



Information Report
Town of Newmarket
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

June 30, 2017

**CORPORATE SERVICES REPORT - JOINT LEGAL AND LEGISLATIVE SERVICES
INFORMATION REPORT 2017-14**

TO: Mayor Van Bynen and Members of Council

SUBJECT: Litigation and Insurance Claims Information Update Report

ORIGIN: Associate Solicitor, Legal Services
Claims & Risk Analyst

IN ACCORDANCE with the Procedure By-law, any Member of Council may request that this Information Report be placed on an upcoming Committee of the Whole agenda for discussion through the Clerk.

COMMENTS

The purpose of this report is to provide Council with status updates on various ongoing and concluded litigation matters conducted throughout 2016 to June 30, 2017.

1. COURT ACTIONS AND PENDING COURT ACTIONS

Matter	Description	History	Current Status	Counsel
SI SCJ File No. CV-13- 113075-00	<ul style="list-style-type: none">Claim by an RFP proponent for lost profits in connection with a 2011 RFP for janitorial services in Town buildings.	<ul style="list-style-type: none">The Town accepted an RFP proposal from the proponent in February 2011 for janitorial services.The agreement was terminated in March 2011 when the Town discovered that the proponent had submitted a non-compliant bid.The proponent claimed wrongful termination of the Agreement and damages, including lost profits and expenses.	<ul style="list-style-type: none">Details and a financial breakdown of the damage claim have not yet been provided by the proponent.The next steps include the exchange of affidavits of documents and examinations for discoveries.	Paul Voorn/ Andriessen & Associates

Matter	Description	History	Current Status	Counsel
FLKI SCJ File No. CV-13-495627	<ul style="list-style-type: none"> A property owner, commenced applications in December 2013 against MPAC and various municipalities, (including the Town) seeking exemption from municipal taxation for the years 2013 and onward. 	<ul style="list-style-type: none"> The Town served a notice of appearance in August 2014. 	<ul style="list-style-type: none"> MPAC has taken the lead in responding to the matter and is in the process of site investigations to determine the actual uses of the various properties to evaluate whether portions of the properties are exempt from taxation. 	Paul Voorn
AP and SB SCC File No. SC-15-31531	<ul style="list-style-type: none"> Claim by homeowners against developer, the Town and others for failure to complete subdivision property work. The homeowners took occupancy of a new home in June 2013. 	<ul style="list-style-type: none"> The subject lands are located in the Northwest Quadrant near the Environmental Park. 	<ul style="list-style-type: none"> This matter has been completed, as the claim was dismissed by the Court. 	Paul Voorn
SCJ File No. CV-15- 121532-00	<ul style="list-style-type: none"> The Town claims remedial and related costs resulting from damages to the Seniors' Meeting Place which occurred in February 2013. 	<ul style="list-style-type: none"> The slab floor of the building collapsed in the northeast section of the building and some utilities were severed. The cost to repair the damage to the building was approximately \$250,000.00. Engineering reports were obtained by the Town's insurer, AIG and by the Town. The Town commenced a court action against the Town's insurers and the agencies conducting road/utility work in the area of the building. 	<ul style="list-style-type: none"> Defences have been delivered in response to the claim. The next steps include the exchange of affidavits of documents and examinations for discoveries. 	Paul Voorn/ MTL Barristers
SCJ File No. CV-15-124597	<ul style="list-style-type: none"> Employment related matter 	<ul style="list-style-type: none"> After service of the claim, the Town defended the proceeding 	<ul style="list-style-type: none"> The matter will be proceeding to mediation. 	Hicks Morley Hamilton Stewart Storie LLP
SP SCJ File No. CV-16-0020	<ul style="list-style-type: none"> Claim by former tenant of the Magna Centre. 	<ul style="list-style-type: none"> The former tenant alleges damages against the Town relating to the tenant's lease of the premises. 	<ul style="list-style-type: none"> The Town served its Statement of Defence in September of 2016. 	Paul Voorn

