



Town of Newmarket
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Litigation and Claims Update as of December 1, 2024 Information Report

Report Number: INFO-2024-29

Department(s): Legal and Procurement Services
Legislative Services

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Sharon Geniole, Claims and Risk Analyst

Date: December 20, 2024

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.

Purpose

The purpose of this report is to provide Council with status updates on various ongoing and concluded Planning appeals, litigation and insurance matters for the time period from August 8, 2018 to December 1, 2024.

Background

Historically, staff provided Council a summary update on Planning appeals, litigation and insurance matters on an annual basis. Due to COVID-19, changes in staffing and other high priority matters, the delivery of these annual summaries have been delayed since the last update to Council in Information Report [2018-09](#). Staff have, however, continued to report to Council on a case-by-case basis as needed during this time period. Going forward, staff will resume providing Council with a summary report on an annual basis.

Discussion

Update on Planning Appeals and Litigation Matters

Please refer to Attachment 1 for a detailed update on court actions and administrative tribunal matters for the period from August 1, 2018 up to and including December 1, 2024. For each matter, Attachment 1 provides a high-level description, a recap of the history of the file, the current status of the matter, and the responsible lawyer.

Insurance Update

As the Town transitions to a larger urban centre, we continue to see an overall increase in the number of insurance claims being reported to the Town by individuals and personal injury law firms. These numbers fluctuate year over year; however there is a notable shift with increased personal injury claims across the industry. As a result of this trend, staff continue to work with our insurer and broker to develop mitigation strategies.

The Town's insurance policy expires yearly on December 31 and is renewed January 1 of each year. The Town has experienced an increase in annual premiums year over year. These increases occurred as a result of a very hard insurance market which has now started to level out. COVID-19, inflation and global claims have also caused a rise in insurance costs which impact premiums. During a hard market, fewer insurers are interested in writing municipal business and those that do tighten up their underwriting requirements. The Town is starting to see a correction in the market but have some rate pressure due to material change in inflation, losses and increased impact of climate change on the global insurance market.

The Town continues to take a very proactive approach to managing its risks, through inspections, training, and updating of parks signage and by-laws. Town staff continually work with the Claims and Risk Analyst and insurance broker in updating and replacing trail, park and facility signs where appropriate. More recently, a significant focus has been placed on documentation and ensuring Town Staff have appropriate documentation to be able to respond to claims effectively and efficiently.

Training and information sessions have previously been held for summer parks staff. The Town's Claims and Risk Analyst provides updates on best practices for risk mitigation that are passed on to the Town by our insurer, defence counselor other municipalities.

The Town's Claims and Risk Analyst also works with the Town's insurer and adjusting company to identify municipal risk trends and to implement strategies to deal with those issues.

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

Please refer to Attachment 1 for further information regarding the insurance claims received by the Town between August 1, 2018 and December 1, 2024.

Conclusion

This report provides a summary update on all ongoing and concluded litigation suits, tribunal matters and insurance claims that were active between August 1, 2018 and December 1, 2024.

Business Plan and Strategic Plan Linkages

This report aligns with Newmarket's values of being an accountable and accessible community. It also demonstrates that Newmarket is *well-equipped* and *well-managed* in efficiently managing claims on behalf of and against the Town.

Consultation

Human Resources was consulted in the preparation of this report.

Human Resource Considerations

None.

Budget Impact

There is no budget impact associated with this report. Where a matter involves a budget impact that is not covered by the Town's insurance policy, it is brought before Council for approval on a case-by-case basis.

Attachments

Attachment 1 – Litigation and Claims Listing, August 1, 2018 to December 1, 2024

Approval

Lisa Lyons, Director of Legislative Services/Town Clerk

Karen Reynar, Director of Legal and Procurement Services/Town Solicitor

Esther Armchuk, Commissioner of Corporate Services

Contact

For more information regarding litigation and administrative tribunal matters, please contact Paul Voorn at pvoorn@newmarket.ca.

For more information regarding insurance claims matters, please contact Sharon Geniole at sgeniole@newmarket.ca.

