

NOTICE OF SETTLEMENT TO CLASS ACTION GROUP MEMBERS

Rosemont Floods in 2009 and 2011

Class Action subject to the settlement agreement:

The Rosemont Flooded Citizens` Committee (hereinafter: 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 in the affected blocks 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 following August 10, 2009; **AND**
- You resided in the street blocks comprised of the De Bordeaux, 1st Avenue, Saint-Zotique, and Bélanger Streets, in Montréal on July 11 or 26, 2009 and/or on 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/>.

Summary of 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. The amounts awarded in this regard will bear interest in accordance with the terms of the settlement agreement.

-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. The amounts awarded in this regard will bear interest in accordance with 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 Regulation 11-010 of the City of Montreal and in the settlement agreement. The maximum amount payable for this purpose is \$3,000 per building.

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 for construction works to improve the permeability of their land (e.g., removal of concrete, asphalt or solid slabs on their private property, to revegetate their property or install ecological/cavity slabs/paving), subject to certain conditions set out in the settlement agreement. The maximum amount payable for this purpose is \$2,000 per

building.

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

-Deductions from Class Members' claims:

If the Court approves the Class Counsels' legal fees agreement for this class action, an amount equal to 25% plus taxes of the Members' claims will be deducted from the amounts receivable by Members as attorneys' fees.

If the Court approves the settlement agreement, a deduction in accordance with the *Regulation respecting the percentage withheld by the FAAC* will be made on the amounts receivable by Class Members.

- Reimbursement of funds obtained from the Fonds d'aide aux actions collectives (hereafter: FAAC)

The City of Montreal will pay, to the lawyers who led this class action, the sums awarded by the FAAC to the Committee since the institution of the class action in 2009, to be paid by the plaintiffs' attorneys to the FAAC.

-Other amounts to be paid by the City of Montreal:

The City of Montreal will reimburse the lawyers who conducted this action for any expert fees that were not covered by the FAAC.

The City of Montreal shall pay the costs of publication of the court-approved notices and the costs of the claim's administrator.

The City of Montreal will pay a sum of \$67,673.17 to the group's representative, as material and moral damages suffered by the latter during the four events.

-Statement by the City of Montreal:

The City of Montreal also makes the following statement:

"Whereas, since the filing of this class action lawsuit, the City has performed work on some of its sewer facilities serving the blocks to improve service.

Whereas, since the filing of this class action lawsuit, the City has undertaken work to develop vegetated strips along several streets within the blocks and has taken steps to redesign the Augier Square.

Whereas the City wishes to invest and act to enhance the environment and the quality of life of its citizens, it will continue to implement green developments to encourage sustainable stormwater management measures, in this case through the promotion of green alleys and the extension of vegetated strips along the streets. These measures are intended to increase greening at the ground level and reduce mineralized surfaces".

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/>.

The Court approval

The settlement agreement, the claim protocol and the Class Counsel legal fees and disbursements agreement will be submitted for the Superior Court 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**.

Other notices

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 Counsels, *Sylvestre Painchaud et associés*, S.E.N.C.R.L., at : communication@spavocats.ca or 514-317-2781.