Matter	Description	History	Current Status	Counsel
BPCL SCJ File No. CV-17-129580	<ul style="list-style-type: none"> Claim by contractor for road works performed on Srigley Road. 	<ul style="list-style-type: none"> The contractor has claimed payment for funds held back by the Town relating to alleged deficiencies in performance of the contract. 	<ul style="list-style-type: none"> The Town has served a notice of intent to defend and is preparing its Statement of Defence. 	Paul Voorn/ Paterson MacDougall LLP
HL SCJ File No. CV-17-129380	<ul style="list-style-type: none"> Claim by Town relating to street lighting issues 	<ul style="list-style-type: none"> The Town has commenced an action relating to alleged deficiencies in LED light standards. 	<ul style="list-style-type: none"> A claim has been issued but not yet served on the defendants. 	Paul Voorn/ Paterson MacDougall LLP
MSC CV-17- 131451-00	<ul style="list-style-type: none"> Claim by Town relating to a land exchange agreement 	<ul style="list-style-type: none"> A land exchange agreement was entered into with a prior owner of Main Street South properties and is being enforced against the current land owner 	<ul style="list-style-type: none"> The Town has served its notice of application and is preparing supporting affidavits 	Paul Voorn/ Aird & Berlis LLP

2. OMB MATTERS

Matter	Description	History	Current Status	Counsel
180-194 Main Street South OMB File No. MM130083	<ul style="list-style-type: none"> Appeal by the owners of 180-194 Main Street South to the OMB of the Lower Main Street South Heritage Conservation District By-law 2013-51 The owners have also appealed Council's denial of the owner's application to amend the Historic Downtown Urban Centre Zone (UC-D1) designation in comprehensive Zoning By-law 2010-40 	<ul style="list-style-type: none"> In August 2013 a rezoning application was filed to redevelop the lands at 180-194 Main Street South. A public meeting was held on February 3, 2014. On October 21, 2013 Council enacted the Lower Main Street South Heritage Conservation District Bylaw 2013-51. The lands are located within the Heritage Conservation District. On December 5, 2016, Council rejected the zoning amendment proposed by the owner and directed staff (in part) to instead create a site specific Zoning By-law to restrict the height of development, fronting on Main Street at three stories plus a fourth storey if set back by a minimum of 15 feet, and restrict the height of development on Park Avenue at three stories with a fourth storey if set back by a minimum of 15 feet. 	<ul style="list-style-type: none"> In August 2014 the OMB ordered that By-law 2013-51, save and except for the lands located at 180-194 Main Street shall be deemed to have come into effect on October 21, 2013. An OMB pre-hearing was heard on May 3, 2017, with a further pre-hearing set for August 11, 2017. Both OMB appeals are being heard together. 	Paul Voorn/ Aird & Berlis LLP

Matter	Description	History	Current Status	Counsel
17600 Yonge St. OMB File No. MM160050 and MM170024	<ul style="list-style-type: none"> Appeals of two parkland dedication payments set out in amending site plan agreements. 	<ul style="list-style-type: none"> The owner paid the parkland dedication amounts under protest. 	<ul style="list-style-type: none"> No hearing dates have been set. Discussions with the owner to resolve the dispute are on-going. 	Paul Voorn
Part of Lots 23, Reg'd Plan 49; N side of Eagle Street OMB File No. PL080723	<ul style="list-style-type: none"> Appeal by the owner to the Official Plan of the Town of Newmarket that designated an approximate 1.7 acre parcel of land as "Natural Heritage System" on Schedule "A" and "Woodlot" on Schedule "B". 	<ul style="list-style-type: none"> The Town and Region brought an unsuccessful motion to dismiss the appeal on January 13, 2009. 	<ul style="list-style-type: none"> Hearing dates in March and April of 2009 were adjourned and have not been rescheduled Staff are waiting for the developer to respond to outstanding comments, primarily related to compensation associated with any proposed tree/woodlot removal. 	Esther Armchuk/ Paul Voorn
OMB File No. PL141386 – PL141389	<ul style="list-style-type: none"> Appeals re lands west of the terminus of Silken Laumann Drive between the Metrolinx Rail Corridor and the existing Hydro Corridor. 	<ul style="list-style-type: none"> Planning staff recommended settlement of the appeals Council directed staff to settle the appeals subject to securing a condition that Town lands not be used by the developer unless a significant community benefit is provided and agreed to by Council. 	<ul style="list-style-type: none"> This matter has been completed. An OMB order was made April 11, 2017, approving amendments to the Official Plan and Zoning By-law and approving the Draft Plan Conditions, Plan of Subdivision, and Condominium to permit the development of 28 townhomes on a common element private road 	Esther Armchuk/ Paul Voorn/ Ken Hill
Davis Drive Corridor & Yonge St. Corridor OMB File No. PL150382	<ul style="list-style-type: none"> OPA 10 – Newmarket Urban Centres Secondary Plan 	<ul style="list-style-type: none"> 8 appeals received. 	<ul style="list-style-type: none"> All of the Secondary Plan appeals have now been settled except for the appeals by the Mulock Farm estate. 	Esther Armchuk/ Paul Voorn/ Leo Longo