If you require this document in an alternative format, please contact the Town of Newmarket at 905-895-5193

Court Actions between August 1, 2018 and December 1, 2024

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"> Committee of the Whole in Closed Session on February 1, 2021, provided direction to staff. The matter resolved in July of 2021 and the action was dismissed without costs on August 31, 2021. 	Paul Voorn Andriessen & Associates
FLKI SCJ File No. 524/12	<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, although MPAC has taken the lead in responding to the matter. The Superior Court on August 30, 2019, dismissed the action as against the Town and a number of other municipalities. 	<ul style="list-style-type: none"> The property owner sought leave to appeal to the Supreme Court of Canada on August 22, 2024. 	Paul Voorn

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		<ul style="list-style-type: none"> The property owner's appeal to the Divisional Court was dismissed January 6, 2022 and an appeal to the Court of Appeal was dismissed on May 24, 2024. 		
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 matter. 	<ul style="list-style-type: none"> This matter resolved and the claim was discontinued. 	Hicks Morley Hamilton Stewart Storie LLP
HL et al CV-17-129380	<ul style="list-style-type: none"> Court action by the Town to protect cost recovery related to potential light pole defects. 	<ul style="list-style-type: none"> A claim was issued by the Town and served. An expert was retained by the Town to assess if the defects were systemic or isolated. 	<ul style="list-style-type: none"> Due to findings of the expert, the action was discontinued by the Town without costs, prior to any of the defendants delivering a defence. 	Paul Voorn Paterson MacDougall LLP
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. The Town served its Statement of Defence in April of 2017. Affidavits of documents were exchanged and examinations for 	<ul style="list-style-type: none"> The trial commenced during the November 2024 trial sittings, but was not completed. It will continue during the trial sittings in September of 2025. 	Paul Voorn Dolden Wallace Folick LLP

		<p>discoveries completed.</p> <ul style="list-style-type: none"> • Committee of the Whole in Closed Session on February 1, 2021, provided direction to staff. 		
SCJ File No. CV-18-00603748	<ul style="list-style-type: none"> • Employment related matter 	<ul style="list-style-type: none"> • After service of the claim, the Town defended the matter. 	<ul style="list-style-type: none"> • This matter resolved and the claim was discontinued. 	Hicks Morley Hamilton Stewart Storie LLP
SPBG CV-19-140798	<ul style="list-style-type: none"> • Court action against the Town relating to a lease expiry of an occupant of the Magna Centre. 	<ul style="list-style-type: none"> • The tenant claimed damages against the Town for refusing to further extend the lease. 	<ul style="list-style-type: none"> • Committee of the Whole in Closed Session on November 25, 2019, provided direction to staff. • The claim was discontinued by the former tenant after the Town's statement of defence was served. 	Paul Voorn Andriessen & Associates
AV SCJ File No. CV-19-142538	<ul style="list-style-type: none"> • Claim against Town for allegedly failing to issue building permits and for property standards remediation steps taken by the Town. 	<ul style="list-style-type: none"> • After service of the claim, the Town defended the proceeding. • The Town served its Statement of Defence in November of 2018. 	<ul style="list-style-type: none"> • Successful motions were brought by Town to dismiss the claim. The Superior Court released its decision December 5, 2022, dismissing the action. 	Paul Voorn Dolden Wallace Folick LLP
MH SC-19-35541	<ul style="list-style-type: none"> • Small Claims Court action against the Town by a consultant relating to a 	<ul style="list-style-type: none"> • The Town defended the claim. 	<ul style="list-style-type: none"> • The claim was discontinued by the contractor after service of the defence. 	Paul Voorn

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	claim for fees owing.			
ST SCJ File No. SC20-513	<ul style="list-style-type: none"> Small Claims action for motor vehicle damages arising from a pothole in a road outside of Newmarket boundaries. 	<ul style="list-style-type: none"> The Town served a defence, as the plaintiff's agent refused to discontinue. 	<ul style="list-style-type: none"> The plaintiff discontinued the claim after delivery of the Town's defence. 	Paul Voorn
MCI SCJ File No. SC20-600	<ul style="list-style-type: none"> Small Claims action by Town contractor for the return of maintenance holdback for work performed on the Tom Taylor Trail. 	<ul style="list-style-type: none"> The Town served a defence. Funds were held back by the Town due to alleged deficiencies in performance of the contract. 	<ul style="list-style-type: none"> Committee of the Whole in Closed Session on February 1, 2021, provided direction to staff. The matter resolved and the action was dismissed without costs on December 15, 2021. 	Paul Voorn
SL SCJ File No. CV-21-3096	<ul style="list-style-type: none"> Court action against the Town relating to a claim for extras on a demolition project. 	<ul style="list-style-type: none"> The claim was issued with the court by the contractor, but never served against the Town. 	<ul style="list-style-type: none"> The claim was discontinued by the contractor without being served, as the extras claim was resolved. 	Paul Voorn
SCJ File No. CV-21-00657141	<ul style="list-style-type: none"> Employment related matter 	<ul style="list-style-type: none"> After service of the claim, the Town defended the matter. A pretrial hearing was conducted. 	<ul style="list-style-type: none"> This matter has resolved. 	Hicks Morley Hamilton Stewart Storie LLP
BPCL SC-22-146	<ul style="list-style-type: none"> Small Claims Court action against the Town by a 	<ul style="list-style-type: none"> The dispute related to the volume of materials used in 	<ul style="list-style-type: none"> The claim was discontinued by the contractor prior to the Town 	Paul Voorn

