

SCHEDULE "B"

NOTICE OF CERTIFICATION OF THE CLASS PROCEEDING

RE: *Jessica Dawn Crevier and Gavin Krause v. 1351895 Ontario Limited o/a Elmpark Manor Apartments and Ontario Corporation 256199 o/a Ronkay Management Inc.* (Court File No. CV-20-00636062-00CP)(the "Action").

This Notice was approved by the Superior Court of Justice. You are receiving this Notice because your rights may be affected by the certification of the Action as a Class Proceeding described below:

Summary of Certification

- This Action was certified as a Class Proceeding on behalf of the following Class:
 - All persons in Canada who on November 15, 2019, were tenants of the Premises, pursuant to a lease agreement and who did not receive temporary accommodations from the Owner Defendant and who have not returned to live at the Premises (the "Tenants Class i");
 - All persons in Canada who on November 15, 2019, were tenants of the Premises, pursuant to a lease agreement and who did not receive temporary accommodations from the Owner Defendant and who have resumed living at the Premises (the "Tenants Class ii");
 - All persons in Canada who on November 15, 2019, were tenants of the Premises, pursuant to a lease agreement and who received temporary accommodations from the Owner Defendant and who have not returned to live at the Premises (the "Tenants Class iii");
 - All persons in Canada who on November 15, 2019, were tenants of the Premises, pursuant to a lease agreement and who received temporary accommodations from the Owner Defendant and who have resumed living at the Premises (the "Tenants Class iv");
 - All persons in Canada who on November 15, 2019 were regularly residing at the Premises, but not lessors (the "Residents Class"); and
 - All persons in Canada who on November 15, 2019, were visitors or guests at the Premises (the "Visitors Class").
- You are a Class Member if you meet the definition of the Class set out above.
- If you meet the definition of a Class Member as set out above, your rights will be affected by this Action, and it is important that you read this notice carefully to fully understand your options. Each Class Member who does not opt out of the Class Action will be bound by the terms of any Judgment or Settlement, whether favourable or not, in respect of the Class Action.

- For more detailed information on the certification order and the opt out procedure, please see below under 'Part 1: Certification Order and Opt Out Procedure'.

PART 1: Certification Order and Opt Out Procedure

Nature of the Claim

On March 11, 2020, Jessica Crevier and Gavin Krause (the “**Representative Plaintiffs**”) commenced the following Action in the Superior Court of Justice: *Crevier et al. v. 1351895 Ontario Limited et al.* (Court file No. CV-20-00636062-00CP).

The Representative Plaintiffs brought the Action on their own behalf and on behalf of the Class described above. The Action is seeking payments for the fatal residential fire at the Premises of 235 Gosford Boulevard, Toronto, Ontario, which occurred on November 15, 2019. The Plaintiffs allege that the Owner Defendant and the Property Manager Defendant failed to keep the Premises safe from fire ignition, the spread of the fire and smoke, as well as thieves who burglarized the Premises following the Fire.

On August 22, 2022, the Superior Court of Justice issued an Order (the “Certification Order”) certifying the Action as a class proceeding (the “Class Action”) on behalf of the Class described above.

The Certification Order appointed Jessica Crevier and Gavin Krause as the representative Plaintiffs have appointed Diamond & Diamond Lawyers LLP as the lawyers for the Class (“Class Counsel”).

Class Counsel

The terms of Diamond & Diamond Lawyers LLP’s retainer are set out in a retainer agreement (the "Retainer Agreement") entered between the Representative Plaintiffs and Diamond & Diamond Lawyers LLP.

The Retainer Agreement provides that Diamond & Diamond Lawyers LLP will not receive payment for their work unless the Class Action is successful. The Retainer Agreement, which must be approved by the Court to be effective, provides for a contingency fee of 25% of the amount recovered in the Class Action to be paid to Class Counsel.

The costs of litigating the action, including all disbursements (out of pocket expenses such as retaining experts, conducting examinations, ordering transcripts, cost of research, photocopying, and court filing fees), will and have been paid for by Diamond & Diamond Lawyers LLP which will be reimbursed by the Defendants as may be directed by the Court.

No Cost to Plaintiff Class Members

No member of the Class will be responsible for paying the legal costs of the Defendants if the action is unsuccessful. If the action is not successful, the members of the Plaintiff Class will not be responsible for any legal costs, nor will they have any other financial obligations. **Diamond & Diamond Lawyers LLP is solely responsible for incurring those costs and risks.**

**CLASS MEMBERS WHO DO NOT WISH TO PARTICIPATE IN THE CLASS ACTION
MUST OPT OUT**

The members of the Class, as defined above, who do not opt out will be bound by any judgment in the action. This means that, after this Class Action is completed, you cannot start your own action for any of the relief sought in the Action. If you opt out, you will not be included in any potential settlement. You will have to pursue your own action independently. If you opt out of the Action, please take note of section 28 of the *Class Proceedings Act* (Ontario) and consult your own lawyer in regard to applicable limitation periods.

If you wish to opt out of the Class Action, you must complete and sign the Opt Out Election Form attached hereto (also available at: www.diamondlaw.ca), and deliver it on or November 1, 2022 at 9:00 a.m. EST to Diamond & Diamond Lawyers LLP at the following address:

Gosford Fire Ontario Class Action

255 Consumers Road, 5TH floor
Toronto, ON M2J 1R4

Or by email to: mathura@diamondlaw.ca or to kolivo@diamondlaw.ca

No plaintiff Class Member will be permitted to opt out after (November 1, 2022).