



TOWN OF GEORGINA

26557 Civic Centre Rd., Keswick, Ontario L4P 3G1

REGION OF YORK
CLERK'S OFFICE

FILE No. - *p03*

February 12, 2014

Right Honourable Kathleen Wynne,
Premier of Ontario,
Legislative Building,
Room 281,
Queen's Park,
Toronto, Ontario M7A 1A1



Right Honourable Premier:

Re: Joint and Several Liability Insurance Reform

Please be advised that Council for the Corporation of the Town of Georgina considered correspondence from Randy Pettapiece, MPP for Perth-Wellington, requesting support of his position with regard to rising municipal insurance premiums. Town Council passed the following motion:

WHEREAS under the current joint and several liability provision, if two or more defendants are responsible for a loss, each is potentially liable for the full amount of the loss. If one defendant is absent or insolvent and cannot pay, the other defendant has to cover their costs. The main alternative to this provision is a system of proportionate liability. Under this provision a defendant would only be liable for a share of the total loss, relative to their responsibility in causing the loss;

AND WHEREAS the joint and several liability provision frequently allocates risk to municipal governments who are usually considered to be the "deepest pockets" in a dispute. If the defendant has become insolvent, the joint and several liability provision means that the plaintiff may recover all of their costs from the municipal government;

AND WHEREAS for many years, municipalities have petitioned the province to address joint and several liability reform, which is the primary contributor to rising premiums;

AND WHEREAS municipalities may be held responsible for massive damage awards even if they are deemed just one percent responsible;

AND WHEREAS municipalities cannot afford to wait any longer for insurance reform policies as it is unfair and unrealistic for the provincial government to allow this situation to continue – especially as it affects small and rural municipalities, which can least afford to pay out these judgments;

AND WHEREAS Randy Pettapiece, MPP for Perth Wellington, has circulated correspondence to the Town of Georgina dated January 13, 2014 requesting action of support by the Council for joint and several liability insurance reform;

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NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Georgina supports implementing a comprehensive, long term solution to reform joint and several liability insurance for municipalities by no later than June 2014 by addressing the alarming rise in insurance premiums due to rising litigation and claims costs;

AND FURTHER that copies of this resolution of support be forwarded to the Right Honourable Kathleen Wynne, Premier of Ontario; the Honourable John Gerretsen, Attorney General; Randy Pettapiece, MPP for Perth-Wellington; the Honourable Peter Van Loan, MP; Julia Munro, MPP for York-Simcoe; the Association of Municipalities of Ontario; the Association of Municipal Managers, Clerks and Treasurers of Ontario; the Regional Municipality of York and all local municipalities within the Region of York.

AND THAT the Director of Administrative Services and Treasurer request a representative of the Association of Municipalities of Ontario to make a presentation to Town Council.

Accordingly, we respectfully request your consideration of the rapidly rising insurance premiums by implementing a long term solution to reform joint and several liability insurance for municipalities.

Sincerely,
FOR THE TOWN OF GEORGINA,



Carolyn Lance
Council Services Coordinator

cc: The Honourable John Gerretsen, Ministry of the Attorney General, McMurtry-Scott Building, 720 Bay Street, 11th Floor, Toronto M7A 2S9
Randy Pettapiece, MPP for Perth-Wellington, 55 Lorne Avenue East, Stratford N5A 6S4
The Honourable Peter Van Loan, MP, 45 Grist Mill Road, Unit 10, Holland Landing L9N 1M7
Julia Munro, MPP for York-Simcoe, 45 Grist Mill Road, Unit 8, Holland Landing L9N 1M7
The Association of Municipalities of Ontario (AMO), 200 University Ave, Ste 801, Toronto M5H 3C6
The Association of Municipal Manager, Clerks and Treasurers (AMCTO), 2680 Skymark Ave, Ste 610, Mississauga L4W 5L6
Denis Kelly, Regional Clerk, Regional Municipality of York, 17250 Yonge Street, Newmarket L3Y 6Z1
Winanne Grant, CAO, Town of Georgina
Rebecca Mathewson, Director of Administrative Services and Treasurer, Town of Georgina
John Leach, Town Clerk, Town of Aurora, 100 John West Way, Box 1000, Aurora L4G 6J1
Fernando Lamanna, Town Clerk, Town of East Gwillimbury, 19000 Leslie Street, Sharon L0G 1V0
Kathryn Smyth, Clerk, Township of King, 2075 King Road, King City L7B 1A1
Kimberley Kitteringham, Clerk, Town of Markham, 101 Town Centre Blvd, Markham L3R 9W3
Andrew Brouwer, Town Clerk, Town of Newmarket, P.O.Box 328, Newmarket L3Y 4X7
Donna McLarty, Town Clerk, Town of Richmond Hill, 225 East Beaver Creek Rd, Richmond Hill L4B 3P4
Jeffrey Abrams, City Clerk, City of Vaughan, 2141 Major Mackenzie Drive, Vaughan L6A 1T1
Michele Kennedy, Clerk, Town of Whitchurch-Stouffville, 111 Sandiford Dr, Stouffville L4A 0Z8