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April 04, 2013

[REDACTED]
[REDACTED] Thorncliffe Park Apt [REDACTED]
Toronto, ON [REDACTED]

Subject: Insured: TORONTO HYDRO
Our File: [REDACTED]
Date of Loss: 03/08/2013

Dear [REDACTED]

Further to our prior correspondence, Toronto Hydro-Electric Systems Limited ("Toronto Hydro") has now had an opportunity to review the events in regards to the power loss at Thorncliffe Park on March 8, 2013 and has advised that a mechanical failure occurred resulting in a loss of power. The mechanical failure was a sudden and accidental failure of a piece of equipment.

The supply of electricity to customers by Toronto Hydro is governed by the Toronto Hydro Conditions of Service, which are set out in accordance with the Ontario Distribution System Code. We can advise that under the Conditions of Service it is stated:

Section 1.6 – Toronto Hydro is only responsible to reimburse a customer for damage arising directly from the negligence or intentional misconduct of Toronto Hydro or its employees. Toronto Hydro shall not be liable under any circumstances whatsoever for any loss of profits, revenue or any business interruption loss.

Section 2.3.1 – Toronto Hydro will attempt to provide uninterrupted power but cannot guarantee a constant supply. Toronto Hydro is not responsible to a customer for failure to provide a constant supply.

Section 2.3.2.5 – Toronto Hydro will not be liable for any delay or failure to supply power when the event is beyond the reasonable control of Toronto Hydro.

Section 2.3.2.8 – Toronto Hydro will exercise reasonable diligence and care to deliver a continuous supply of electricity but they cannot guarantee a supply that is free from interruption.

Under the circumstances, we do not believe Toronto Hydro was negligent in causing this power outage. The sudden failure of a mechanical part is outside of Toronto Hydro's reasonable control to prevent. It is our understanding that Toronto Hydro crews attended as soon as possible once the outage occurred and that the crews worked around the clock to restore power.