

NOTICE OF SETTLEMENT TO CLASS ACTION GROUP MEMBERS

Rosemont Floods in 2009 and 2011

Summary of the settlement

The Rosemont Flooded Citizens' Committee and the City of Montreal have settled the class action lawsuit initiated on August 10, 2009. Under certain conditions set out in the settlement agreement and without admission of liability, the City of Montreal will compensate Class action Members (hereinafter: Members) affected by the flooding that occurred on the dates and streets identified in the following section.

Who are the Members?

You are a Member if:

- You are an individual or a company with less than 50 employees in the twelve months previous to August 10, 2009;
AND

- You resided in the street blocks comprised of De Bordeaux, 1st Avenue, Saint-Zotique, and Bélanger streets, in Montréal as of July 11 or 26, 2009 and/or July 18 or August 21, 2011.

If you have any doubts about whether you belong to the block of streets, please refer to the map at <https://spavocats.ca/en/class-actions/floodings-in-the-rosemont-district/>.

Proposed compensation under the settlement agreement

-Property damages:

Members who experienced flooding or backflow on any of the dates listed in the preceding section will be able to claim compensation for damages to their property under certain conditions outlined in the settlement agreement. The amounts to be paid will be based on the number of floods that have affected them and will be a minimum of \$1,000 per building.

-Moral damages:

Members who qualify for compensation for damages to their property may also claim compensation for stress and inconvenience. Amounts will vary between \$1,000 and \$3,000 per Member, depending on the terms of the settlement agreement.

-Financial contribution for building improvements:

The City of Montreal will also make available to Members the sum of \$100,000 to be shared among Members who qualify for a financial contribution for the installation of a protective plumbing system that meets the criteria set out in the settlement agreement. In the event that the \$100,000 is not fully utilized for this type of contribution, the remaining funds may be shared among Members who apply for a contribution to help them finance construction works to improve the permeability of their land, subject to certain conditions set out in the settlement agreement.

In order to claim compensation for damages and/or a contribution for building improvements, each Member must

submit a claim within the time period and in the manner to be determined by the Court at the approval hearing on the date mentioned below.

You can find the entirety of the settlement agreement and the claim protocol at <https://spavocats.ca/en/class-actions/floodings-in-the-rosemont-district/>.

Legal fees and disbursements and amounts withheld by the Fonds d'aide aux actions collectives (FAAC)

Class Counsel will ask the Court to approve the agreed upon fee agreement which provides a fee of 25% plus taxes, to be paid out of the amounts receivable by Members.

The FAAC will also deduct a percentage of the compensation to be received by Members for property damages and moral damages in accordance with the *Regulation respecting the percentage withheld by the FAAC*.

The Court approval

The settlement agreement, the claim protocol and the Class action Counsel legal fees and disbursements agreement will be submitted to the Superior Court for approval on **January 23, 2023 at 9:30 am in Court room 15.11** at the Montreal Courthouse, located at 1 Notre Dame Street East (Montreal), H2Y 1B6, in the file number 500-06-000480-091.

Any Member who wishes to be heard by the Court before it decides on these matters may do so by simply notifying Class Counsel by writing at communication@spavocats.ca no later than **January 19, 2023**.

If the settlement agreement is not approved by the Court, it becomes null and void and notice will be given to inform Members of the outcome. If the settlement agreement is approved by the Court, another notice will be sent to Members to inform them of the terms and conditions and the deadline for filing a claim for compensation and/or contribution for building improvements.

Questions?

If you have any questions, you can contact the Class action Counsel: *Sylvestre Painchaud et associés*, S.E.N.C.R.L., at communication@spavocats.ca or 514-317-2781.