



Town of Newmarket
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Litigation and Insurance Claims Update Information Report

Report Number: 2018-09

Department(s): Joint Legal and Legislative Services

Author(s): Paul Voorn and John Quinn

Date: August 8, 2018

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Executive Summary

This report summarizes the current LPAT, litigation and insurance matters involving the Town.

Purpose

The purpose of this report is to provide Council with status updates on various ongoing and concluded Planning appeals, litigation and insurance matters through to August 8, 2018.

Background

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	<ul style="list-style-type: none">Affidavits of documents have been exchanged and examinations for discoveries have been completed.The matter has not	Paul Voorn/ Andriessen & Associates

Matter	Description	History	Current Status	Counsel
		<p>March 2011 when the Town discovered that the proponent had submitted a non-compliant bid.</p> <ul style="list-style-type: none"> The proponent claimed wrongful termination of the Agreement and damages, including lost profits and expenses. 	<p>yet been set down for trial.</p>	
<p>FLKI SCJ File No. 524/12</p>	<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 The parties conducted cross-examination on affidavits on June 19, 2018 The Town has not yet been advised of the court date on which the matter will be argued 	<p>Paul Voorn</p>

Matter	Description	History	Current Status	Counsel
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. 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"> Council approved the settlement of this matter on May 28, 2018. The final steps to complete the settlement are underway. 	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"> Discoveries have been completed. The matter has not yet been set down for trial. 	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. A claim was issued in Feb of 2016 and served in August of 2016. 	<ul style="list-style-type: none"> The Town served its Statement of Defence in September of 2016. The file has remained dormant since that time. 	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 served its Statement of Defence in April of 2017. Affidavits of documents have been exchanged, examinations for discoveries will proceed in September of 2018. 	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"> Given the Town's review of the matter, the action is being discontinued. 	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 matter settled pursuant to minutes of settlement dated May 2, 2018. Completion of the land exchanges under the minutes of settlement took place on August 7, 2018. 	Paul Voorn/ Aird & Berlis LLP
SL & CL SC-17- 33942-00	<ul style="list-style-type: none"> Claim against the Town for alleged damage to owners' property. 	<ul style="list-style-type: none"> After service of the claim, the Town defended the proceeding. 	<ul style="list-style-type: none"> A pretrial took place on February 13, 2018. The matter thereafter was resolved between the parties. 	Paul Voorn/ Andriessen & Associates

2. Administrative Tribunal Matters

Matter	Description	History	Current Status	Counsel
<p>180-194 Main Street South</p> <p>LPAT File No. MM130083</p>	<ul style="list-style-type: none"> • Appeal by the owner of 180-194 Main Street South to the LPAT of the Lower Main Street South Heritage Conservation District By-law 2013-51 • The owner 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. • On October 21, 2013 Council enacted the Lower Main Street South Heritage Conservation District Bylaw 2013-51. • In August 2014 the LPAT ordered that the Town By-law 2013-51 which enacted shall be deemed to have come into effect on October 21, 2013, save and except for the lands located at 180-194 Main Street. • On December 5, 2016, Council rejected the zoning amendment proposed by the owner. 	<ul style="list-style-type: none"> • The matter settled pursuant to minutes of settlement dated May 2, 2018. • Completion of the land exchanges under the minutes of settlement took place on August 7, 2018. 	<p>Paul Voorn/ Aird & Berlis LLP</p>

Matter	Description	History	Current Status	Counsel
<p>Part of Lots 23, Reg'd Plan 49; N side of Eagle Street</p> <p>LPAT File No. PL080723</p>	<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. 	<p>Esther Armchuk/ Paul Voorn</p>
<p>Davis Drive Corridor & Yonge St. Corridor</p> <p>LPAT File No. PL150382</p>	<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, save for one which is expected to be settled by the end of 2018. 	<p>Esther Armchuk/ Paul Voorn/ Aird & Berlis LLP</p>