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	contractor relating to a payment dispute.	a retaining wall installation.	having to serve a defence.	
MGL et al SCJ File No. CV-22-2841	<ul style="list-style-type: none"> Claim against parties responsible for construction of a retaining wall. 	<ul style="list-style-type: none"> The Claim was issued September 7, 2022, served on the defendants and Defences have been served. 	<ul style="list-style-type: none"> Committee of the Whole in Closed Session on July 11, 2022, provided direction to staff. Necessary expert witnesses have been retained. Further direction from Council will be sought if the file progresses toward settlement. 	Paul Voorn Presvelos Law LLP
CMHC et al. SCJ File No. CV-22-4053	<ul style="list-style-type: none"> Claim by the Town for the cost to repair an acoustic wall within lands assumed by the Town. 	<ul style="list-style-type: none"> The repairs were performed by the Town and recovery is sought against those involved in its construction. 	<ul style="list-style-type: none"> Committee of the Whole in Closed Session on January 16, 2023, provided direction to staff. The statement of claim been served. If the matter does not settle, it will proceed with defences being served and then moving on to discoveries. 	Paul Voorn Dolden Wallace Folick LLP
SCJ File No. CV-23-711341	<ul style="list-style-type: none"> Employment related matter 	<ul style="list-style-type: none"> After service of the claim, the Town defended the matter. 	<ul style="list-style-type: none"> The matter is waiting to proceed to discoveries. 	Hicks Morley Hamilton Stewart Storie LLP
MRCL SCJ File No. CV-24-436	<ul style="list-style-type: none"> Claim by the Town and Region for the proportionate cost of repairing a Regional 	<ul style="list-style-type: none"> The repairs were performed by the Region, as agent for the Town. The site plan permitted the 	<ul style="list-style-type: none"> Committee of the Whole in Closed Session on April 24, 2023, provided direction to staff. 	Paul Voorn Borden Ladner Gervais LLP

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	<p>storm drain located partly within the lands of the property owner.</p>	<p>Town to perform repairs if not performed by the property owner.</p>	<ul style="list-style-type: none"> • The statement of claim, defence and reply have been exchanged and filed. • The claim will proceed to discoveries, which have not yet been scheduled. 	
<p>SCJ File No. CV-24-717471</p>	<ul style="list-style-type: none"> • Employment related matter 	<ul style="list-style-type: none"> • After service of the claim, the Town defended the matter. 	<ul style="list-style-type: none"> • This matter resolved and the claim was discontinued. 	<p>Hicks Morley Hamilton Stewart Storie LLP</p>

