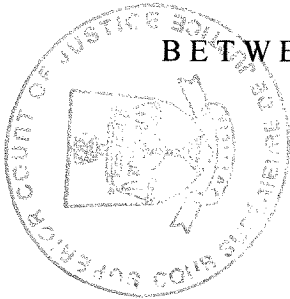


Court File No.:

ONTARIO CV-18-00604410-00CP
SUPERIOR COURT OF JUSTICE



BETWEEN

CLEMENT CHU

Plaintiff

and

**PARWELL INVESTMENTS INC., BLEEMAN HOLDINGS LIMITED,
650 PARLIAMENT RESIDENCES LIMITED, 650 PARLIAMENT (LHB)
INVESTMENTS LIMITED and TORONTO HYDRO-ELECTRIC SYSTEM LIMITED**

Defendants

Proceeding under the Class Proceedings Act, 1992

NOTICE OF ACTION

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff. The claim made against you is set out in the statement of claim served with this notice of action.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the Plaintiff's lawyers or, where the Plaintiff does not have a lawyer, serve it on the Plaintiff, and file it, with proof of service, in this court office, **WITHIN TWENTY DAYS** after this notice of action is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

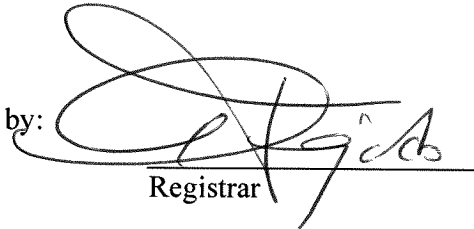
Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date: August 31, 2018

Issued by:



Registrar

Address of Court Office:
Superior Court of Justice
393 University Ave., 10th Floor
Toronto, Ontario
M5G 1E6

TO:
PARWELL INVESTMENTS INC.
333 Wilson Avenue
Suite #400
Toronto, ON M3H 1T2

AND TO:
BLEEMAN HOLDINGS LIMITED
970 Lawrence Ave. W.
Suite #304
Toronto, ON M6A 3B6

AND TO:
650 PARLIAMENT RESIDENCES LIMITED
333 Wilson Avenue
Suite #400
Toronto, ON M3H 1T2

AND TO:
650 PARLIAMENT (LHB) INVESTMENTS LIMITED
970 Lawrence Avenue West
Suite #304
Toronto, ON M6A 3B6

AND TO:
TORONTO HYDRO-ELECTRIC SYSTEM LIMITED
14 Carlton Street
Toronto, ON M5B 1K5

CLAIM

DEFINED TERMS

1. The capitalized terms used in this Notice of Action have the meanings indicated below:

- (a) **"650 Parliament"** means the rental apartment building located at 650 Parliament Street, Toronto;
- (b) **"CJA"** means the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;
- (c) **"Class"** and **"Class Members"** means all persons, excluding the defendants, their senior employees, officers or directors, who on August 21, 2018, rented a **Unit** or was ordinarily resident in a **Unit**, or was present in a **Unit** or owned property in a **Unit** or had an interest in property located in a **Unit** during the **Class Period**;
- (d) **"Class Period"** means the period from August 21, 2018 to a date to be determined;
- (e) **"CPA"** means the *Class Proceedings Act*, 1992, S.O. 1992, c. 6;
- (f) **"Fire"** means the fire that originated in the **Hydro Vault** and/or the electrical transmission lines and/or other equipment on or at 650 Parliament on August 21, 2018;
- (g) **"Hydro Vault"** means the vault and transmission lines and other equipment which, on August 21, 2018, was located in or adjacent to or which was leased or owned or occupied by, and under the exclusive control of **Toronto Hydro**;
- (h) **"Owners"** means the owners of the property municipally described as **650 Parliament Street**, Toronto, including Parwell Investments Inc., Bleeman Holdings Limited, 650 Parliament Residences Limited and 650 Parliament (LHB) Investment Limited;
- (i) **"Toronto Hydro"** means Toronto Hydro-Electric System Ltd.; and
- (j) **"Unit"** means an apartment or other utilizable space at 650 Parliament.