Matter	Description	History	Current Status	Counsel
770 Gorham Street LPAT 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 LPAT hearing date set for December 11, 2017 was adjourned as the owner submitted further revised drawings for consideration by the Town. • Committee of the Whole in Closed Session on January 22, 2018, provided direction to staff, to which the owner has yet to respond. • The owner has not responded to a status update request from the LPAT. 	Paul Voorn
172-178 Old Main Street LPAT File Nos. PL180519, 180520, 180642)	<ul style="list-style-type: none"> • Appeal by neighbour of property owner over Town approval of zoning bylaw amendment, plan of subdivision and extension of interim control bylaw. 	<ul style="list-style-type: none"> • Council approved the property owner's zoning amendment and subdivision request on April 16, 2018. • To allow completion of the tertiary plan, Council extended the interim control bylaw on May 7, 2018. 	<ul style="list-style-type: none"> • The LPAT has scheduled a case conference hearing on October 11, 2018 regarding the zoning bylaw appeal. • The LPAT has advised that it will be scheduling an additional hearing regarding the appeal of the interim control bylaw extension to assess the merits of that appeal. 	Paul Voorn

Matter	Description	History	Current Status	Counsel
260 Eagle Street LPAT File No. MM180056	<ul style="list-style-type: none"> • Appeal by owner of cash in lieu of parkland payment requirement 	<ul style="list-style-type: none"> • The owner paid as cash in lieu of parkland under protest, as it alleged the property valuation provided by it to establish the payment due contained an error. 	<ul style="list-style-type: none"> • Town staff are reviewing the matter with the owner on property valuation to determine the correct amount payable. 	Paul Voorn
Property in vicinity of Srigley Street and Prospect Street (Parts 1-7 on Expropriation Plan D978) BN File No: 18:01	<ul style="list-style-type: none"> • A dispute over the amount of compensation owed related to expropriation of lands by the Town 	<ul style="list-style-type: none"> • On November 25, 2005, the Town expropriated natural heritage lands in the vicinity of Prospect Street and Srigley Street. Although the Town obtained possession and ownership of the lands through the expropriation process, the matter of final compensation for the lands has remained outstanding. 	<ul style="list-style-type: none"> • An appearance at the Board of Negotiations occurred on May 9, 2018. • Council provided directions on June 18, 2018. 	Karen Reynar / Scargall Owen-King LLP

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. Patterson McDougall Law (“PM Law”) is representing the Town. No settlement has been reached. The matter may go to trial in 2018.
SM CV-11-423578	April 3, 2009	L02-19-09	The claimant fell while walking on the sidewalk along Clearmeadow Boulevard. At the time of the loss the Town had not assumed this sidewalk as the area was under construction. Clyde and Co. have been assigned this matter by the Town’s insurer.
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. PM Law is representing the Town.
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. PM Law is representing the Town. The claim has been postponed until early 2018.
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. Town is represented by Dolden Wallace Folick LLP. The file will remain open for some time as claimant is a minor.

Claimant & Court Number	Date of Loss	Legal File No.	Explanation
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.
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 Town's insurers have retained the firm Loopstra Nixon to defend the matter. Discoveries are set for 2018.
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 sidewalk is privately owned. The file was assigned to PM Law and has now settled.
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. Discoveries took place in July of 2015. PM Law is representing the Town.
P. (Business) CV-15-122201-00		L02-033-15	The claim is for alleged construction deficiencies at 430 Coventry Hill Trail. The Town's insurers have retained the firm Loopstra Nixon to defend the matter. Discovery of the parties was partially completed and the matter thereafter settled.
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.
YMCA and TB SC-15-123730-00	April 11, 2014	L02-16-074	A claim was issued against CYFS as a result of a total loss fire. The Town's insurers have retained the firm PM Law to defend the matter.

