

**Schedule "A" – Notice of Motion Form**



In accordance with By-law 2021-101 Subsection 10.1,

Member of Council Mayor Wilson (please print)

Hereby files a Notice of Motion to be included on the Agenda for the Regular meeting of Council, which is scheduled to be held on:

January 24, 2022, under the following Agenda heading:

Subject:

Joint and Several Liability

and,

which Notice of Motion reads as follows:

That Council support the 7 recommendations contained in the AMO submission entitled "Towards a Reasonable Balance: Addressing Growing Municipal Liability and Insurance Costs" and that the support resolution be sent to the Attorney General, the Minister of Municipal Affairs & Housing and the AMO President.

COUNCIL MEMBER:

(Signature)

**CLERK'S USE ONLY:**

Date Received, Jan. 6, 2022

Time Received,

12:10pm

Notice of Motion Given, Jan. 10, 2022

what to charge for premiums, but whether to continue offering insurance coverage to municipal clients.

Robertson also makes the key point that it is reasonable for municipal leaders to seek appropriate statutory protections. He wrote:

“Since municipalities exist to improve the quality of life for their citizens, the possibility of causing harm to those same citizens is contrary to its fundamental mission. Careful management and wise stewardship of public resources by municipal leaders will reduce the likelihood of such harm, including adherence to good risk management practices in municipal operations. But wise stewardship also involves avoiding the risk of unwarranted costs arising from inevitable claims.”

And, of course, a key consideration is the reality that insurance premiums, self-insurance costs, and legal fees divert municipal funds from other essential municipal services and responsibilities.

It is in this context that AMO appreciated the commitments made by the Premier and the Attorney General to review the principle of joint and several liability, the impact it has on insurance costs, and the influence “liability chill” has on the delivery of public services. Now is the time to deliver provincial public policy solutions which address these issues.

## Recommendations

AMO recommends the following measures to address these issues:

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.