Administrative Tribunal Matters between August 1, 2018 and December 1, 2024

Matter	Description	History	Current Status	Counsel
1075 Gorham Street CRB File No. CRB20-01; OLT 21-1400	<ul style="list-style-type: none"> Appeal by owner to the Conservation Review Board of a heritage designation. 	<ul style="list-style-type: none"> Based on a staff report that came before committee of the whole on November 4, 2019, Council designated the property under Part IV of the <i>Ontario Heritage Act</i>. The owner appealed to the CRB. 	<ul style="list-style-type: none"> Council in Closed Session on October 5, 2020, provided direction to staff. As the owner has not progressed with a development proposal that incorporates the heritage building, the matter will move forward to schedule a hearing to obtain the non-binding recommendation from the CRB to bring the appeal to an end. 	Barbara Montgomer y
55 Eagle Street OLT File No. PL08-0723 and PL20- 0496	<ul style="list-style-type: none"> Appeal by the owner in 2008 of an Official Plan Amendment by the Town that designated an approximate 1.7 acre parcel of land as "Natural Heritage System" and "Woodlot". A zoning amendment appeal was commenced in 	<ul style="list-style-type: none"> The Town and Region brought an unsuccessful motion to dismiss the OP Amendment appeal on January 13, 2009. After remaining dormant, the zoning amendment appeal brought by the owner in 2020 re-activated the matter. 	<ul style="list-style-type: none"> Committee of the Whole in Closed Session on March 21, 2022, provided direction to staff. A hearing commenced May 24, 2022, with only the appropriate parking standards being in dispute. Other issues relating to the woodlot and area of development were resolved in 	Paul Voorn Wood Bull LLP

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Matter	Description	History	Current Status	Counsel
	<p>2020 by the owner regarding its application to build a condominium tower and townhouse development.</p>		<p>advance of the hearing.</p> <ul style="list-style-type: none"> • The OLT released its decision on September 9, 2022 approving the resolved issues and which upheld the Town’s position on disputed parking rates. • The owners thereafter sought a reconsideration by the OLT Chair of the parking standards determination, on the basis that the hearing panel made an errors in determining facts and interpreting applicable law. The request for reconsideration was rejected. 	
<p>770 Gorham Street OLT File No. PL17-0443</p>	<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. • The OLT hearing date set for December 11, 2017 was adjourned as the owner submitted further revised drawings for 	<ul style="list-style-type: none"> • Committee of the Whole in Closed Session on January 22, 2018, provided direction to staff. • Minutes of settlement were signed. • An OLT hearing occurred on June 16, 2021. The consent zoning variances and provisional 	<p>Paul Voorn</p>

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Matter	Description	History	Current Status	Counsel
		consideration by the Town.	consent to sever were granted.	
<p>172-178 Old Main Street</p> <p>LPAT/OLT File No. PL18-519, 520 and 642</p>	<ul style="list-style-type: none"> • Appeal by the owners of a zoning by-law amendment, draft plan conditions and an interim control by-law extension. 	<ul style="list-style-type: none"> • The owners were concerned with liability for development charges as part of a tertiary plan process. No such charges were applicable. 	<ul style="list-style-type: none"> • Committee of the Whole in Closed Session on September 17, 2018, provided direction to staff. • The appeal was resolved with a zoning by-law amendment being granted by the LPAT/OLT that provided for the conditions to remove the hold provisions in the by-law. 	Paul Voorn
<p>679 Allen Ave</p> <p>LPAT/OLT File No. PL18-814</p>	<ul style="list-style-type: none"> • Appeal by the property owners of a minor variance denial by the Committee of Adjustment. 	<ul style="list-style-type: none"> • The owners requested permission to construct an exterior set of stairs to their basement. • The variance request was supported by Town staff. 	<ul style="list-style-type: none"> • An information report dated November 21, 2018 was provided to Council • The LPAT approved the variance request at a hearing on February 20, 2021. 	Paul Voorn

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Matter	Description	History	Current Status	Counsel
<p>17750 Yonge Street and 20 Davis Drive</p> <p>LPAT/OLT File No. PL18-854</p>	<ul style="list-style-type: none"> Joint appeal by the property owners of by-law 2018-48, which implemented the Urban Centres Secondary Plan 	<ul style="list-style-type: none"> The appeals were technical in nature and were resolved on consent before the LPAT. 	<ul style="list-style-type: none"> The LPAT delivered its decision on June 10, 2019 repealing by-law 2018-48 and replacing it with a revised by-law 2019-06. 	<p>Paul Voorn</p>
<p>134 Avenue Road</p> <p>LPAT/OLT File No. PL19-0635</p>	<ul style="list-style-type: none"> Appeal by the property owners of a denial by the Committee of Adjustment of a minor variance request. 	<ul style="list-style-type: none"> The owners requested permission to build a second unattached garage structure on their property. 	<ul style="list-style-type: none"> An information report dated February 13, 2020 was provided to Council The appeal was heard by the LPAT on August 13, 2020 and dismissed. 	<p>Paul Voorn</p>