Claimant & Court Number	Date of Loss	Legal File No.	Explanation
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 was being defended by Loopstra Nixon, who were able to remove the Town from the action.
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 was assigned to the Town's adjuster who retained PM Law. Discoveries were set for April 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
AC	April 20, 2009	L02-15-044	Town received a notice letter for Motor Vehicle Accident that occurred on Mulock Drive and Yonge Street in 2009. File has been assigned to The Town's adjuster to investigate.
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 counsel. The Town's adjuster is negotiating resolution of this claim.
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.
Slip & Fall	March 20, 2014	L02-069-14	The claimant fell when walking on Lancaster Avenue. The Town's adjuster is dealing directly with claimant's solicitor in an attempt to resolve this claim.
Slip & Fall	March 22,	L02-065-	The claimant slipped and fell on the sidewalk on Millard Avenue. The Town's adjuster was

Claim	Date of Loss	Town File No.	Explanation
	2014	14	dealing directly with the claimant's lawyer and settled the matter.
Slip & Fall	March 28, 2014	L02-062-14	The claimant fell at the east entrance to the Magna Centre. The file remains was assigned to PM Law, who settled the matter.
Slip & Fall	August 21, 2014	L02-104-14	The claimant fell while walking along the sidewalk on Comfort Lane. The claimant has consulted a lawyer but not yet retained one. The Town's adjuster is dealing with the claimant.
Slip & Fall	December 12, 2014	L02-137-14	The claimant fell outside of the Ray Twinney Centre. The Town's adjuster was able to settle the matter.
SL	March 25, 2016	L02-16-033	SL fell at the rear entrance to the Seniors' Meeting Place. The Town's adjuster is dealing directly with the injured party. PM Law has been retained as defence counsel.
SW	April 13, 2016	L02-16-034	SW fell on a sidewalk at the Riverwalk Commons. The claimant has retained the services of Boland Howe. The Town's adjuster settled the matter.
CR	Unknown	L02-16-038	Notice letter received about potential claim by an owner of a business on Davis Drive. The Town's insurer has been notified of the potential claim.
RW	July 25, 2016	L02-16-051	Trip and fall at the intersection of Lorne and Davis. The Town's insurer has been notified of the potential claim.
HM	Aug 23, 2016	L02-16-052	HM fell through electrical cover in alleyway off Main Street. The Claimant is represented and the file has been assigned to defense counsel, PM Law.

