

Notice of Settlement Approval & Hearing to Approve Costs

Re: AIRES WHYTTON DA SILVA v. 2162095 ONTARIO LTD. et al.

To: All persons who were tenants of the storage facility located at 97 Pelham Avenue, Toronto, Ontario and who had property stored in those premises in their storage unit or units which were damaged in the fire that occurred on January 9, 2012, excluding any and all individuals who act or acted as a director, officer or shareholder for any of the named defendants and/or any corporations related to the named defendants (hereinafter referred to as "Class Members").

BACKGROUND

A Class Action in this matter was certified on May 5, 2016 related to the storage facility located at 97 Pelham Avenue, Toronto, Ontario and the fire which destroyed that building on January 9, 2012. In the Statement of Claim, the representative Plaintiffs allege that they and the tenants of the storage facility have suffered damages, including the loss of their possessions as a result of the alleged negligence of the named Defendants.

Within the litigation a claims examiner was appointed who provided estimates of the actual cash value of the possessions lost by Class Members who provided information to the claims examiner concerning their possessions which were lost in the fire.

Following pre-trials conducted by the Court within the Class Action the Plaintiffs and the Defendants have reached an agreement to settle the Class Action, subject to approval of the Ontario Superior Court of Justice (the "Proposed Settlement")

A motion to approve the Proposed Settlement between the Plaintiffs and the Defendants will be heard at 10:00 a.m. on April 26, 2019 at the Ontario Superior Court of Justice, Toronto Ontario. At the hearing of the motion, the Court will determine whether the terms of the Proposed Settlement are fair and reasonable and in the best interests of the class.

The Plaintiffs and Class Counsel believe that the Proposed Settlement is fair, reasonable and in the best interest of the class. If the Court is satisfied with respect to the fairness of the Proposed Settlement, it will be approved.

At the motion on April 26, 2019, if the Proposed Settlement is approved, the Court will further fix an amount to be paid to class counsel for legal fees, taxes and disbursements. This payment will be separate and apart from the Proposed

Settlement amount and will not reduce any amount to which the Class Members are entitled pursuant to the Proposed Settlement.

Also on April 26, 2019 an honorarium for Aries da Silva, the original representative Plaintiff, will be sought to be fixed and to be ordered paid in addition to the Proposed Settlement funds.

PROPOSED SETTLEMENT

The Defendants will provide a fund of \$1 million to be paid to the damages of the Plaintiffs as follows:

1. The amount of \$913,894.00 (the "Initial Fund") will be paid to those Class Members who have had their claims evaluated by the claims examiner in the fixed amount of 70% of the net cash value found by the claims examiner for each initial Class Member whose claim was evaluated (the "Initial Class Members");
2. The additional sum of \$5,000.00 will be paid to each of the four Class Members who occupied Units A122, B213, B252 and C-332, and who claim to have suffered business related losses as a result of the loss of their possessions in the fire;
3. The sum of \$66,106.00 ("the Remaining Fund") will be set aside to be available to pay claims of any Class Members who did not submit information to the claims examiner ("Remaining Class Members"). Any Remaining Class Member will have 60 days to submit a claim to be paid from this Fund, together with supporting documentation;
4. The claims of any Remaining Class Members who submit claims will be evaluated by the same claims examiner as for the claims of the Initial Class Member and will receive 70% of the assessed cash value of their claim, to a limit of \$66,106.00. The Remaining Fund will be distributed in a pro rata manner to Additional Class Members in the event that the Remaining Fund is insufficient to pay all claims of Additional Class Members at the rate of 70% of assessed cash value; and
5. Any amount remaining in the Remaining Fund after payment of claims of Remaining Class Members will be distributed to the Initial Class Members, on a pro rata basis to their initial claims.

EFFECT OF APPROVED SETTLEMENT

If approved by the Court, the Proposed Settlement will be final and binding on all Class Members who have not opted out. It will finally resolve all causes of action of the Class Members arising from the matters set out in the Statement of Claim in

relation to the fire of January 9, 2012. Class Members who have not opted out will be deemed to have released the Defendants and their predecessors, successors, assigns, agents, past and current employees or directors and officers of any actions, causes of action, suits, claims or demands including those claims set out in the Statement of Claim issued

PARTICIPATING AT THE APPROVAL HEARING

If you approve of the Proposed Settlement, you need do nothing. You will be notified of the results of the approval hearing. Initial Class Members will be asked to verify their address for payment and it is anticipated that initial payments would be made pursuant to the Proposed Settlement within 90 days of April 26, 2019.

Class Members who wish to comment on or make an objection to either the Proposed Settlement or Class Counsel's request for fees must provide a written submission to Class Counsel at the address listed below, postmarked no later than March 30, 2019. Class Counsel will forward all such submissions to the Court. All written submissions will be considered by the Court. If you do not submit written submissions postmarked by March 30, 2019, you may not be entitled to participate in the approval hearing through oral submissions or otherwise.

Class Members may attend the approval hearing if they desire. If you wish to attend the approval hearing please contact Class Counsel for additional details at the address set out below:

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