

Legislation Details (With Text)

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| File #: | 22-G-046 | Version: | 2 | Name: | |
| Type: | Recommendation | Status: | | Recommended Motion (Section G) | |
| File created: | 2/28/2022 | In control: | | City Council | |
| On agenda: | 3/7/2022 | Final action: | | 3/7/2022 | |
| Title: | REQUEST TO THE PROVINCE OF ONTARIO FOR A PLAN OF ACTION TO ADDRESS JOINT AND SEVERAL LIABILITY | | | | |

AMENDMENT #1

Moved by: Councillor, C. Riepma
Seconded by: Deputy Mayor, B. Ward

That motion 22-G-046 of Section "G" of the General Committee Report dated February 28, 2022 concerning a Request to the Province of Ontario for a Plan of Action to Address Joint and Several Liability be deleted and replaced with the following:

WHEREAS the cost of municipal insurance in the Province of Ontario has continued to increase with especially large increases going into 2022; and

WHEREAS Joint and Several Liability continues to ask property taxpayers to carry the lion's share of a damage award when a municipality is found at minimum fault; and

WHEREAS these increases are unsustainable and unfair and eat at critical municipal services; and

WHEREAS the Association of Municipalities of Ontario outlined seven recommendations to address insurance issues including:

1. That 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 nonprofit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims and deductible limit changes which support its own 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;

NOW THEREFORE BE IT RESOLVED that the Council for the Corporation of the City of Barrie call on the Province of Ontario to immediately review these recommendations despite COVID 19 delays, as insurance premiums will soon be out of reach for many communities and

BE IT FURTHER RESOLVED that this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable Peter Bethlenfalvy, Minister of Finance, the Honourable Doug Downey, Attorney General of Ontario and MMP for Barrie-Springwater, the Honourable Andrea Khanjin, MPP for Barrie-Innisfil, and all Ontario municipalities.

CARRIED

Upon question of the original motion, moved by Deputy Mayor, B. Ward and seconded by Councillor, R. Thomson, the motion CARRIED AS AMENDED BY AMENDMENT #1.

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|-------------------|--|--------|
| 3/7/2022 | 2 | City Council | Adopted As Amended | |
| 2/28/2022 | 1 | General Committee | recommended for adoption (Section "G") | |

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