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Legislative Services
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August 17, 2021

To Whom It May Concern:

Please be advised that the Council of The Corporation of the Municipality of Leamington, at its meeting held Tuesday, July 13, 2021 enacted the following resolution:

No. C-208-21

Whereas the current joint and several liability regime as set out in the Negligence Act financially impacts all municipalities across the province whether or not a claim occurred within a municipality's borders.

Whereas municipalities are often added to claims as they are seen as having significant resources with the backing of taxpayers.

Whereas insurance companies ultimately recover their losses by way of, among other things, increased annual premiums from their insureds.

Whereas the Municipality's total annual cost of all insurance premiums has grown by \$148,869.28 over the last 5 years which equals a percentage increase of approximately 23%. Liability insurance premiums account for \$64,638.68 of this amount, an approximate 16% increase when comparing premiums from 2017 to 2021.

Whereas higher insurance costs diverts property tax dollars from delivering public services to the Municipality's residents.

Be it resolved that Council supports the recommendations proposed by the Association of Municipalities of Ontario ("AMO") to address joint and several liability reform and rising insurance costs more generally, which recommendations include:

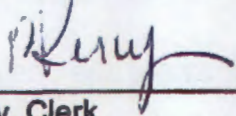
1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations, and whether a 1-year limitation period may be beneficial.
3. Implement a cap for economic loss awards.

4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.
5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, and municipal arguments as to the fiscal impact of joint and several liability.
7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.

Be it further resolved that Council direct Administration to forward a copy of this resolution to the Premier of the Province of Ontario and AMO

Carried

Dated today, the 17th day of August, 2021.



Brenda Percy, Clerk
The Corporation of the Municipality of Leamington

cc: Hon. Doug Ford, Premier of Ontario
Association of Municipalities of Ontario