CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

NO: 500-06-000046-264

(Class Action)
SUPERIOR COURT

_____

R. WOLOFSKY

Applicant

-vs.-

CITY OF DOLLARD-DES-ORMEAUX, city hall located at 12001, boul. De Salaberry, Dollard-des-Ormeaux, Quebec, H9B 2A7

and

CITY OF MONTREAL, city hall located at 275 rue Notre-Dame East, Montreal, Quebec, H2Y 1C6

Defendants

APPLICATION TO AUTHORIZE THE BRINGING OF A CLASS ACTION AND TO APPOINT THE APPLICANT AS REPRESENTATIVE PLAINTIFF
(Art. 575 C.C.P. and following)

TO ONE OF THE HONOURABLE JUSTICES OF THE SUPERIOR COURT OF QUEBEC, SITTING IN AND FOR THE DISTRICT OF MONTREAL, YOUR APPLICANT STATE AS FOLLOWS:

I. GENERAL PRESENTATION

A) The Action

1. The Applicant wishes to institute a class action on behalf of the following class, of which he is a member, namely:

    - All persons who were owners or lessees of immovable and/or moveable property located in the City of Dollard-des-Ormeaux that were damaged from the flood that took place on June 20, 2026;

2. The Defendant City of Dollard-des-Ormeaux owns, designs, constructs, installs, repairs, inspects, maintains, operates and supervises its sewer and/or drainage systems servicing the City of Dollard-des-Ormeaux;

3. The City of Dollard-des-Ormeaux's sanitary sewer systems are integrated into the City of Montreal's sewer mains. Storm water usually runs through local retention ponds and catch basins;

4. The present class action concerns allegations that the City of Dollard-des-Ormeaux and the City of Montreal were *negligent* in their conduct which caused or exacerbated the flood that took place on June 20, 2026 in the following non-exhaustive ways:

   a) Failing to take adequate precautionary measures before the storm for further storage of rain water, such as draining stormwater retention ponds;

   b) Failing to take proper action to address the risk of flooding by installing adequate systems that absorb, detain, and slowly release rainwater such as sponge parks, catch basins, and retention facilities (cisterns and reservoirs);

   c) Failing to adequately mitigate the flooding at the time of the incident such as water diversion, water pumping, clearing drainage blockages, using movable barriers, or using secondary catchment zones;

   d) Failing to upgrade and/or maintain their aging sewer and/or drainage systems;

5. It is alleged that the Defendants were *grossly* negligent as they were acutely aware of the risk of flooding in the City of Dollard-des-Ormeaux caused by runoff water during a rainstorm because:

   a) It was well-known to the Defendants that over the last number of years climate change has increased the concentration of rainstorms so that one area can be hit with precipitation that is compressed into short and violent downpours;

   b) It was well-known to the Defendants that the City of Dollard-des-Ormeaux is highly vulnerable to climate risks because its naturally sunken topography has the potential for surface water accumulation during heavy rains;

   c) It was well-known to the Defendants since at least August 9, 2024 (the date of the torrential remnants of Hurricane Debby), if not earlier, that the sewer and/or drainage systems servicing the City of Dollard-des-Ormeaux could not withstand any significant rainfall (i.e. 100-150 mm of rain or more) and would lead to flooding;

   d) The Defendants are fully aware (or should know) the functioning, state, and maintenance of their sewer and/or drainage systems servicing the City of Dollard-des-Ormeaux;

6. The Applicant and/or Class Members suffered significant legally-cognizable compensable injuries directly and immediately caused by the Defendants' actions or omissions, and are entitled to claim, *inter alia*:

   a) Compensatory damages for the costs of demolition, disinfection, and construction of parts of their immovable property;

   b) Compensatory damages for the loss and/or replacement of movable property such as furniture, cars, and personal belongings;

   c) Diminution resale value of their immovable property;

   d) Cost of increased insurance coverage for immovable property or the result of the cancelling of their insurance or reduction of coverage;

   e) Cost of alternate living or driving arrangements (i.e. rent, food, etc.) until their property has been repaired or replaced;

   f) Moral damages for pain, suffering, stress, and anxiety;

   g) Loss of enjoyment of life;

   h) Bodily injury for health-related damages caused by mould, fungus, and/or contamination;

   i) Punitive damages under the Quebec Charter;

7. The Defendants' faults are the direct and immediate cause of the above-mentioned pecuniary, moral, and bodily injuries suffered by the Applicant and Class Members;