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Matter	Description	History	Current Status	Counsel
<p>247/251 Kathryn Crescent</p> <p>OLT File No. PL19-0637</p>	<ul style="list-style-type: none"> • Appeal by the owners of a denial by the Council to allow a zoning amendment. 	<ul style="list-style-type: none"> • The owners hold title to the two properties. As part of a plan to seek a consent severance to create 3 lots, the owners first sought to obtain zoning amendments regarding the 3 homes they planned to build on the lots. 	<ul style="list-style-type: none"> • Council in Closed Session on September 20, 2021, provided direction to staff. • The hearing was heard October 15, 2021. Reduced lot sizes and widths were approved, but the request for increased lot coverage was rejected. • After the owners obtained a provisional consent to sever, the OLT then approved the required zoning by-law amendment. 	<p>Paul Voorn Wood Bull</p>
<p>43 Lundy's Lane</p> <p>OLT File No. OLT21-1280 and 1281</p>	<ul style="list-style-type: none"> • A zoning amendment and site plan drawing appeal was commenced in 2021 by the owner regarding its application to build an apartment building. 	<ul style="list-style-type: none"> • The OLT set a pre-conference hearing date for May 5, 2022. 	<ul style="list-style-type: none"> • Council in Closed Session on March 21, 2022, provided direction to staff. • Minutes of settlement were signed relating to an approved site plan design and requested zoning amendments. • An OLT settlement hearing occurred on May 5, 2022, with a confirming decision released thereafter. 	<p>Paul Voorn</p>

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Matter	Description	History	Current Status	Counsel
<p>214-218 Main Street OLT File No. OLT21-1702</p>	<ul style="list-style-type: none"> The owner appealed in 2021 a condition attached by Council to a heritage permit. 	<ul style="list-style-type: none"> The OLT set a hearing date for March 10, 2022. 	<ul style="list-style-type: none"> Council in Closed Session on December 6, 2021, provided direction to staff. The OLT hearing proceeded on March 10, 2022. A decision was thereafter released by the OLT removing the condition that had been included in the permit. A revised permit was then issued by the Town 	<p>Paul Voorn</p>
<p>706 Yarfield Crescent OLT File No. OLT22-2426</p>	<ul style="list-style-type: none"> The owner appealed a Committee of Adjustment decision denying a variance request to allow a garage parking space to count toward the required number of parking spaces to accommodate an ADU. The Town Planning report before the Committee supported the request. 	<ul style="list-style-type: none"> The OLT set a hearing date for June 16, 2022. 	<ul style="list-style-type: none"> Council in Closed Session on May 2, 2022, provided direction to staff. At the appeal hearing, the OLT granted the requested variance. 	<p>Paul Voorn</p>

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Matter	Description	History	Current Status	Counsel
<p>Parkland By-law 2022-51</p> <p>OLT File No. OLT22-4621</p>	<ul style="list-style-type: none"> Appeal by the Upper Canada Mall owners of a provision in the by-law relating to (a) the 50% cap on urban centre land area for residential and mixed use proposals and (b) how land area is calculated where there are multiple phases and different building uses. 	<ul style="list-style-type: none"> The matter did not proceed to an OLT hearing. 	<ul style="list-style-type: none"> Direction from Council was obtained in Closed Session on March 6, 2023. The matter thereafter resolved on consent and the appeal was withdrawn. 	<p>Paul Voorn</p> <p>Wood Bull</p>
<p>315 Botsford Road</p> <p>OLT File No. 23-334</p>	<ul style="list-style-type: none"> The owner appealed a Committee of Adjustment decision denying 3 of 4 variance requests relating to a new home being constructed. 	<ul style="list-style-type: none"> The Town Planning report before the COA had also recommended denial of the variances. 	<ul style="list-style-type: none"> Direction from Council was obtained in Closed Session on June 19, 2023. The appeal proceeded on August 11, 2023 and the variances were granted by the OLT. 	<p>Paul Voorn</p>
<p>410 Carruthers Ave.</p> <p>OLT File No. EA-1255 (2024)</p>	<ul style="list-style-type: none"> The owner appealed a Committee of Adjustment decision denying an ADU. 	<ul style="list-style-type: none"> The Town Planning report before the Committee had supported the request. 	<ul style="list-style-type: none"> The Town has not yet responded to the OLT regarding its position on the appeal. 	<p>Barbara Montgomery</p>

