



Association des consommateurs pour la qualité dans la construction

Radiant Ceiling Heating Panels

GUIDE FOR FILING A CLAIM

PROCEDURE

The present procedure for filing a claim and the french version of the claiming documents has been approved by the Court. In case of interpretation between the two versions of the documents, the french version will predominate.

Summary of the settlement

After paying administrative honorariums, expenses, and costs, a sum of approximately \$5,000,000.00 will be divided among all eligible claimants (about 2,700 possible claims) in proportion to the power output of the heating system installed by each claimant. Thus, for example, a claimant having only one room of his or her residence heated by radiant heating panels will receive less compensation than a claimant whose whole residence was heated by this means. If, for example, the 2,700 potential claimants all filed a claim and all had a radiant heating system of the same power output, each would receive a net sum of \$1,850, representing about 84% of the average cost of replacing the heating system.

Definitions

Building concerned:

Building heated with radiant heating panels which were ordered disconnected by the Quebec *Régie du bâtiment* in 1994.

Claimant:

Owner(s) appearing on the bill of sale of the building concerned or on the municipal tax bill when the panels were disconnected in 1994.

Persons having excluded themselves from the settlement cannot file a claim.

In accordance with the by-laws governing class actions, only a physical person (as opposed to a for-profit or non-profit company) can file a claim.

The social insurance number (SIN) of the claimant is required, for, as with any compensation, the portion representing interest accrued during the claim period is taxable. The administrator is thus obliged to inform government authorities [of this matter] and to issue, along with each compensation, the required tax form stating the amount of interest.

Administrator:

The *Association des consommateurs pour la qualité dans la construction* (ACQC) has been designated by the Court to act as claims administrator. The administrator is mandated to receive and analyse the claim and then decide whether it is justified.

Claiming period

Claimants have until **10 April 2001** to send their claim form to ACQC by ordinary mail. Claims received after that date will be rejected.

How to file your claim

You must fill out the enclosed claim form and send it to the administrator along with the relevant documents mentioned at the bottom of the form.

You must sign the claim form in the two (2) places indicated.

Authority of the administrator

You are obliged to deliver any document required by the administrator within 15 days of its being requested, failing which you may lose your right to compensation.

The administrator can have the building concerned inspected, whether or not you are still the owner. You must respect the delay of inspection mentioned in the claim form.

The cost of inspection will be subtract from the amount of compensation. If the claim is rejected, the inspection will be paid for by the administrator.

The administrator decide whether a claim is justified or not.

Decision of the administrator

Claimants whose claim has been accepted will be notified by ordinary mail.

The administrator will notify claimants whose claim has been rejected by registered mail.

Appeal of the administrator's decision

Claimants notified that their claim has been rejected can appeal that decision within the thirty (30) days following notification.

Claimants wishing to appeal must send the administrator a registered letter stating the reasons for which his or her claim should be accepted.

The claimant will be summoned, by registered mail sent to his or her last known address, to a hearing before the Superior Court of the district of Montreal. The claimant has the right to be represented, at his or her own expense, by a person duly mandated in writing or by a lawyer.

The decision of the judge of the Superior Court is final and without appeal

Payment of claim

It will not be possible to know the amount of your compensation until the administrator has received and processed **all** the claims.

The amounts of compensation will be audited by a chartered accountant.

Payment of compensations **will not start before November 2001.**

Requests for information

Any requests for information about the procedure for filing a claim must be sent, preferably in writing or by E-mail, to the administrator at the following address:

Association des consommateurs pour la qualité dans la construction
2226 Henri-Bourassa Boulevard East, room 100
Montreal (QC) H2B 1T3

Tel.: (514) 384-2013 toll-free calls (from outside Montreal area): 1-877-MAISONS

Fax: (514) 384-8911

E-mail: ACQC@consommateur.qc.ca - Web site: www.consommateur.qc.ca/acqc