Matter	Description	History	Current Status	Counsel
<p>Copper Hills Technical Amendment</p> <p>OMB File No. PL160236</p>	<ul style="list-style-type: none"> Appeal re 45m setback to the northerly lot line for dwellings on subject lands 	<ul style="list-style-type: none"> Appeal filed under subsection 34(19) of the <i>Planning Act</i> by 724903 Ontario Inc. to the passing of Zoning By-law #2016-05. Pursuant to Council direction, minutes of settlement were signed by the owner and the Town maintaining the 45m setback for all but 3 lots, whose setback would be 40m. 	<ul style="list-style-type: none"> This matter has been completed. The OMB hearing proceeded on February 22, 2017, and the settlement was approved by the OMB. The OMB has released its written decision approving the settlement and has approved the draft zoning bylaw amendment submitted to it at the hearing. 	<p>Paul Voorn</p>
<p>84 & 90 Howard Road</p> <p>OMB File No. PL160716</p>	<ul style="list-style-type: none"> Appeal from refusal of Committee of Adjustment to grant a Consent and Minor Variance 	<ul style="list-style-type: none"> Pursuant to Council direction, the property owners and the OMB were advised that the Town would not appear at the hearing as a party as Council supported the Committee of Adjustment recommendation and therefore directed staff not to appear. Conditions regarding proper development of the property and the application of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy were put before the OMB on consent of the property owner. 	<ul style="list-style-type: none"> This matter has been completed. The OMB hearing proceeded on November 8, 2016. On January 26, 2017, the Board issued a decision in favour of the owner. The Board imposed the Town's requested conditions. 	<p>Paul Voorn</p>
<p>253 Denise Cir.</p> <p>OMB File No. PL160716</p>	<ul style="list-style-type: none"> Appeal from refusal of Committee of Adjustment to grant Minor Variance 	<ul style="list-style-type: none"> Pursuant to Council direction, the property owners and the OMB were advised that the Town would not appear at the hearing as a party as Council supported the Committee of Adjustment recommendation and therefore directed staff not to appear. 	<ul style="list-style-type: none"> This matter has been completed. The OMB hearing proceeded on February 21, 2017. The OMB released its decision on March 1, 2017 allowing the variance but advising that the decision was not a precedent for other homeowners. 	<p>Paul Voorn</p>

Matter	Description	History	Current Status	Counsel
770 Gorham Street OMB File No. PL170443	<ul style="list-style-type: none"> Appeal from refusal of Committee of Adjustment to a Consent for a Severance and to grant Minor Variances 	<ul style="list-style-type: none"> The property owners sought to obtain the severance and variances in order to construct a second home on the property. 	<ul style="list-style-type: none"> The OMB has set a hearing date for September 7, 2017. A report will be forthcoming to seek direction from Council on how the Town will respond to the appeals. 	Paul Voorn