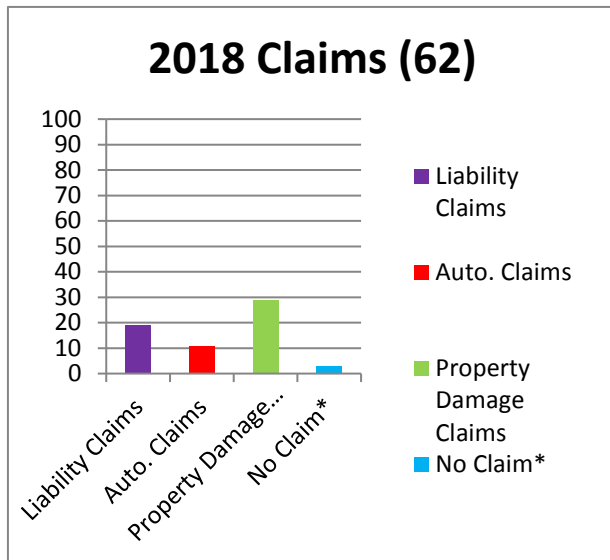
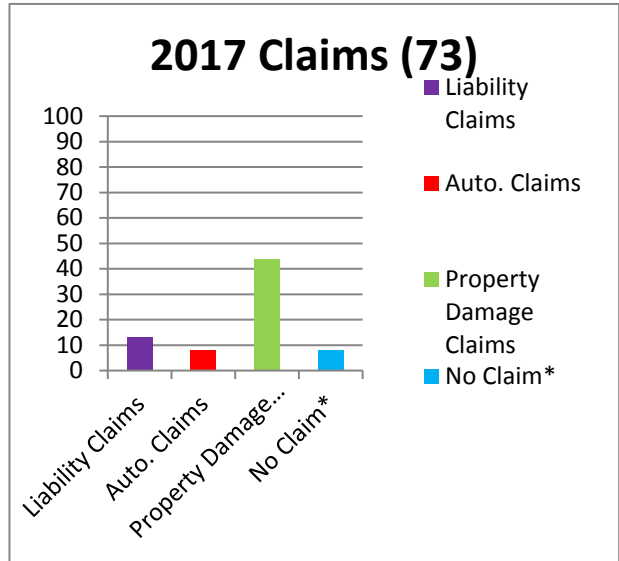
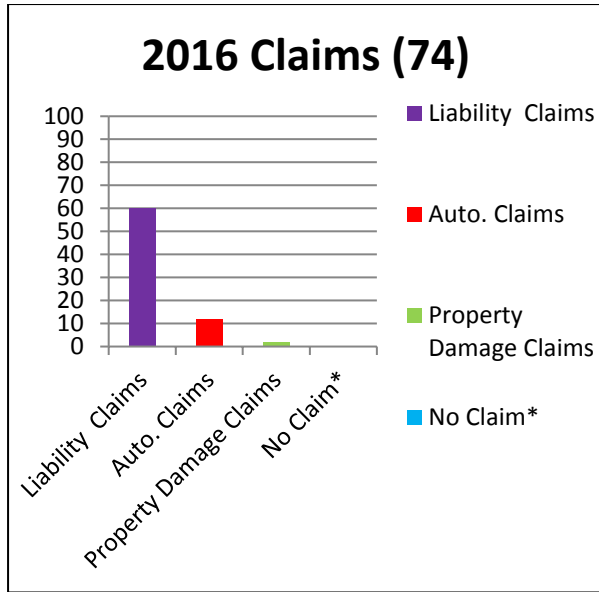
Claim	Date of Loss	Town File No.	Explanation
ER	Sept 3, 2016	L02-16-058	ER tripped fell over a mat at the entrance to restaurant on Main Street. File assigned to defense counsel, Loopstra Nixon.
SH & SM	Unknown	L02-16-064	Claims put forth by two residents in the Glenway area in regards to vibration damage to their homes. The developer was advised and has had the two properties inspected.
CF	Nov 11, 2016	L02-16-066	CF fell outside of a business on Mulock Drive. The claim has been denied as the incident occurred on private property.
HN	Jan 13, 2017	L02-17-008	Sewer back up. Town put on Notice by homeowner's insurer.
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. The Town has no jurisdiction over the 404, so the Town has closed its file on this matter.
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. The Town does not have ownership of this plaza so the Town has closed its file on this matter.
DM	March 21, 2017	L02-17-016	DM allegedly slipped and fell on black ice in front of a clothing donation box located in the Magna Parking lot.
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.
ND	July 28, 2017	L02-17-053	A slip and fall occurred on a sidewalk/boulevard on Lundy's Lane.
JLH	Nov 20, 2017	L02-17-065	Notified by lawyers letter of a fall on a sidewalk that occurred on Kirby Crescent.

Claim	Date of Loss	Town File No.	Explanation
BD	Dec 5, 2017	L02-17-067	Notified by lawyers letter of a pedestrian struck at an intersection. Matter assigned to Defense Council.
FW	Jan 26, 2018	L02-18-008	Notified by lawyer of a slip and fall on McNab Gate. File assigned to the Towns adjuster to investigate.
LC	January 29, 2018	L02-18-024	Notified of a fall on the steps at the Tim Hortons at Davis Drive and Longford. The matter is being investigated.
Unknown	Feb 5, 2018	L02-18-010-P	We were notified of a fall on the steps to Tim Hortons at Davis and Longford. No claim has been put forth as of yet.
DK	Feb 6, 2018	L02-18-016	Fall on the steps at Tim Hortons at Longford and Davis Drive. The matter is being investigated.
DW	Feb 14, 2018	L02-18-021P	Fall on the steps at south side of OTH. Claimant was an employee of the Region and any claim will be pursued through Workers Compensation.
MV	Feb 13, 2018	L02-18-022-P	Fall on a YRT bus. The Town was put on notice, but will be let out of this action at some point in the near future.
JB	March 26, 2018	L02-18-027	A minor lost control of his bike on a spike that was sticking out of the ground on Ivesbridge. Assigned to our adjuster to investigate.
LJ	April 14, 2018	L02-18-031	LJ fell on the sidewalk on Parkside Drive after the ice storm of April 14-16. The file has been assigned to our adjuster to investigate.
CH	April 15, 2018	L02-18-034	CH fell on a sidewalk on Minden Way the loss occurred after the ice storm of April 14-16.
RM	April 17, 2018	L02-18-028	A minor fell at a crosswalk on Ford Wilson Boulevard. The fall occurred after the ice storm of April 14-16, 2018. File assigned to our adjuster to investigate.

