

# Lawsuits a part of doing municipal business

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road, and provide a warning sign for motorists, cyclists and pedestrians.

Doupagne could not comment on the case as it is currently before the courts.

The Town of Halton Hills had 53 claims filed last year for general liability, ranging from property damage by basement flooding to physical injuries.

Of the 35 claims closed in 2017, 12 of them were denied by the independent adjuster that the town contracts out to deal with the issues.

The town paid out \$33,604 in claim settlements.

Halton Hills chief administrative officer Brent Marshall says that that number of claims is relatively standard.

"Most of them are fairly routine," he said. "There hasn't been anything significant."

Another claimant, Acton resident Cherry Atkins, is seeking \$9,902 in compensation from the town after she claims that tree roots caused a blockage in the city's sewer lateral, causing a

sewage flood in her basement.

"The Region of Halton repaired the blockage and said that there was no history of sewage backup at this address," she wrote in her statement of claim. "The sewer lateral is on city property. This tree is maintained by city employees."

Atkins filed the court documents after the Town of Halton Hills denied her claim.

When the town receives a statement of claim, indicating that a resident is taking the town to court, staff notify the insurer.

The insurance agency in turn assigns a lawyer, who meets with a town representative.

The insurance company requests the claimant's documents, like medical files if need be, and throughout the examination for discovery and pre-trial sessions, seeks to come to some sort of resolution.

Atkins says Halton Hills did not respond to Atkins' file with the small claims court in Milton within the 20-day window of time, resulting in the file being handed over to a default decision-making process, where



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**The town of Halton Hills received 53 insurance claims in 2017, 18 of which remain open.**

judgment may be obtained without notice and enforced against the town.

"People in this day and age are more aware of their rights," said David Levy, a personal injury lawyer and partner with Howie Sacks and Henry LLP. "We like to think of ourselves as different from Americans...I'm

not sure we're any less litigious."

Levy says that Canadians are more aware of the options to file claims, however, current law requires the claimant to notify the municipality of their intention to sue within ten days of the injury or incident.

"It is complicated," he said.

## UREPORT

# Autism group seeking nominations

Autism Ontario North Halton is seeking nominations from the community to take over the Chapter Leadership Council (CLC) for the 2018-2019 term.

The chapter is seeking individuals who can utilize their experience in leadership, business and education to continue to strengthen and grow this much needed organization in the North Halton region.

The CLC is elected by chapter members annually for one-year terms. The CLC members are responsible for the direction and management of the chapter.

Elections will be held on April 24 at 7 p.m. at Tim Hortons (373 Mountainview Rd. S.). There is no need to have a personal connection to someone with autism to get involved. Those interested can also nominate themselves.

For further information, visit <http://www.autismontario.com/northhalton>.

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