3. OTHER LITIGATION – INSURANCE DEFENDED COURT ACTIONS

Claimant & Court Number	Date of Loss	Legal File No.	Explanation
GI CV-09-05724-00AI	February 21, 2008	L02-054-11	The claimant was struck by a 3 rd party vehicle that lost control on 19 th Side Road west of Bathurst. The Town owns the road and King maintains it as part of an old agreement. There are complex liability issues, including King's winter maintenance and the Town's ownership of the road. Patterson McDougall Law ("PM Law") is representing the Town. Ongoing. No settlement has been reached. May go to trial in 2017. Remains open.
SM CV-11-423578	April 3, 2009	L02-19-09	The claimant was walking on the sidewalk along Clearmeadow Boulevard and fell on the sidewalk. At the time of the loss the Town had not assumed this sidewalk as the area was under construction. The Town was named as a party along with builder, developer and engineer. The Town has no involvement in this claim other than the fact it has not been released from the action. Clyde and Co. have been assigned this loss. Town should not be part of the settlement file. File remains open.
NG CV-13-112688-00	February 14, 2012	L02-011-12	The claimant slipped and fell on the sidewalk on Bob Scott Avenue. The Town had not assumed this sidewalk at the time of the fall. Her lawyer has not removed the Town from the action at this time. PM Law is representing the Town. It does not appear that the Town will have any liability. Town's lawyer is pushing for resolution. File remains open.
RM CV-12-466748	November 4, 2010	L02-051-12	The claimant sustained eye injuries when a hydro transformer box on a hydro pole exploded. The Town does not own nor maintain the hydro pole or the transformer. To date the Town has not been let out of the action. PM Law is representing the Town. PM Law is pushing for resolution. File remains open.
VA and JA SC-14-30877-00	December 10, 2012	L02-056-12	The claimants experienced a sewer back up in their home. They issued a claim against the Town for negligence. The Town had inspected and flushed system as per Town policy and has denied the claim. PM Law is representing the Town. The claim is proceeding to discoveries in late 2017. File remains open.

Claimant & Court Number	Date of Loss	Legal File No.	Explanation
JH CV-13-113481-00	March 1, 2013	L02-021-13	The claimant fell while entering or exiting the property at 200 Davis Drive. The property is not owned or maintained by the Town. However, the claimant's lawyer has not released the Town from the action. PM Law has been assigned the loss. Town let out of the action. File now closed.
AG CV-14-118204-00	May 17, 2013	L02-047-13	The minor Plaintiff lost the top part of his index finger of his right hand (dominant hand) when it was cut off after it became stuck in the hole in a pole of a P gate at Woodhaven Court. The Town is still investigating the circumstances surrounding the accident. Town is represented by Dolden Wallace Folick LLP. Will be for some time as claimant is a minor. File remains open.
BR Court file number unknown.	July 2, 2013	L02-054-13	The claimant alleges that she fell while walking on Bonshaw Avenue at the intersection of Woodspring Avenue. Blaney McMurtry LLP is handling the loss on behalf of the Town. Discoveries set for Spring 2017. File remains open.
CK Court file number unknown.	October 2, 2013	L02-068-13	The claimant tripped over a manhole cover at the intersection of Davis Drive and Yonge Street. The Town does not have ownership of this manhole. The Region of York has taken the position that it belongs to the Town. It appears that this manhole is for the conduits for the traffic lights at the intersection, which are not under the Town's jurisdiction. This file will be assigned to defence to file a statement of defence. Discoveries set for Winter 2017. File remains open.
JD CV-14-119369-00	November 7, 2013	L02-080-13	The claimant was jogging on the path through Lion's Park and became entangled in orange construction fencing, fell and broke his hip. At the time of the loss the area was under construction as a parking lot and basketball court were being resurfaced. Fencing was put up by the Town's contractor. The claimant's lawyer has not let the Town out of the action at this point. Loopstra Nixon LLP is representing the Town. Discoveries complete. Liability remains an issue. File remains open.
JZ CV-15-121788-00	November 12, 2013	L02-087-13	The claimant slipped and fell while walking on Cranberry Street near Bayview Avenue. The Town does not undertake winter maintenance on this sidewalk. The file has been assigned to PM Law and discoveries will take place in the fall of 2017.
SO CV-13-115787-00	November 19, 2009	L02-097-13	The Claimant fell in a bus shelter on Davis Drive at Patterson Street. The Town does not own, maintain or inspect these shelters. However, to date the Town has not been let out of the action. Town not responsible for this claim. File assigned to Loopstra Nixon to defend Town. File should settle shortly.
A. (Business) CV-14-501270		L08-37-13	The claimant is suing the Town and Buckley's Insurance over issues involving the laneway right of way at the rear of the two businesses off Main Street. The allegation against the Town is that Building permits for exit doors in the easement area should not have been approved. Discoveries took place in July of 2015. PM Law is representing the Town. Numerous issues remain to be resolved. Discoveries partially complete. File is ongoing.

