharon@strosbergco.com
Windsor, ON N8X 1K5	

Additional information about the class action can be found at www.strosbergco.com/class-actions/parliament

INTERPRETATION

This Notice is a summary of some of the terms of the certification order. If there is a conflict between the provisions of this Notice and the terms of the certification order, the certification order shall prevail. This Notice is approved by the Ontario Superior Court of Justice. Any questions about this Notice should not be directed to the court as its administrative structure is not designed to address this type of inquiry.

CLEMENT CHU et al.

Plaintiffs

vs. PARWELL INVESTMENTS INC. et al.

Defendants

Court File No. CV-18-00604410-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDINGS COMMENCED AT TORONTO

**ORDER
(Further Certification)**

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