B) <u>The Situation</u>

8. On the night of June 20, 2026, Montreal experienced a heavy rainfall estimates at between 100-170 mm of rain in a few hours;

9. Instead of the water being handled by the Defendants' sewer and/or drainage systems, parts of the City of Dollard-des-Ormeaux were effectively turned into rivers, as the runoff water accumulated on the streets;

10. This in turn caused many homes in the City of Dollard-des-Ormeaux to become infiltrated with water, with some residences flooding up to 4-5 feet of water into their basements and cars being completed submerged in water;

11. This situation would not have happened had the Defendants put into place proper rain mitigation measures both before and during the flood of June 20, 2026. This is especially true because preventative or remedial action would have avoided future flooding after the major flood on August 9, 2024;

12. The deficiencies of the sewer and/or drainage systems mixed with the foreseeable risk of the surcharge of runoff water from a severe rainfall is what led to the flood of June 20, 2026, thereby making the Defendants liable for the reasons described earlier;

II. FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY THE APPLICANT

13. The Applicant is a resident of the City of Dollard-des-Ormeaux, Quebec;

14. In 2017, he installed a back-water valve at his house. The Applicant was flooded on August 9, 2024 and had approximately half a foot of water that accumulated in his basement. He completed the renovations of his basement in early summer 2025, and at that time had a plumber come to verify the proper functioning of his back-water valve; it was in good-working order;

15. On June 20, 2026, the Applicant had approximately half a foot of water in his basement. This has completely ruined much of the renovations that he had recently redone from the 2024 flood;

16. The Applicant had insurance and it is yet to be determined whether, after he finishes his demolition, disinfection, and reconstruction, he will be out of pocket. It is also likely that the Applicant's insurance premiums will increase and/or his coverage will be reduced or even cancelled. However, it is already known that the Applicant has suffered:

    a) Loss of movables;
    b) Diminution of value of his immovable;
    c) Loss of enjoyment of life;
    d) Pain, suffering, stress, and anxiety;

17. The Applicant started a Facebook post and petition to bring other flooding victims together and to force the City of Dollard-des-Ormeaux to take action – whether that be in to compensate residents that suffered damages due to the flood and/or building an improved sewer and drainage infrastructure;

18. On June 24, 2026 and July 3, 2026, the Applicant registered a notice of claim with the Defendants, the whole as appears from a copy of the confirmation of notice of claim, produced herein as **Exhibit R-1**;

19. On July 3, 2026, the Applicant's attorney sent a letter to the Defendants informing them that legal action would be instituted against them, the whole as appears more fully from a copy of said letter, produced herein as **Exhibit R-2**;
20. The Applicant's damages are a direct and proximate result of the Defendants' conduct;

21. In consequence of the foregoing, the Applicant is justified in claiming damages;

III. FACTS GIVING RISE TO INDIVIDUAL ACTIONS BY EACH OF THE MEMBERS OF THE CLASS

22. Every member of the Class is an owner or lessee of immovable and/or moveable property located in the City of Dollard-des-Ormeaux that were damaged from the flood that took place on June 20, 2026;

23. Class Members suffered significant legally-cognizable compensable injuries directly and immediately caused by the Defendants' conduct, and are entitled to claim at least one or more type of damages as described earlier;

24. All of the legally-cognizable compensable injuries suffered by Class Members are the direct and immediate consequences of the Defendants' conduct;

IV. CONDITIONS REQUIRED TO INSTITUTE A CLASS ACTION

A) The composition of the Class makes it difficult or impracticable to apply the rules for mandates to sue on behalf of others or for consolidation of proceedings

25. The Applicant is not privy to the specific number of persons who were affected by the flood that took place on June 20, 2026, but it is estimated that there were between 1,000-1,500 households affected in the West Island. It is likely that the Defendants have or will have records of the Class Members as well as their addresses;

26. Given the costs and risks inherent in an action before the courts, many people will hesitate to institute an individual action against the Defendants;

27. Even if the Class Members themselves could afford such individual litigation, it would place an unjustifiable burden on the courts. Furthermore, individual litigation of the factual and legal issues raised by the conduct of the Defendants would increase delay and expense to all parties and to the court system;

28. This class action overcomes the dilemma inherent in an individual action whereby the legal fees alone would deter recovery in empowering the consumer, the proposed class action actualizes both individual and collective social justice;