Claimant & Court Number	Date of Loss	Legal File No.	Explanation
MM CV-15-121336-00	January 17, 2013	L02-013-15	The Town was served with a Statement of Claim March 12, 2015 in regards to a fall that took place at the RJT Centre on January 17, 2013. The Town was not given any prior notice of this loss. Given the late reporting of this loss, it will in all likelihood require litigation to be resolved. The Claim has been sent to the Town's Insurer. File assigned to PM Law and discoveries are scheduled for the fall of 2017.
P. (Business) CV-15-122201-00		L02-033-15	The claim is for alleged construction deficiencies at 430 Coventry Hill Trail. The claimant claims that the Town failed to enforce the Ontario Building Code. The Town's insurers have retained the firm Loopstra Nixon to defend the matter. Discovery of the parties has been partially completed. File remains open.
D.C. CV-15-122039-001	March 21, 2014	L02-068-14	The claimant fell while walking on the sidewalk on Manchester Drive. PM Law has been retained on behalf of the Town. Discoveries will take place in the summer of 2017.
YMCA and TB SC- 15-123730-00	April 11, 2014	L02-16-074	CYFS is being Third Partied into an action as a result of the total loss fire of the Aurora United Church. The roofer is claiming that CYFS failed in its duty to put out the fire. File assigned to defense counsel.
GA	Oct 24, 2014	L02-16-073	The claimant alleges injuries as a result of striking construction material on Davis Drive while riding his bike. Town has denied this loss as it relates to VIVA NEXT Project. The claim is being defended by Loopstra Nixon. Discoveries are anticipated to take place in early 2018.

4. INSURANCE CLAIMS – NOT YET IN LITIGATION (The following files are being monitored by Legislative Services and, should a claim be served, it will be forwarded to the Town's Insurer to deliver a defence.)

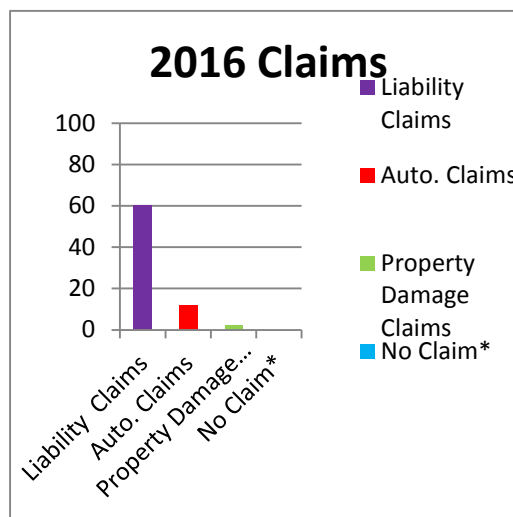
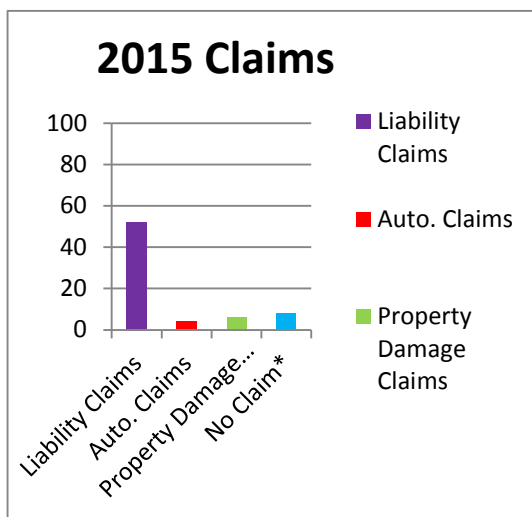
Claim	Date of Loss	Town File No.	Explanation
Slip & Fall	February 21, 2014	L02-031-14	The claimant fell while walking along Davis Drive at the intersection of Lorne Avenue. Claimant has retained council. Our adjuster is negotiating resolution of this claim. ON GOING.
Slip & Fall	March 19, 2014	L02-050-14	The claimant fell on Penn Avenue while walking to Maple Leaf Public School. Claim was denied. Denial letter sent. Town sanded/salted area prior to the fall.
Slip & Fall	March 28, 2014	L02-062-14	The claimant fell at the east entrance to the Magna Centre. File remains open and has now assigned to PM Law.
Slip & Fall	March 22, 2014	L02-065-14	The claimant slipped and fell on the sidewalk on Millard Avenue. Our adjuster is dealing directly with the claimant's lawyer.
Slip & Fall	March 20, 2014	L02-069-14	The claimant fell when walking on Lancaster Avenue. Our adjuster is dealing directly with claimant's solicitor in an attempt to resolve this claim.
Slip & Fall	August 21, 2014	L02-104-14	The claimant fell while walking along the sidewalk on Comfort Lane. Claimant has consulted a lawyer but not yet retained one. Our adjuster is dealing with the claimant.