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Matter	Description	History	Current Status	Counsel
Human Rights Tribunal matter	<ul style="list-style-type: none"> A complaint of discrimination was launched regarding the installation of bike lanes on Park Avenue, which eliminated on-street parking. 	<ul style="list-style-type: none"> The Town was served in August of 2018 and a response of the Town was filed thereafter. 	<ul style="list-style-type: none"> A mediation occurred in July of 2019 but did not resolve the matter. The Town remains the only respondent to the complaint. The Town is waiting on the HRT to schedule a hearing. 	Paul Voorn Miller Thomson
Human Rights Tribunal matter	<ul style="list-style-type: none"> Employment related matter 	<ul style="list-style-type: none"> The employee served a complaint in 2020. 	<ul style="list-style-type: none"> The complaint was withdrawn prior to a hearing. 	Hicks Morley Hamilton Stewart Storie LLP
Human Rights Tribunal matter	<ul style="list-style-type: none"> A complaint of discrimination was launched regarding a property standards order served on a property. 	<ul style="list-style-type: none"> The Town was served in November of 2023 and a response of the Town was filed in December of 2023. 	<ul style="list-style-type: none"> A mediation occurred on May 28, 2024 which did not resolve the matter. The Town is waiting for notice from the Tribunal on a hearing date. 	Paul Voorn
Human Rights Tribunal matter	<ul style="list-style-type: none"> A complaint of discrimination was launched regarding the person's interactions with the Superior Court and York Regional Police. 	<ul style="list-style-type: none"> The Town was served November 29, 2024. 	<ul style="list-style-type: none"> The complainant has been asked to voluntarily withdraw the application against the Town, failing which a proceeding will be brought to the HRTA asking for a dismissal against the Town. 	Paul Voorn

Insurance Claims between August 1, 2018 and December 1, 2024

In 2018, the Town opened a total of 96 claims. 18 were injury related claims, of this 4 were transferred to other defendants to defend. There were a total of 68 property damage claims for 2018. 4 personal injury claims remain open in litigation with external counsel.

In 2019, there were a total of 62 claims. 13 were injury claims reported to the Town, and we transferred 3 of those claims to other defendants to defend using contract language or the negligence/liability of another party. There were a total of 43 property damage claims for 2019. 1 personal injury claim remains open in litigation with external counsel.

In 2020, 66 claims were opened. Of these, 22 were injury related claims. Even though the number of injury related claims was higher in 2020, there were only 5 injury related claims reported after April 2020 due to the onset of COVID-19. A total of 40 property damage claims are reported for 2020, two significant claims that occurred in Town owned facilities. The first occurred at the Operations Centre where a sewer back up resulted in \$40,000.00 worth of damage. The second occurred at the Magna Centre where a fire caused by a faulty vending machine resulted in damages in excess of \$157,000.00 dollars. Our insurer pursued a claim against the owners of the vending machine in regards to this claim. This matter has settled in 2024 and the Town will be reimbursed a portion of their deductible payment related to this claim. 1 personal injury matter remains open with external counsel.

In 2021, the Town opened and investigated 40 claims. Of these, 16 were injury related claims. 23 property damage claims were reported for 2021. 1 personal injury matter remains open with external counsel.

In 2022, the Town opened and investigated 71 claims, 25 of these were personal injury claims. Most personal injury claims were slip and falls on roads and sidewalks due to ice, although there were several accidents within our parks and facilities which resulted in a claim or required investigation. 2022 also saw an increase (45 total) in the number of property damage claims. Property damage claims include damage to vehicles, homes, etc., due to construction, water/sewer backups and more. 2022 saw quite a few claims related to vehicle damage due to road reconstruction projects in particular the McCaffrey Road and Lorne Avenue road reconstruction projects. These claims were all forwarded directly on to the contractors responsible for these projects. 2 personal injury matters remain open with external counsel.

In 2023, the Town opened and investigated 105 claims. 28 were personal injury related claims. There were a total of 68 property damage claims. All 28 personal injury claims were referred to the Town's claims adjuster for independent adjusting. Of the 28 personal injury related claims, 14 were alleged to have occurred as a result of slips/trips and falls on municipal sidewalk due to winter conditions, discontinuity or trip hazards

due to works being conducted. Where available, contractors were placed on notice of any claims involving contract work within the Town. Three personal injury claims were referred to contractors to defend utilizing appropriate defence and indemnification clauses within the contract. These claims were specifically related to the Watermain Reconstruction Project. Where appropriate, Minimum Maintenance Standards defences were used and denials were issued.