29. These facts demonstrate that it would be impractical, if not impossible, to contact each and every member of the Class to obtain mandates and to join them in one action;

30. In these circumstances, a class action is the only appropriate procedural vehicle for all of the members of the Class to effectively pursue their respective rights and have access to justice;

B) The claims of the members of the Class raise identical, similar or related issues of law or fact

31. All Class Members were subjected to the same negligent and grossly negligent conduct and suffered similar damages;

32. Individual issues, if any, pale by comparison to the numerous common issues that are central to the outcome of the litigation;

33. The damages sustained by the Class Members flow, in each instance, from a common nucleus of operative facts, namely, the Defendants' misconduct;

34. The Members' claims raise identical, similar or related issues of fact or law:

a. What caused the flood in the City of Dollard-des-Ormeaux on June 20, 2026 (the "Flood")?

b. Was the sewer and/or drainage systems serving the City of Dollard-des-Ormeaux in the areas that were flooded adequate and/or in good condition on June 20, 2026?

c. Did the Defendants properly design, construct, install, repair, inspect, maintain, operate and supervise its sewer and/or drainage systems servicing the City of Dollard-des-Ormeaux in the areas that were flooded on June 20, 2026?

d. Did the Defendants, through its acts or omissions, cause and/or contribute to the extent of the Flood? If so, how?

e. Did the Defendants interfere with the public's interest in questions of health, safety, morality, comfort or convenience, amounting to an attack upon the rights of the public generally to live their lives unaffected by inconvenience, discomfort or other forms of interference?

f. If the answer to any of the above questions is affirmative, were the Defendants negligent and/or grossly negligent?

g. What is the nature and extent of damages that Class Members are entitled to?

h. Should injunctive relief be issued against the Defendants to order them to performs works to prevent the recurrence of another flood in the future?

i. Should the Defendants be condemned to pay to Class Members compensatory damages, and if so, in what amount?

j. Should the Defendants be condemned to pay to Class Members punitive damages, and if so, in what amount?

k. If the answer to any of the above questions is affirmative, can any portion of all of the damages be assessed in the aggregate? If not, should the Defendants pay the costs of individual damages assessments?

35. The interests of justice favour that this application be granted in accordance with its conclusions;

V. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT

36. The action that the Applicant wishes to institute on behalf of the members of the Class is an action in damages and for injunctive relief;

37. The conclusions the Applicant seeks by way of the present application to institute proceedings are as follows:

GRANT the class action of the Applicant and each of the Class Members;

ORDER the Defendants to performs works to prevent the recurrence of another flood in the future;

CONDEMN the Defendants to pay to each Class Member a sum to be determined in compensation of the damages suffered, and ORDER collective recovery of these sums where possible, and individual liquidation where it is not;

CONDEMN the Defendant to pay to each of the members of the Class, punitive damages, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay interest and additional indemnity on the above sums according to law from the date of service of the application to authorize a class action;

ORDER the Defendants to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

ORDER that the claims of individual Class Members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendants to bear the costs of the present action including expert and notice fees;

RENDER any other order that this Honourable Court shall determine and that is in the interest of the members of the Class;

A) The Applicant requests that he be designated as representative of the Class

38. The Applicant is a member of the Class;

39. The Applicant is ready and available to manage and direct the present action in the interest of the members of the Class that he wishes to represent and is determined to lead the present dossier until a final resolution of the matter, the whole for the benefit of the Class, as well as to dedicate the time necessary for the present action before the court and the *Fonds d'aide aux actions collectives*, as the case may be, and to collaborate with the undersigned legal counsel;

40. The Applicant has the capacity and interest to fairly, properly, and adequately protect and represent the interest of the members of the Class;

41. The Applicant is informed, credible, and has a personal interest in the case. The Applicant understands the nature of the legal proceedings and is committed to pursuing this action diligently;

42. The Applicant has mandated the undersigned attorneys to obtain all relevant information with respect to the present action and intend to keep informed of all developments;

43. The Applicant, with the assistance of said attorneys, is ready and available to dedicate the time necessary for this action and to collaborate with other members of the Class and to keep them informed;

44. The Applicant has given instructions to the undersigned attorneys to put information about this class action on their website and to collect the coordinates of those Class Members that wish to be kept informed and participate in any resolution of the present matter, the whole as will be shown at the authorization hearing;