2. The plaintiff claims on his own behalf and on behalf of the Class Members for:

- (a) an order certifying this action as a class proceeding and appointing him as the representative plaintiff of the Class;
- (b) a declaration that Toronto Hydro was negligent in monitoring and maintaining the Hydro Vault located at 650 Parliament;
- (c) a declaration that the Owners of 650 Parliament were negligent in failing to keep 650 Parliament in a proper state of repair;
- (d) a declaration that the defendants owed a duty of care to the Class and breached the reasonable standard of care applicable in all of the circumstances;
- (e) a declaration that any releases signed by the plaintiff and/or the Class Members are null and void;
- (f) general damages and the costs of administering the plan of distribution of the recovery in this action in the amount of \$20,000,000 or such amount as this Honourable Court finds appropriate;
- (g) special damages, pecuniary damages, aggravated damages and punitive damages in the amount of \$10,000,000 or such other sum as this Honourable Court finds appropriate;
- (h) prejudgment interest pursuant to the *CJA*;
- (i) costs of this action on a partial indemnity basis; and
- (j) such further and other relief as this Honourable Court deems just.

3. The plaintiff, Clement Chu resides in Toronto. At all material times, he rented a unit at 650 Parliament where he resided with his spouse and two young children. As a result of the Fire on August 21, 2018, Mr. Chu and other Class Members were displaced from their Units resulting in lost use and enjoyment, emotional distress and economic loss.

4. The plaintiff brings this action on behalf of all persons, excluding the defendants, their senior employees, officers or directors, who on August 21, 2018, rented a Unit or was

ordinarily resident in a Unit, or was present in a Unit or owned property in a Unit or had an interest in property located in a Unit during the Class Period.

5. The Owners of 650 Parliament are Ontario corporations with head offices in Toronto. At all material times, the Owners were responsible for keeping 650 Parliament in a proper state of repair so as to ensure the safety of the plaintiff and the Class Members. The Fire occurred as a result of a breach of duty of care by the Owners causing damages to the Class Members.

6. Toronto Hydro is an electrical distribution company which is the largest municipal electric distribution utility in Canada. It is wholly owned by the City of Toronto. It is vicariously liable for the acts and omissions of its employees, agents and servants. At all material times Toronto Hydro was in possession of and controlled access to the Hydro Vault which was secured by lock and key and was only accessible to employees or agents of Toronto Hydro. Toronto Hydro owed a duty of care to the Class Members. The Fire occurred as a result of Toronto Hydro's breach of duty of care causing damages to the Class Members.

7. The plaintiff and the other Class Members have sustained damages, including displacement, emotional distress, personal injury and other economic and out-of-pocket expenses and losses as a result of the fire which occurred on August 21, 2018, for which the defendants are liable.

8. The damages sustained by the plaintiff and the Class Members occurred as a direct result of the negligence of the defendants.

9. The plaintiff proposes that this action be tried in the City of Toronto, in the Province of Ontario.

August 21, 2018

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STROSBERG SASSO SUTTS LLP

1561 Ouellette Avenue
Windsor, Ontario N8X 1K5

Harvey T. Strosberg (LSO #126040O)

Sharon Strosberg (LSO #44233W)

Tel: 519.561.6228

Fax: 519.561.6203

CHARNEY LAWYERS

151 Bloor Street West, Suite 602
Toronto, ON M5S 1S4

Theodore P. Charney (LSO#26853E)

Tina Yang (LSO #60010N)

Tel: 416.964.7950

Fax: 416.964.7416

Lawyers for the plaintiff

CLEMENT CHU

vs. PARWELL INVESTMENTS INC. et al.

Plaintiff

Defendants

CV-18-00604410-002P

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDINGS COMMENCED AT TORONTO

NOTICE OF ACTION

STROSBURG SASSO SUTTS LLP
Lawyers
1561 Ouellette Avenue
Windsor ON N8X 1K5

HARVEY T. STROSBURG Q.C./LSO #126400
SHARON STROSBURG/LSO #44233W
Tel: 519.561.6228 / 519.561.6244
Fax: 519.561.6203

CHARNEY LAWYERS
#602-151 Bloor St. W.
Toronto, Ontario M5S 1S4

THEODORE P. CHARNEY/LSO #26853E
TINA YANG/LSO #60010N
Tel: 416-964-7950
Fax: 416-964-7416

Lawyers for the plaintiff