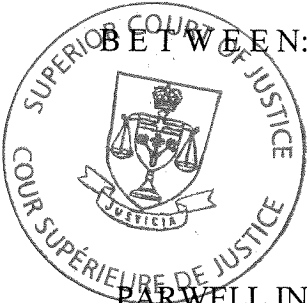


**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )  
MR. JUSTICE BELOBABA )  
WEDNESDAY, THE 17TH  
DAY OF JULY, 2019



**BETWEEN:**

CLEMENT CHU, NAHOM ABADI and IDA FABRIGA-CHU

Plaintiffs

and

PARWELL INVESTMENTS INC., BLEEMAN HOLDINGS LIMITED, 650 PARLIAMENT  
RESIDENCES LIMITED, 650 PARLIAMENT (LHB) INVESTMENTS LIMITED,  
ELECTRICAL SAFETY AUTHORITY, GREATWISE DEVELOPMENTS CORPORATION  
and 77 HOWARD (LHB) INVESTMENTS LIMITED

Defendants

PROCEEDING UNDER THE *CLASS PROCEEDINGS ACT, 1992*

**ORDER**

**THIS MOTION**, made by the defendants Parwell Investments Inc. and 650 Parliament (LHB) Investments Limited (the “Moving Defendants”), for validation of service of the notice of this motion on the class members, and allowing these defendants to relocate all contents of the class members remaining in the units of 650 Parliament Street to a storage area in the basement garage of 650 Parliament Street, was heard on June 14, 2019, with follow-up submissions in writing,

**ON READING** the motion record of the Moving Defendants, the responding motion record of the plaintiffs, and the affidavits of service of Eri Goxholli, James Thomas, Rezvan Shahsavari Googhari and Hsun Kuan Chen, and on hearing the submissions of counsel for the parties and

those class members who appeared and made submissions, **AND NOTING** that the core contents of this Order are not opposed by the Representative Plaintiffs,

**THIS COURT ORDERS THAT:**

1. Service by the Moving Defendants of the Notice of Motion on the class members by:
  - a. posting the Notice of Motion on the website of the Moving Defendants at [www.wpsq.ca](http://www.wpsq.ca) and the website of class counsel; and
  - b. mailing and/or emailing the Notice of Motion to the last known addresses of the tenants;as detailed in the affidavits filed, is hereby validated.
2. The relocation of all contents of the class members remaining in the units of 650 Parliament Street to the storage area in the basement garage of 650 Parliament Street is hereby approved.
3. Class members shall be notified by the Moving Defendants (with copy to class counsel) pursuant to the protocol attached hereto as Schedule "A", when their contents are being relocated. Class members shall be advised to notify any applicable insurers of this order promptly. Class members and their insurers shall have a right to inspect their contents on terms as particularized in the protocol attached hereto as Schedule "A".
4. The Moving Defendants are directed to consult with a security consultant, to be retained by the plaintiffs at the plaintiffs' expense, and to grant the security consultant access to the premises at 650 Parliament Street, if requested.
5. The Moving Defendants are directed to provide proof to the Court and to the plaintiffs of a policy of insurance that is consistent with that set out in the letter dated June 15, 2019, from HUB Insurance, filed with the Court and provided to counsel.

6. The Moving Defendants are hereby permitted to commence relocation of the contents of the tenants immediately upon delivery of proof of insurance in accordance with paragraph 5 of this Order.
7. The costs associated with the relocation of the class members' contents and the storage of the class members' contents in the storage area in the basement garage of 650 Parliament Street shall be borne by the Moving Defendants.
8. There shall be no costs of this motion.



The Honourable Mr. Justice Belobaba

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**Schedule "A"****Relocation of contents**

1. Access Restoration Services ("Access") will commence the relocation of class members' contents from their units to the basement garage storage facility immediately, subject to the placement of insurance as discussed in paragraph 5 of this Order.
2. The Moving Defendants will post a relocation plan on the [www.wpsq.ca](http://www.wpsq.ca) website, specifying which floor(s)' contents are planned to be moved during the relocation process at least three business days prior to the commencement of the relocation.
3. The Moving Defendants will notify the class members within two business days that their contents have been relocated. They will do so by email, or by telephone if no email address is available, or by regular mail if no email address or telephone number are available.
4. At any time, regardless of whether their contents are located in their units or in the basement garage storage facility, class members may make an appointment with the 650 Parliament Response Office (the "Response Office") for access to have their contents moved to an independent off-site storage facility, at their own cost. There shall be no requirement to sign a release or waiver to do so. Access will be granted to move contents within two business days or as scheduled.

**Inspection of units**

5. Once the relocation is complete, the Moving Defendants will notify class counsel, who will arrange for a committee of no more than six class members to inspect the units and verify that all contents have been removed. If no class members are willing to participate in the inspection, then the Moving Defendants shall conduct the inspection and report to class counsel.

**Inspection of contents**

6. Once they have received notification that their contents have been relocated, class members may call the Response Office to make appointments to inspect and retrieve their contents from the basement garage storage facility. Class members may book only one appointment per day, and per call to the Response Office. There is no limit on the total number of appointments a class member may book. There shall be no requirement to sign a release or waiver to retrieve contents from the basement garage storage facility.
7. Appointments will be scheduled in priority of call order, and may be made for one of four timeslots, seven days a week: 8 a.m. – 11.30 a.m.; 11.30 a.m. – 3 p.m.; 3 p.m. – 6:30 p.m.; 6:30 p.m. – 10:00 p.m.
8. The maximum number of appointments that will take place at the same time will be governed by the need for security of the contents and safety of those in the basement garage storage facility. If the maximum appointments for the immediately subsequent time period are not booked, a class member may extend their appointment accordingly.
9. Class members must present photo identification to access their contents, and must sign in and out when arriving and leaving the basement garage storage facility.
10. The maximum number of individuals who may attend per appointment is five. Any children must be supervised at all times or the class member will be asked to leave.
11. Access will ensure that unpacking/staging areas will be created in sufficient number and size to facilitate the unpacking, inspection and retrieval of contents by class members. Access will also ensure that sufficient staff members are available to assist class members with relocating their contents between their storage locker and an unpacking/staging area. The expenses of Access will be borne by the Moving Defendants.

12. Other than video security surveillance in the storage area, there will be no individual videotaping or photographing of class members while they are inspecting and/or retrieving their contents.

13. The defendants, their employees and agents will not inspect the class members' contents and will not access the contents, except to assist the class members in moving their contents to the unpacking/staging area or in removing their contents from the basement garage storage facility.

14. The defendants, their employees and agents will at no time seek to appraise the class members' contents while the contents are located in the basement garage storage facility, or have an appraiser present while the class members attend the storage facility.

15. The defendants, their employees and agents will not engage in settlement discussions directly with the class members, including while the class members attend the basement garage storage facility, and will not directly request that class members sign a full or partial release of any or all of their claims either at the storage facility or otherwise.

**Other matters**

16. The Response Office will return all telephone calls and emails within two business days, and will maintain a log of telephone calls.

17. As issues arise, counsel will resolve them in a timely manner or seek direction from the Court if necessary.

**CHU et al**  
Plaintiff

and  
**PARWELL INVESTMENTS INC.,  
ET AL**  
Defendants

Court File No: CV-18-00604410-00CP

*ONTARIO*  
SUPERIOR COURT OF JUSTICE

Proceeding commenced at TORONTO

**ORDER**

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