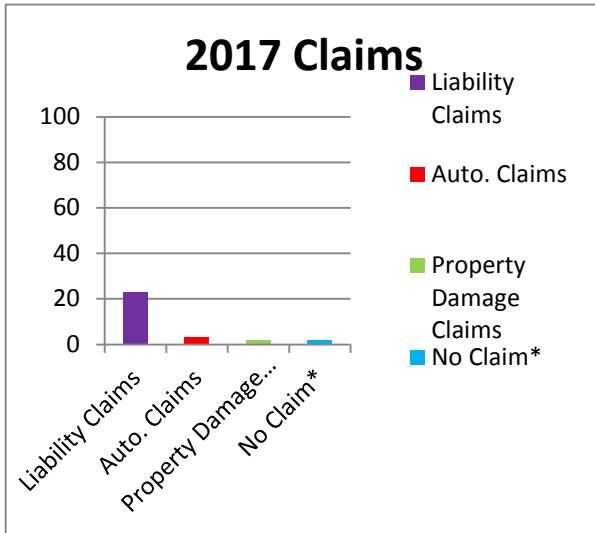
Claim	Date of Loss	Town File No.	Explanation
Slip & Fall	October 1, 2014	L02-125-14	The claimant fell at the intersection of Nicholson and Harry Walker. Our adjuster sent denial letter to claimant in April 2017. We have closed our file.
Slip & Fall	December 12, 2014	L02-137-14	The claimant fell outside of the Ray Twinney Centre. Our adjuster is dealing with third party solicitor. File remains open.
Fall from Ladder on Work Site	December 12, 2014	L02-139-14	The Claimant is an electrician and was working in the Old Town Hall when he fell from a ladder. Workers' Compensation matter. File closed.
AC	April 20, 2009	L02-15-044	Town received a notice letter for MVA that occurred on Mulock Drive and Yonge Street in 2009. File has been assigned to our adjuster to investigate.
TS	Jan. 14, 2016	L02-16-006	Claimant fell in a hole at the intersection of Yonge Street and Clearmeadow Boulevard. Hole was left there by contractor working on VIVA changes on Yonge Street. The Contractors' insurer is dealing directly with the injured party.
EC	April 15, 2016	L02-16-032	Notice letter received in regards to an MVA that occurred in Bradford. We have advised solicitor this is not within our jurisdiction and they should contact the Region or Bradford West Gwillimbury.
SL	March 25, 2016	L02-16-033	Claimant fell at the rear entrance to the Seniors' Meeting Place. Our adjuster is dealing directly with the injured party.
SW	April 13, 2016	L02-16-034	Claimant fell on a sidewalk at the Riverwalk Commons. The claimant has retained the services of Boland Howe. Our adjuster is dealing with this law firm currently. However, this file will need to go to defence in the near future as Boland Howe does not generally deal directly with insurers.
CR	Unknown	L02-16-038	Notice letter received about potential claim by an owner of a business on Davis Drive. Our insurer has been notified of the potential claim.
FS	April 28, 2016	L02-16-039	Notice letter received about a fall at the Davis Drive Plaza. Lawyer has been advised this is private property and has been provided with the owner's contact information.
AL	Feb. 19, 2016	L02-16-043	Notice letter received about a fall at the Riverwalk commons. The Town had no prior knowledge of this fall. The claim has been assigned to our adjuster to obtain the details of this fall.
TM	July 21, 2016	L02-16-047	Town replaced water meter that failed and flooded basement of claimant. Town dealt directly with claimant to resolve the matter.
RW	July 25, 2016	L02-16-051	Trip and fall at the intersection of Lorne and Davis. Open and ongoing.
HM	Aug 23, 2016	L02-16-052	Claimant fell through electrical cover in alleyway off Main Street. All covers have since been inspected. Claimant is represented and file assigned to defense counsel.
ER	Sept 3, 2016	L02-16-058	Claimant tripped fell over a mat at the entrance to restaurant on Main Street. Issue with the interlock in front of the building. File assigned to defense counsel.
SH & SM	Unknown	L02-16-064	Claims put forth by two residents in the Glenway area in regards to vibration damage to their homes. The developer was advised and has had the two properties inspected. The file remains open.