Claim	Date of Loss	Town File No.	Explanation
VS	April 17, 2018	L02-18--29	VS fell on the road after ice storm of April 14-16. The file has been assigned to our adjuster to investigate.
DC	April 19, 2018	L02-18-032	DC fell on a sidewalk on Alex Doner after the ice storm of April 14-16. We are dealing directly with the claimant for medical expenses.
AZ	May 10, 2018	L02-18-068	AZ fell in the change room at the Magna Centre. We are investigating as to how. The claim is for medical expenses only.
SB	May 24, 2018	L02-18-046	SB was struck and killed at a crosswalk on Stockdale Crescent in Richmond Hill. The Town will be let out of this action as the Town has no jurisdiction in Richmond Hill.
SH	June 18, 2018	L02-18-055	SH fell in a bus shelter on Davis Drive. The Town has no jurisdiction over YRT bus shelters.
SM	June 23, 2018	L02-18-059	SM lost control of her bicycle on Stonehaven Drive as a result of construction debris and dirt. Our adjuster has been assigned the claim to investigate.
CG	June 25, 2018	L02-18-056	CG lost control of her motorcycle in a construction zone on Gorham Street. The contractor is dealing with this claim.
AM	July 20, 2018	L02-18-062	AM fell on a driveway apron on Park Avenue. File assigned to our adjuster to investigate.

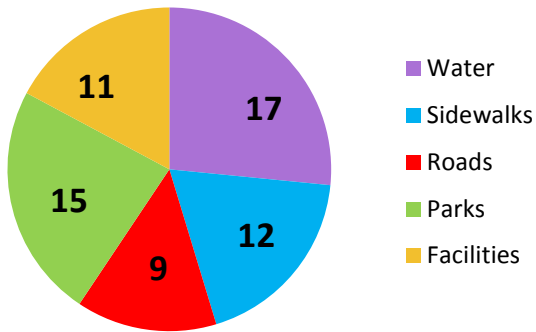
5. Insurance Claims History 2016-2018

In 2016, the Town opened 78 claims. The number dropped to 76 in 2017. YTD in 2018 the Town has opened 62 claims. In 2016 the Town opened 14 injury claims of which four were transferred to others. In 2017 the Town opened 8 injury claims of which 3 were transferred to others. In 2018, YTD the Town has opened 17 injury claims. Five of which we have transferred by contract to third parties, who were responsible for winter maintenance to others, and five that were as a result of the April 14-17 ice storm. A breakdown of the types and volume of claims by department is noted below:

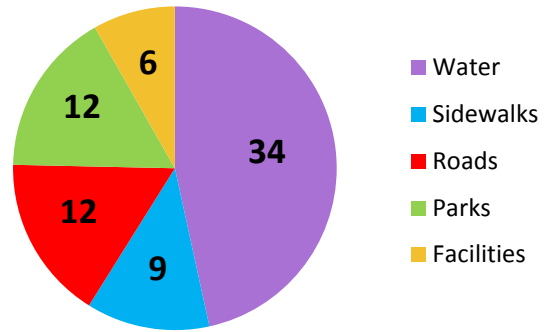


*No claim denotes those claims that were reported to the Town however there was no liability (fault) on the part of the Town, the claim was not within the jurisdiction of the Town or the claim was withdrawn.

