

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceedings commenced in TORONTO

MOTION RECORD

FALCONER CHARNEY LLP
Barristers-at-Law
8 Prince Arthur Avenue
Toronto, Ontario, M5R 1A9

Theodore P. Charney LSUC# 26853 E
Charlena T. Claxton LSUC# 51706V
Tel: (416) 964-3408
Fax: (416) 929-8179

SUTTS, STROSBERG LLP
Barristers and Solicitors
600 Westcourt Place
251 Goyeau Street
Windsor, ON N9A 6V4

Harvey T Strosberg Q.C. LSUC# 12400
Sharon Strosberg LUSC#: 44233W
Tel: 1.519.561.6229
Fax: 1.866.316.5311

HOTZ LAWYERS
602-40 Sheppard Avenue West
Toronto, ON M2N 6K9

Glyn Hotz LUSC# 40878M
Tel: 416.590.7823
Fax: 416.754.9962
Lawyers for the Plaintiffs

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T. Charney for plaintiffs
R. Winsor for defendant
D. Quinn for T.F. City of Toronto
E. Bowler for T.F. Sente Construction

This motion for certification is on behalf of the defendants and a third party, Sente Construction Limited and is not opposed by the third party, City of Toronto. I am satisfied that the requirements for certification in s. 5(1) have been met. The statement of claim discloses causes of action in negligence, nuisance and trespass. There is an identifiable class of residents, owners and others who on July 20, 2008 were affected by the explosion, fire and explosion at 2 Second Ave. The class is defined by objective

criteria and there is a rational relationship between the class and the common issues.

I initially expressed some reservations about identifying a common issue or aggregate damages. But I am satisfied that there is a reasonable likelihood that ~~the~~ the damages can be determined in part, in this manner. This is, of course, for the trial judge to determine.

With the amendments discussed with counsel in court today, I approve the common issues. Certification of this action will achieve the three goals of the class proceedings act and is the preferable procedure for ordering the claims of class members.

The proposed representative plaintiffs are suitable and the litigation plan is acceptable.

J. M. T.