

July 17, 2019

650 Parliament - Contents of Units to be moved into basement storage facility

This action was certified as a class proceeding on June 14, 2019: see 2019 ONSC 3353. D must understand that any settlement discussions must be conducted only with Class Counsel.

D's motion to move contents of units to the basement storage facility is, generally speaking, unopposed by the Rep Ps. The only area of dispute is D's request to inspect the packed boxes and bags for damage/loss. I am not persuaded by Ds' submissions on this point:

1. D had ample opportunity to conduct an inspection and inventory of contents when D entered into the units and packed the contents into boxes and bags – but decided not to do so;
2. An inspection at this point in time (post-packing) will not assist – it would be difficult to determine whether the damage/loss predated D's packing or was caused by D's packing. Better to leave content valuation issues to the upcoming negotiations about levels of compensation payable and/or to the claims administration process.

As counsel know, this court is concerned that the repairs to 650 be completed expeditiously and that the residents be able to return to their homes as soon as humanly possible. I am available on a moment's notice if any further orders or directions are needed.

Order to go as per the draft Order signed by me today.

Justice Edward Belobaba