

NOTICE OF THE CERTIFICATION OF THE 2 SECOND CLASS ACTION

This Notice may affect your rights. Please read carefully.

TO CLASS MEMBERS, WHO ARE:

Those persons, who, on July 20, 2008:

- (i) rented an apartment, townhouse or other utilizable space at 2 Secord, Toronto, Ontario (a "Unit"); or
- (ii) ordinarily resided in a Unit; or
- (iii) were present in a Unit but were not ordinarily resident in that Unit; or
- (iv) owned or had an interest in property located in or on a Unit; or
- (v) owned one or more of the Units,

excluding Toronto Hydro-Electric System Ltd. and Gonte Construction Limited and their officers, directors, servants or agents, and also excluding employees of the City of Toronto who in the course of their employment with the Fire Department attended at 2 Secord on July 20, 2008.

CERTIFICATION

A class action, court file # CV-08-361906, was commenced in the Ontario Superior Court of Justice against Toronto Hydro alleging, among other things, that Toronto Hydro was negligent in the design, operation, monitoring and maintenance of the hydro vault at 2 Secord, and the explosion and fire which occurred on July 20, 2008 at 2 Secord, and subsequent discharge of smoke and soot constituted a nuisance and a trespass for which Toronto Hydro is strictly liable.

On April 23, 2009, Madam Justice Lax certified the action as a class proceeding and appointed Lee Kennedy and Bekalla Yusuf as representative plaintiffs of the Class. The reasons of Madam Justice Lax and a copy of the certification order may be reviewed at www.secordclassaction.com.

OPTING OUT

If you are a person falling within the Class described above and do not wish to be included in the Class and to be bound by any Order made in this proceeding, then you must send written notice, indicating that you do not wish to participate in the Class Action, by prepaid mail, by fax or by email, before 5:00 p.m. on August 10, 2009, to:

Sarkis Isaac
Howie & Partners, Chartered Accountants
3063 Walker Road
Windsor ON N8W 3R4
Attention: 2 Secord Class Action
Tel: 519.250.8663
Fax: 519.250.1929
Email: sarkis.isaac@howieca.com

Your notice must state the person's full name, current address and telephone number and must be signed by the person opting out or an authorized representative of the person. If your written request to be excluded from the Class is not received by August 10, 2009, you will be a member of the Class.

A person who does not opt out will be bound by the judgment in the action whether favourable or not. A person who opts out will not be bound by the judgement in the Class Action and will not be eligible for any recovery in the Class Action but may be eligible to pursue an individual claim.

Do not opt out if you wish to participate in the Class Action.

CLASS COUNSEL FEES AND DISBURSEMENTS

The plaintiffs and plaintiffs' counsel have signed a retainer and fee agreement providing for the payment of Class Counsel fees, disbursements and applicable taxes, only in the event of success in the action, to be paid out of any recovery in the action. Class Counsel will seek to recover a fee of up to one-third of the recovery plus disbursements plus applicable taxes. This agreement is subject to Court approval.

CLASS COUNSEL

Any questions regarding the Class Action and the certification order should be directed to:

Sharon Strosberg
SUTTS, STROSBERG LLP
600-251 Goyeau Street
Windsor ON N9A 6V4
Tel: 519.561.6294
Fax: 519.561.6203
Email: sharon@strosbergco.com

Ted Charney
FALCONER CHARNEY LLP
8 Prince Arthur Avenue
Toronto ON M5R 1A9
Tel: 416.962.3408
Fax: 416.929.8179
Email: tedcharney@fcbarristers.com

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 prevails.

This Notice is approved by the Superior Court of Justice for Ontario.

Any questions about the substantive matters in this Notice should not be directed to the court as its administrative structure is not designed to address this type of inquiry.