

SCHEDULE C

X CONDOS CLASS ACTION AND PROPOSED SETTLEMENT

Notice of Certification and Proposed Settlement to Eligible Class Members

Please read this notice carefully because it may affect your legal rights.

WHAT IS THIS NOTICE ABOUT?

This Notice is directed to all persons who own, owned, rent, rented and/or ordinarily resided in one of the 417 residential condominium units in the condominium known as X Condos and their family members and guests, located at 110 Charles Street East in Toronto during the **Class Period** from November 8, 2010 to September 5, 2023 and who have not signed a full and final release in favour of the Defendants, Great Gulf Homes Limited, Great Gulf (Jarvis-Charles) Ltd. and Jarvis-Charles G.P. Inc. ("**Eligible Class Members**"). In this class action, the Plaintiffs allege that the Defendants failed to install or improperly installed Pressure Balance Valves in the bathroom fixtures in each unit. The Defendants deny liability or any wrongdoing.

This Notice explains the certification Order of this class action against the Defendants and the implementation of a proposed settlement ("**Settlement**")

THE PROPOSED SETTLEMENT

The parties have entered into a settlement agreement dated August 1, 2023 (the "**Settlement Agreement**"). In order for the Settlement to become effective, it must be approved by the Ontario Superior Court of Justice (the "**Court**"). If the Court approves the Settlement, the Defendants will pay \$1,000,000 ("**Settlement Trust**"), inclusive of prejudgment interest to settle the claims of the Class Members, including the legal fees and disbursements and the costs of administering the settlement in return for a release and a dismissal of the class action. A copy of the Settlement Agreement is available at:

1. <https://www.strosbergco.com/class-actions/xcondos/>;
2. <https://www.charneylawyers.com/x-condos-class-action>; and
3. www.xcondosettlement.ca.

The Defendants do not admit wrongdoing or liability. The Settlement is a compromise of disputed claims.

COMPENSATION FOR CLASS MEMBERS

Eligible Class Members will receive an award after payment of legal fees, disbursements, taxes and administrative expenses for the settlement administration (the "**Net Settlement Amount**"). The Claims Administrator will calculate the award for each Eligible Class Member who properly applied.

The terms of the Settlement are based upon:

Category A - a fixed amount of about \$1,500 per unit;

The \$1,500 award in Category A is based on an award per unit over the Class Period without consideration of the number of people in the unit. If after all eligible claims are calculated there remains a surplus in the Net Settlement Fund, then the balance will be allocated and distributed per unit. If the Net Settlement Fund is insufficient to pay \$1,500 per Unit, the Net Settlement Fund will be shared proportionately among all eligible units.

If a unit owner(s) and/or a tenant(s) was in possession of the Unit for all or part of the Class Period, the owner(s) and/or the tenant(s) will share the payment based upon the month(s) each occupied the Unit during the Class Period.

Category B - a payment for the actual cost of repairs or replacement of the Pressure Balanced Valve subject to a maximum of \$6,500 per unit from a fund of \$60,000. Each payment may be reduced if there are proper claims totaling more than \$60,000.

Category C - payment for injury sustained arising from the unpredictable temperature fluctuations and requiring consultation with a physician or a nurse within one month of the injury. Each Class Member must deliver a physician report or nurse report or clinical note. Each Class Member will receive \$2,000 plus \$200 for a report from a fund of \$33,000 which may be reduced if there are claims totaling more than \$33,000.

A fund of \$3,000 will be set aside to pay OHIP/Ontario Ministry of Health subrogated claims for Class Members who submitted a valid Category C claim.

CERTIFICATION

The Action has been certified as a class action by the Court for purposes of implementing the Settlement. Class Members are automatically included in the class action and are not required to take any action at this time if they wish to participate. They will be bound by the judgment in this action. Certification will be set aside if the Settlement is not approved by the Court.