9 personal injury claims remain open and continue through the investigative stage with the Town's external claims adjuster or are in litigation with external legal appointed.

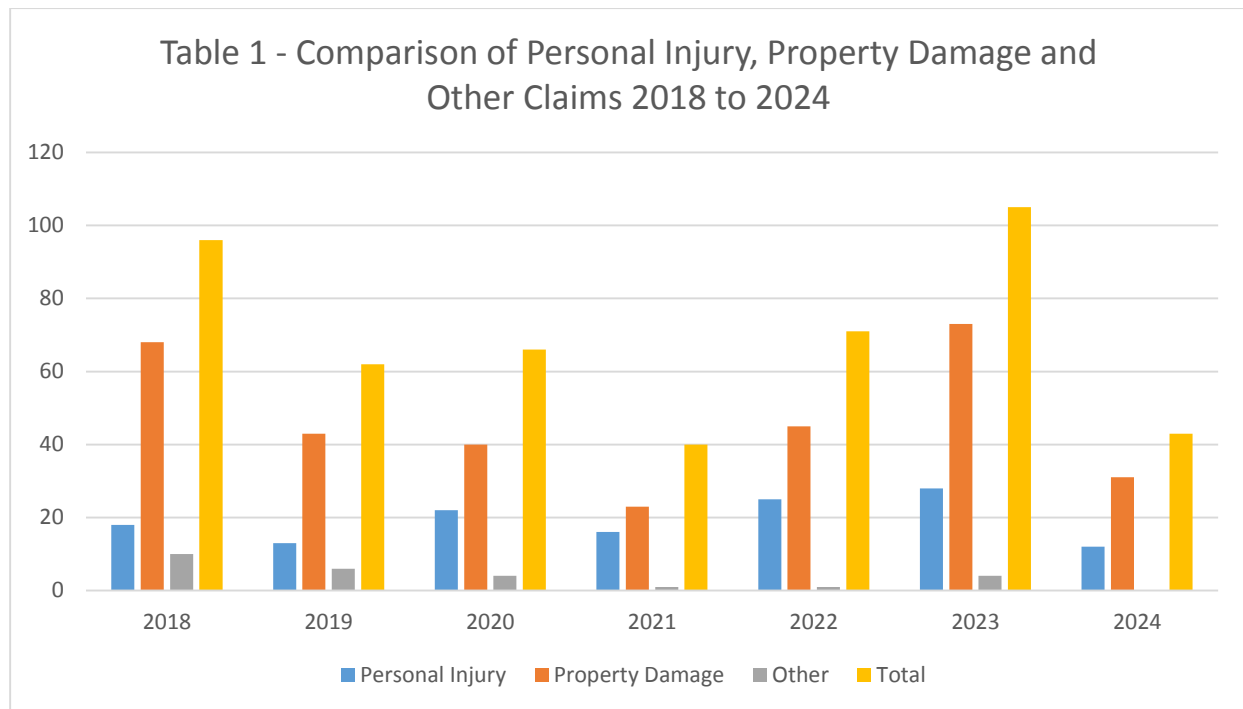
A total of 73 property damage claims were opened and investigated in 2023.

As of the writing of this report December 2024, the Town has opened and investigated 44 claims, 12 personal injury claims and 32 property damage claims. 6 personal injury claims remain open as they continue through the investigation stage with the Town's external claims adjuster. Four are as a result of slips, trips and falls and 2 are related to motor vehicle/pedestrian or ebike incidents. The motor vehicle accident claim is being covered under the Town's automobile liability policy.

Of the 32 property damage claims, 4 remain open and continue to be investigated. One relates to a sewer back up claim and has been referred to the Town's claims adjuster for independent adjusting. One claim has been transferred to the contractor in relation to the Millard Avenue reconstruction project.

The Town of Newmarket currently has 20 open claims litigation matters with loss dates from 2016 to 2024.

A breakdown of personal injury vs property damage claims is **Table 1** below.



Claims Recovery

To date for 2024, the Town has had 8 claims for damage to Town of Newmarket property whereby the Town of Newmarket will seek to recover the cost of the damages. These are generally related to motor vehicle accidents that cause damage to light standards, trees and municipal infrastructure.