

# MURANO TOWERS FALLING GLASS CLASS ACTION NOTICE OF CERTIFICATION AND OPT-OUT DEADLINE

This Notice may affect your rights. Please read carefully

## TO CLASS MEMBERS WHO ARE:

those persons, those persons, excluding the defendants and their senior officers and directors, who owned, rented, or ordinarily resided in a residential condominium unit at the premises municipally known as 37 Grosvenor Street (North Tower) and 38 Grenville Street (South Tower) in the City of Toronto during the period commencing on April 1, 2010 to and including August 31, 2012.

## CERTIFICATION

A class action was commenced in the Ontario Superior Court of Justice against Bay Grenville Properties Limited, Lanterra Developments Ltd., Toro Aluminum Railings Inc., ArchitectsAlliance and H & R Developments Inc.

The class action seeks damages related to the problems with the glass paneling on the balconies at Murano Towers. The plaintiffs allege that the defendants are responsible to them and the Class Members for the lost use of their balconies and for the diminished value of their units.

On October 3, 2013, this action was certified as a class action. The court has not determined who will win this action. The certification order and the reasons for certification are posted at [www.fallingglassclassaction.com](http://www.fallingglassclassaction.com).

The action against the architects ArchitectsAlliance will be dismissed without costs. The action against all remaining defendants is continuing.

## DO NOTHING IF YOU WISH TO PARTICIPATE IN THE CLASS ACTION

Class Members are automatically included in the class action and need not do anything at this time if they wish to participate. They will be bound by the judgment in this action whether favourable or not.

## OPTING OUT

If you are part of the Class described above and wish to be excluded from this action and do not wish to be bound by any order made in the action, you must send a signed statement saying that you wish to be excluded. The statement must include your name, address, email address, telephone number and your unit number at Murano Towers (even if you no longer live there). The statement must be received by 5:00 p.m. eastern time on April 18, 2014, by prepaid mail, fax, courier or email to:

Howie & Partners, Chartered Accountants  
3063 Walker Road  
Windsor ON N8W 3R4  
Attention: Murano Towers Class Action  
Fax: 519.250.1929  
Email: [classaction@howieandpartners.com](mailto:classaction@howieandpartners.com)

A person who decides not to participate in the class action, will not be bound by any future order made in the class action, and will not be eligible for any compensation in the class action.

**Do not opt out if you wish to participate in the class action.**

If you do not opt out of the class action on or before 5:00 p.m. eastern time on April 18, 2014, you will be part of this class action and you will be bound by the terms of any order, judgment or settlement, whether favourable or not, and will not be entitled to prosecute an independent action.

No person may exercise an opt-out option for any person under a disability without permission of the Court after notice to the Public Guardian and Trustee.

## CLASS COUNSEL FEES AND DISBURSEMENTS

The representative plaintiffs and Class Counsel signed a fee agreement which provides that Class Counsel will be paid out of any recovery a percentage of the recovery as fees, plus expenses, applicable taxes and a proportionate share of the interest accruing on the recovery, but only in the event of success in the class action. The fees will be between 25% and 33⅓% of the recovery depending upon whether the action settles and at what stage the action settles, or proceeds to judgment after trial.

The fee agreement must be approved by the court. Class Members will not be required to pay Class Counsel unless the plaintiffs are successful in this action and then the fees will be deducted from their recovery.

## INDIVIDUAL ISSUES

Individual issues may remain for determination after the trial. If a Class Member wishes to retain a lawyer to assist with these individual issues, the Class Member may have to pay additional fees for this service.

## PRESERVATION OF DOCUMENTS

Each Class Member who wishes to participate in this class action should take all reasonable steps to ensure all documents relating to his/her individual claim for damages. Any Class Member having questions respecting which documents must be preserved should contact Class Counsel for assistance at the address listed below.

## INFORMATION

This Notice was approved by the Ontario Superior Court of Justice. Inquiries should not be directed to the court.

Additional information about the class action can be found at [www.fallingglassclassaction.com](http://www.fallingglassclassaction.com) or [www.strosbergco.com](http://www.strosbergco.com)

Any questions regarding this class action, the certification order or opting out should be directed to:

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SUTTS STROSBERG LLP  
600-251 Goyeau Street  
Windsor ON N9A 6V4  
Tel: 519.561.6296  
Fax: 519.561.6203  
Email: [sharon@strosbergco.com](mailto:sharon@strosbergco.com)

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## INTERPRETATION

This Notice is a summary of some of the terms of the certification order. If there is a conflict between the provisions of this Notice and the terms of the certification order, the certification order shall prevail.