PERSONS WHO ARE NOT ELIGIBLE CLASS MEMBERS

After the start of this class action on September 18, 2014, 148 owners of Units signed a Full and Final Release ("Release") which states in the Release, in part, as follows:

"...on behalf of themselves, their family members, tenants, guests, invitees, predecessor owners, and on behalf of their respective heirs, administrators, executors, assigns, agents, successors and on behalf of any party or parties who claim a right or interest through them (the "Releasers")..."

The owner(s) and/or tenant(s) who owned or rented a Unit listed in Schedule "A" are not eligible to participate in this Settlement because she, he or their predecessor signed a Release.

SETTLEMENT APPROVAL HEARING

The Ontario Superior Court of Justice will hold a settlement approval hearing by videoconference on the _____ day of _____, 2024 at 10am at Osgoode Hall, 130 Queen Street West, Toronto to consider whether the Settlement Agreement is fair, reasonable and in the best interests of the class (the "**Approval Hearing**"). Class Members and members of the public may attend the Approval Hearing but are not required to do so.

YOUR OPTIONS

1. **If you want to participate in the Action and benefit from the Settlement, you do not need to do anything at this time.** Class Members are automatically included in the Settlement and will be bound by the order of the Court in this Action.

2. **If you do not want to participate in the Action and benefit from the Settlement, you must exclude yourself by completing and sending your notice of an intention to opt-out to Claims Administrator by January 19, 2024 at 4:30 p.m. Eastern Time** (the "Opt-Out Deadline"). The instructions for opting out are available at www.xcondosettlement.ca.

If you opt out, you will not be bound by any future order made in this Action and will not be eligible for any compensation.

3. **A Class Member who does not opt out is entitled, but not obligated, to express your opinions about the Settlement and whether it should be approved.** If you wish to make a submission to the Court

supporting or objecting to the Settlement, you must send your submissions in writing by e-mail to the Claims Administrator at xcondosettlement@ricepoint.com and ensure that the submission is received no later than **January 19, 2024 at 4:30 p.m. Eastern Time**. The Claims Administrator will provide all submissions to the Court, Class Counsel and the Defendants in advance of the Approval Hearing. Your written submissions should include:

- your name, address and telephone number and your Unit number at 110 Charles Street and period of occupation;
- a brief statement of the reason(s) that you support or object to the Settlement; and
- whether you plan to attend at the Approval Hearing.

ADMINISTRATION COSTS AND LEGAL FEES

The Plaintiffs entered into contingency fee agreements with Class Counsel, providing that Class Counsel are to be paid only in the event of a successful settlement or judgment. Class Counsel will ask the Court to approve legal fees of 25% of the Settlement Fund, plus disbursements of about \$● and applicable taxes, in accordance with the contingency fee agreements and the cost of the Claims Administrator.

YOU CANNOT MAKE A CLAIM UNTIL AFTER THE SETTLEMENT IS APPROVED. You should monitor and check Class Counsel's dedicated websites at <https://www.strosbergco.com/class-actions/xcondos/> and <https://www.charneylawyers.com/x-condos-class-action> and the Claim Administrator's website at www.xcondosettlement.ca for the latest information on the status of the Settlement and the instructions and deadline for making a Claim.

If the Settlement is approved, an Eligible Class Member must make a claim within five (5) months of the date of the Approval Order.

IF THE SETTLEMENT IS APPROVED, A FURTHER NOTICE OF THE APPROVED SETTLEMENT WILL NOT BE GIVEN. You should monitor the Claims Administrator's website and check it regularly at www.xcondosettlement.ca for the latest information on the status of the Settlement and the details and deadline for making a Claim.

FOR FURTHER INFORMATION

For questions regarding this Notice or the proposed settlement, please contact:

Claims Administrator
xcondosettlement@ricepoint.com

Class Counsel:

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Please do not call the Defendants or the Court about this Action.

INTERPRETATION

This Notice has been approved by the Court and contains a summary of the terms of the proposed settlement. If there is a conflict between the provisions of this Notice and the Settlement Agreement, the Settlement Agreement shall prevail.

THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE.