

CLASS ACTION NOTICE OF SETTLEMENT APPROVAL

Flooding in Rosemont in 2009 and 2011

Court Approved Settlement Agreement

On March 27, 2023, the Superior Court of Quebec approved the settlement agreement between the Rosemont Flooded Citizens' Committee (hereinafter: Committee) and the City of Montreal to, among other things, compensate Class Members for damage to their property and for the stress and inconvenience suffered, without admission of liability.

The judgment, agreement, claims protocol and any relevant documents can be found on the administrator's website at proactio.ca/floods.

Are you a member of the group?

You are a Class Member if:

You resided in the block formed by De Bordeaux street, 1st Avenue, St-Zotique and Bélanger streets, in Montreal and experienced one or more floods on July 11, 2009, July 26, 2009, July 18, 2011 or August 21, 2011.

Check to see if your home is in the area by consulting the map at proactio.ca/floods/map.

Companies are also Class Members if they had less than 50 employees in the twelve months preceding August 10, 2009.

Claim by July 4, 2023!

To claim compensation for MATERIAL AND MORAL DAMAGES, you must meet the conditions of the agreement and complete the **Claim Form** (Appendix 1 of the agreement) found here: proactio.ca/floods/appendix1.

To claim a CONTRIBUTION TOWARD THE COST OF WORK on the building, you must meet the requirements of the agreement and complete one of the following forms:

- 1) If you wish to do any work to install backwater valve(s) or plumbing work in compliance with By-law 11-010 or demineralization work (work to remove concrete/asphalt/paving stones from private property to green the space or install eco-friendly paving stones/open honeycomb paving blocks), a **Notice of Intention** (Appendix 2 of the agreement) can be found here: proactio.ca/floods/appendix2;

OR

- 2) If you have already installed backwater valve(s) or done work in compliance with By-law 11-010 since July 1, 2011, a **Claim for Contribution** (Appendix 4 of the agreement) found here: proactio.ca/floods/appendix4.

You must submit your forms to the Administrator NO LATER THAN JULY 4, 2023 or you will lose the right to receive compensation for damages caused by the floods on July 11, 2009, July 26, 2009, July 18, 2011, or August 21, 2011, and the right to apply for a contribution toward the cost of work.

Summary of Settlement Agreement:

-Material and moral damages:

Class Members may claim for damage to their property (material damages) and for stress and inconvenience suffered (moral damages).

To be eligible, they must be in one of the following situations:

- Their building was built BEFORE April 28, 1939, and they were flooded by the plumbing appliances in

This notice to Class Members has been approved by the Court

the basement:

- their building was built AFTER April 28, 1939, and they were flooded by plumbing appliances in the basement protected by backwater valve(s);
- they have been flooded by "surface flooding" (surface water from the outside ground entering through a window well, English courtyard, depressional area, or other openings in the building, other than cracks or fissures to the building's foundation or understructure);
- they were flooded by plumbing appliances located on above ground floors.

Compensation is based on the number of floods experienced. Material damages will be a minimum of \$1,000 per building. Moral damages will vary between \$1,000 and \$3,000 per Member per flood. To these amounts will be added the legal interest and the additional indemnity calculated according to the terms of the agreement.

-Contribution toward the cost of work on the building :

A sum of \$100,000 will be shared among the Members who were flooded on one of the 4 dates and who meet the conditions to obtain a financial contribution for the installation of backwater valve(s) or a plumbing protection system in compliance with By-law 11-010 of the City of Montreal. The maximum amount payable is \$3,000 per building.

In the event that the \$100,000 is not fully allocated for this type of contribution, the remaining funds will be available to make contributions for demineralization work to Members who meet the conditions. The maximum amount payable for this purpose is \$2,000 per building.

-Deductions from compensation payable to Class Members :

The Court approved the fee agreement for the attorneys conducting this action and awarded them fees in the amount of 25% plus taxes of the compensation due to the Members.

In addition, a levy in accordance with the *Regulation respecting the percentage withheld by the Fonds d'aide aux actions collectives (FAAC)* will be made on material and moral damages to Members. There shall be no levy by FAAC from financial contributions for work.

There will be no deduction for administration costs, as these will be covered by the City of Montreal.

-Declaration by the City of Montreal :

The City of Montreal also declares that since the filing of this class action, it has carried out work on some of its sewer facilities serving the block to improve the service. It has also planted strips of vegetation along several streets in the block and has taken steps to redesign Augier Square.

The City wishes to invest and act to help preserve the environment and citizens' quality of life, and will continue to introduce greening initiatives to encourage sustainable rainwater management, in this case by encouraging green alleys and extending strips of vegetation along streets. These measures seek to increase ground level greening and reduce mineralized surfaces.

Any questions?

Contact Raymond Chabot Administrateur Provisoire inc. appointed by the Court as the Claims Administrator for any questions.

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