

AN AGREEMENT WAS REACHED IN THE CLASS ACTION SUIT CONCERNING THE NOISE EMANATING FROM MCGILL UNIVERSITY HEALTH CENTER'S GLEN CAMPUS

The Class Action in summary

For the sole purpose of submitting to the Court a settlement agreement for approval, the Neighbours of the Glen Campus received, on December 9, 2016, the authorization from the Superior Court to institute a class action against *McGill University Health Centre, SNC Lavalin McGill (Partner) inc., McGill Healthcare Infrastructure Group, G.P. and Innisfree McGill (Partner) inc.* (the "defendants").

The members of the class include all physical persons who resided between February 1st, 2014 and October 30th, 2016, within the area defined by Côte St-Antoine Road on the North, Marlowe Street on the West, De Maisonneuve Boul. and Ste Catherine Street on the South and Lansdowne Street on the East or all physical persons whose place of work or study is in this area and who have worked or studied there during this period. (the "class members").

The class was subdivided into four groups that correspond approximately to each of the four areas showed on the map attached and that are more detailed on the class lawyers' website.

The main issues brought up by the class action and the conclusions sought concern the right of class members to obtain a reduction of the noise coming from Bloc E of the MUHC's Glen Campus to acceptable levels as well as compensation for damages incurred.

Agreement Summary

The defendants have committed to execute work on certain equipment of Bloc E of the MUHC's Glen site for the purpose of further diminishing the intensity and frequency of the alleged noise emanating from the Glen site to an acceptable level for plaintiff *The Neighbours of Glen Campus* and the designated person, to the benefit of all class members.

In addition, defendants shall make a global payment of \$420,000 as compensation for the alleged nuisance suffered by class members. A portion of this amount shall be used for payment of fees and costs to experts (approximately \$20 000), to class action lawyers (approximately \$100 000) and to the claim manager (\$40 per claim).

The balance will be distributed to those persons who have resided within areas 1, 2 and 3 as identified in the map attached hereto and who have filed a claim according to the terms and conditions provided below. The compensation amount shall vary according to the number of months of residence (up to a maximum of 22 months) and according to the location of your residence (the amounts may vary from \$57 to \$8 per month). In the event of a lack of funds, the amounts will be paid on a pro rata basis.

Residents of area 4 and those who have worked or studied in the described area during the prescribed period are not entitled to financial compensation pursuant to the terms of the agreement.

The distribution of the remaining balance, if any, after deduction and payment of the portion owed to the Fonds d'aide aux actions collectives, will be determined later on by the court.

How to file a claim

The process for proving your claim is straightforward:

- You must fill out a claim form which is available at the class action lawyers' office or you can download it from the City of Westmount website or the class action lawyers' website (www.sfpavocats.ca/en/class-actions/environmental-law/neighbours-of-the-glen-campus-excessive-noise-emanating-from--the-muhc-ventilation-system.html).
- You must ensure that the claim manager receives your claim form at the address indicated below by **June 7, 2017** at the latest.

Court hearing for approval of the agreement

The agreement is conditional upon approval by the Superior Court of Quebec. A court hearing for its approval will take place at **9am on February 6, 2017 in room 15.07** at the Court house in Montreal located at 1, Notre-Dame Street E., Montreal (Quebec), H2Y 1B6.

Contesting the agreement

If you are a Class member AND you wish to contest the approval of the agreement, you must notify the class action lawyers in writing (whose contact information indicated below) at the latest five days before the hearing date for the agreement's approval. You will then be permitted to make your representations to the Court in room 15.07 of the Court house in Montreal on February 6, 2017 at 9am.

The right to withdraw from the agreement

If you are a Class member AND you wish to withdraw from the class, you must notify the Court office by registered mail **at the latest on March 7, 2017** at the following address:

Office of the Superior Court
C.S.M. 500-06-000742-151
1, rue Notre-Dame Est, Montréal (Québec) H2Y 1B6

Once the Court approves the settlement, it will be binding on all class members who have not excluded themselves.

The full text of the agreement is available at:

www.sfpavocats.ca/en/class-actions/environmental-law/neighbours-of-the-glen-campus-excessive-noise-emanating-from--the-muhc-ventilation-system.html

The present notice has been approved by the Superior Court of Quebec. No additional notice shall be published unless the Court refuses to approve the agreement.

Sylvestre Fafard Painchaud, s.e.n.c.r.l.
Avocats de l'action collective et Gestionnaire des réclamations
740, avenue Atwater, Montréal (Québec) H4C 2G9
Telephone : (514) 937-2881 ext. 246 / email : info@sfpavocats.ca

THE 4 AREAS COVERED BY THE CLASS ACTION