45. The Applicant is in good faith and has instituted this action for the sole goal of having his rights, as well as the rights of other Class Members, recognized and protected so that they may be compensated for the damages that they have suffered as a consequence of the Defendants' conduct;

46. The Applicant understands the nature of the action;

47. The Applicant's interests do not conflict with the interests of other Class Members and further has no interest that is antagonistic to those of other Class Members;

48. The Applicant has spent time researching this issue on the internet and meeting with his attorneys to prepare this file;

B) The Applicant suggests that this class action be exercised before the Superior Court of Justice in the district of Montreal

49. A great number of the members of the Class reside in the judicial district of Montreal and in the appeal district of Montreal;

50. The Applicant's attorneys practice their profession in the judicial district of Montreal;

51. The present application is well founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the present application;

AUTHORIZE the bringing of a class action in the form of an application to institute proceedings in damages;

APPOINT the Applicant as representatives of the persons included in the Class and Subclasses herein described as:

- All persons who were owners or lessees of immovable and/or moveable property located in the City of Dollard-des-Ormeaux that were damaged from the flood that took place on June 20, 2026;

IDENTIFY the principal issues of fact and law to be treated collectively as the following:

a. What caused the flood in the City of Dollard-des-Ormeaux on June 20, 2026 (the "Flood")?

b. Was the sewer and/or drainage systems serving the City of Dollard-des-Ormeaux in the areas that were flooded adequate and/or in good condition on June 20, 2026?

c. Did the Defendants properly design, construct, install, repair, inspect, maintain, operate and supervise its sewer and/or drainage systems servicing the City of Dollard-des-Ormeaux in the areas that were flooded on June 20, 2026?

d. Did the Defendants, through its acts or omissions, cause and/or contribute to the extent of the Flood? If so, how?

e. Did the Defendants interfere with the public's interest in questions of health, safety, morality, comfort or convenience, amounting to an attack upon the rights of the public generally to live their lives unaffected by inconvenience, discomfort or other forms of interference?

f. If the answer to any of the above questions is affirmative, were the Defendants negligent and/or grossly negligent?

g. What is the nature and extent of damages that Class Members are entitled to?

h. Should injunctive relief be issued against the Defendants to order them to performs works to prevent the recurrence of another flood in the future?

i. Should the Defendants be condemned to pay to Class Members compensatory damages, and if so, in what amount?

j. Should the Defendants be condemned to pay to Class Members punitive damages, and if so, in what amount?

k. If the answer to any of the above questions is affirmative, can any portion or all of the damages be assessed in the aggregate? If not, should the Defendants pay the costs of individual damages assessments?

IDENTIFY the conclusions sought by the class action to be instituted as being the following:

GRANT the class action of the Applicant and each of the Class Members;

ORDER the Defendants to performs works to prevent the recurrence of another flood in the future;

CONDEMN the Defendants to pay to each Class Member a sum to be determined in compensation of the damages suffered, and ORDER collective recovery of these sums where possible, and individual liquidation where it is not;

CONDEMN the Defendant to pay to each of the members of the Class, punitive damages, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay interest and additional indemnity on the above sums according to law from the date of service of the application to authorize a class action;

ORDER the Defendants to deposit in the office of this Court the totality of the sums which forms part of the collective recovery, with interest and costs;

ORDER that the claims of individual Class Members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendants to bear the costs of the present action including expert and notice fees;

RENDER any other order that this Honourable Court shall determine and that is in the interest of the members of the Class;

DECLARE that all Class Members that have not requested their exclusion, be bound by any judgment to be rendered on the class action to be instituted in the manner provided for by the law;

FIX the delay of exclusion at thirty (30) days from the date of the publication of the notice to the Class Members, date upon which Class Members that have not exercised their means of exclusion will be bound by any judgment to be rendered herein;

ORDER the publication of a notice to the members of the group in accordance with article 579 C.C.P. within sixty (60) days from the judgment to be rendered herein in *La Presse*, the Montreal Gazette, Le Journal de Montréal, and Le Journal de Québec;

ORDER that said notice be available on the Defendants' websites, Facebook page(s), X accounts, and Instagram accounts with a link providing "Notice to Dollard-des-Ormeaux residents";

RENDER any other order that this Honourable Court shall determine and that is in the interest of the members of the Class;

THE WHOLE with costs, including all publication and dissemination fees.

Montreal, July 3, 2026

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