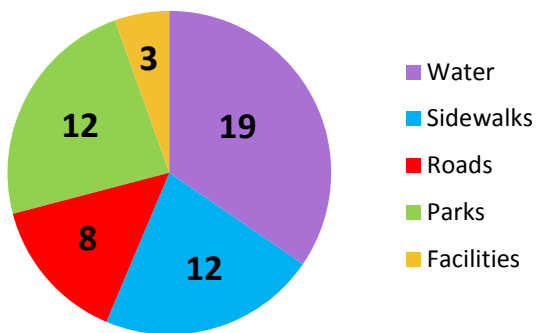
Liability Claims 2016 (64)



Liability Claims 2017 (73)



Liability Claims 2018 YTD (62)



- 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.

Discussion

In 2017, 76 claims were reported to the Town. This is down two from the previous year. On a very positive note the Town only opened five injury claims in 2017, which is down from ten the previous year. This drop is a result of the Town increasing the number of sidewalks that are now being maintained in the winter as well as the vigilance of staff in monitoring, inspecting and identifying and resolving issues that might lead to losses on Town sidewalks, trails and facilities. In 2018 YTD, the Town has opened 17 injury claims of this five have been transferred through agreements or contracts and five were as a result of the April ice storm. The 2018 increase can be attributed in large part to a return to normal winter weather conditions and the ice storm of April 14-17.

On June 23, 2017 the Town experienced a significant weather event. The a combination of several weeks of rain and saturated ground conditions led to an unusual number of sewer back up and water claims being reported. As a result of an investigation in this event it was determined that the Town and Regions systems operated as they had been designed to and these failures resulted from system being overwhelmed by the volume of water entering into them. A total of 23 claims were reported as a result of this event all of which were denied as there was no negligence on the part of the Town. This event was set up as one claim with multiple claims attached to it.

During the weekend of April 13-15 2018, the Town experienced another significant weather event in the form of ice pellets and icy rain accumulation. As a result of this storm the Town opened 12 claims for property damage and five injury claims. The twelve property damage claims were all automobile claims where damage resulted from ice build-up on the roads. All of these claims were denied and subsequently closed. The five injury claims were as a result of slip and falls on sidewalks or streets. They have all been reported to our insurer and are being investigated thoroughly.

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

Town staff continually work with the Town's Claims and Risk Analyst and insurer in updating and replacing trail, park and facility signs where appropriate.

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 Claims 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, the Town's parks signage was updated to reflect winter activity and resulting changes to our Parks Bylaw to reflect these changes.

The Town continues to take a proactive approach to transferring our risk to others through agreements and contracts where it is appropriate.

The Town of Newmarket and N6 partners have completed the first 18 month policy period of our three year contract with BFL CANADA. The Town saw an overall increase in premium of 4%, this was as a result of an increase in the value of the Town's assets, market trend and several significant claim settlements.

The Town and N6 partners also renewed the contract with the Town's adjusting firm, Georgian Claims for another year on January 1, 2018, which will hold the cost of our adjusting services at their current rate in 2018.

Conclusion

This report has summarized the status of various ongoing and concluded Planning appeal, litigation and insurance matters through to July 31, 2018.

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 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.

Attachments

None.

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.

Approval



Paul Voorn, Associate Solicitor
Legal Services



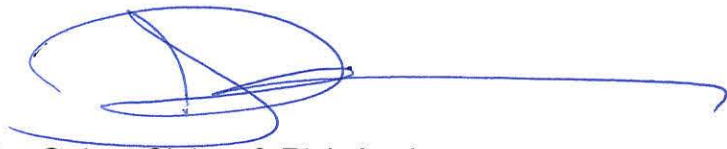
Karen Reynar, Director/Municipal Solicitor
Legal Services



Lisa Lyons, Director/Town Clerk
Legislative Services



Esther Armchuk, Commissioner
Corporate Services



John Quinn, Claims & Risk Analyst
Legislative Services