Claim	Date of Loss	Town File No.	Explanation
CF	Nov 11, 2016	L02-16-066	Claimant fell outside of a business on Mulock Drive. The claim has been denied as this is private property. The file remains open in the event legal proceedings are commenced.
HR	Dec 12, 2016	L02-17-007	Notice letter received from lawyer about serious MVA on Green Lane at Main Street. Letter sent to lawyer advising that Green Lane East does not fall within the boundary of the Town. File remains open pending legal action. Serious injuries involved.
HN	Jan 13, 2017	L02-17-008	Sewer back up Town put on Notice by homeowners insurer. We are currently investigating.
SN	Jan 15, 2017	L02-17-011	Town received Notice Letter putting the Town on notice for injuries resulting from a single vehicle MVA on 404 at Davis Drive. Letter sent to lawyer advising the Town has no jurisdiction over the 404.
MG	Feb 17, 2017	L02-17-012	Town received Notice Letter putting the Town on notice for injuries sustained in a fall at plaza at Green Lane and Yonge. Letter sent to lawyer advising the Town does not have ownership of this plaza.
DM	March 21, 2017	L02-17-016	The claimant slipped and fell on black ice in front of a clothing Donation box located in the Magna Parking lot. Claimant suffered a head injury.
Various claims	June 23, 2017	L02-17-030	Numerous properties affected by storm and sewer water as a result of rainfall during the evening of June 22 and into the day of June 23, 2017.

6. Insurance Claims History 2015-2017

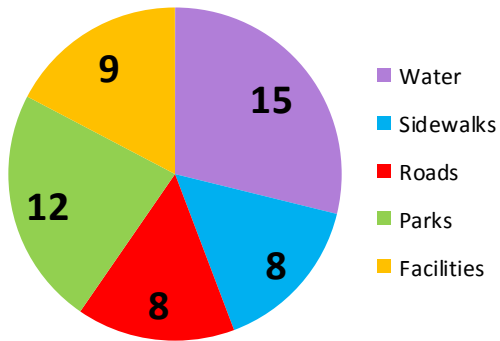
In 2015, the Town opened 52 claims. The number increased to 74 in 2016 however the number of significant claims was lower than 2015. YTD 2017 is trending in a very positive direction with no significant losses have been reported. A breakdown of the types and volume of claims by department is noted below:



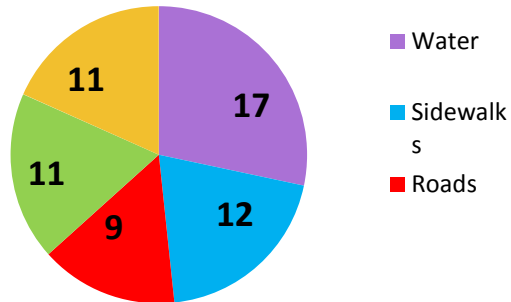


*No claim denotes those claims that were reported to the Town however there was no liability (fault) on the part of the Town, the claim was not within the jurisdiction of the Town or the claim was withdrawn.

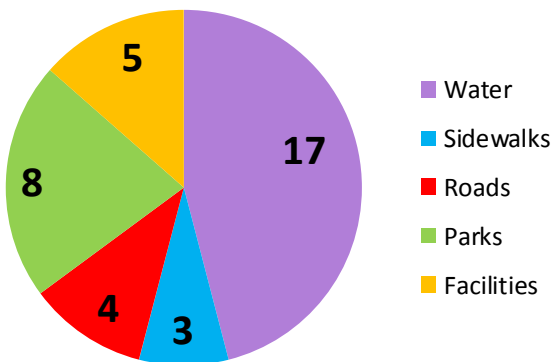
Liability Claims 2015 (52)



Liability Claims 2016 (60)



Liability Claims 2017 YTD (37)



- Water claims include sewer, water main or other claims associated with the Water/Wastewater Department activities.
- Sidewalk claims include claims involving injuries as a result of trip or slip and fall incidents that occurred on Town sidewalks.
- Road claims include claims that relate to road activities such as pothole claims, and claims involving Town road clearing equipment.
- Parks claims include incidents on Town trails, parks, as well as forestry issues.
- Facilities claims include any claims that occurred in or around Town facilities

We finished 2016 with 74 reported claims. While, up from 2015 this is partially as a result of the mild winter in 2015 and the return to somewhat normal winter conditions during 2016. The majority of the claims reported in 2016 were minor property damage claims that were resolved quickly with little or no money being paid out. The Town dealt with seven significant trip/slip or fall claims in 2016 down from eight in 2015 and 12 in 2014. These types of losses are generally the most significant in terms of both money and impact to the Town's insurance underwriting history.

On a very positive YTD 2017 the Town has had one reported trip/slip fall claim. This is very significant and can be attributed to the increased number of sidewalks being maintained in the winter by the Town, training of staff as to what to watch for that might lead to losses and continued pre winter and continued inspections of sidewalks, trails and Town facilities.

The Town has and continues to take a very proactive approach to managing our risks. Through inspections, training updating of parks signage and bylaws.

The Town most recently updated our Trail and park winter maintenance signs and has posted warning signs at several locations to warn the public of risks that are associated to particular activities in those areas. These include the River Walk Water Feature winter and summer, community rinks, Lock 3 on the Holland River and Coyote warning signs throughout the Town.

Training and information sessions continue to be conducted several times a year to provide staff with information on how to identify areas of risk and to address risk management concerns and trends.

The Town's Claim and Risk Analyst is also working the Town's insurer and adjusting company to identify municipal risk trends and to implement strategies to deal with those issues. Most recently, updating our parks signs to reflect winter activity and resulting changes to our Parks bylaw to reflect these changes.

The Town of Newmarket and our N6 partners recently entered into an agreement to extend our current Insurance Services Contract with our current provider BFL CANADA Risk and Insurance Services Inc. (BFL) for another 36 month term to expire December 31, 2019. This resulted in premium savings of approximately \$30,000.00. This renewal will continue to provide the Town with premium stability building on what we have developed with BFL since 2012.

The N6 entered into a new three year agreement with a new Adjusting firm Georgian Claims on January 1, 2017. This cooperative effort resulted in the Town receiving the best possible hourly rate that it could for our adjusting services.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The recommendations support the *well-equipped* and *managed* objectives of the strategic plan by providing for the efficient management of litigation by and against the Town.

CONSULTATION

Legislative Services, Legal Services, Finance and Human Resources were all consulted in the preparation of this report.

HUMAN RESOURCE CONSIDERATIONS

Staffing levels are not impacted as a result of the recommendations in this report.

BUDGET IMPACT

Any proposed settlement payment by the Town not covered by the Town's insurance policy will be brought to Council for approval.

As a reflection of the increasing number of matters included within this litigation report which are not defended through our insurer, the Joint CAO / Commissioners, Corporate Services Report, Financial Services – 2017-29 dated May 4, 2017 identified the legal services consulting budget as an extraordinary item for the 2018 budget.

CONTACT

For more information on this report, please contact: Paul Voorn, Associate Solicitor at Ext. 2436, or John Quinn, Claims & Risk Analyst at Ext. 2212.



Paul Voorn, B.A. LL.B. (Hons.)
Associate Solicitor, Legal Services



for Karen Reynar, B.A., LL.B.
Director, Legal Services/Municipal Solicitor



Lisa Lyons, Director, Legislative Services /
Town Clerk



Esther Armchuk, B.A. (Hons.), LL.B.
Commissioner, Corporate Services



John Quinn
Claims & Risk Analyst