



# TOWNSHIP OF WAINFLEET

## Claims Procedure

- I. From time to time citizens believe it appropriate to make a financial claim against the Township. These cases arise when citizens believe that they were injured, or that their property was damaged, by an act or omission of the Township. The purpose of this Claims Procedure is to provide a guide to citizens for the filing of damage claims. The Township is not here providing, and may not ethically provide, legal advice to citizens in these cases. Citizens are always advised that they should contact their own insurance companies or seek independent legal advice about their claims.
  
- II. To make a damage claim against the Township, citizens should send or deliver a written statement to the attention of the Clerk of the Township of Wainfleet as soon as possible after occurrence of the event purporting to give rise to the claim. The law establishes certain notification timeframes for citizens for certain types of claims – it is important that the Township is notified as soon as possible, in writing, of potential claims (citizens should contact their own insurance companies and/or solicitors to satisfy themselves as to their legal standing). The statement should describe the nature and details of the claim (for example, whether for property damage, bodily injury, etc.), the time and place at which the damage, bodily injury, etc. is alleged to have occurred, and an explanation of the circumstances or event resulting in the damages. For your convenience, a generic claim form is included on the back of this page.
  
- III. The Township generally refers claims to an Independent Insurance Adjustor/Investigator retained by the Township and working with the Township's Insurance Company. The adjustor will undertake an independent investigation and may refuse to pay a claim if:
  - a) the incident giving rise to the claim was caused by circumstances unrelated to the operations of the Township;
  - b) there is no demonstrated liability on the part of the Township;
  - c) there exists a defense under law that prevents liability;
  - d) there is a failure to file the claim in the time prescribed by law.

The Township retains a small number of claims to handle itself; and the same principles that apply to the Insurance Adjustor apply to the Township.
  
- IV. This information is intended to provide claimants with an overview of the claims submission process and should not be considered as legal advice. Claimants requiring legal advice should consult their own advisors.
  
- V. The Clerk will respond to general questions about the claim procedure. However, the statements of the Clerk will not likely go beyond the information contained herein.

The Clerk for the Township of Wainfleet may be contacted as follows:

Clerk  
Township of Wainfleet  
31940 Highway 3, P.O. Box 40  
Wainfleet, Ontario  
L0S1V0  
Tel: (905) 899-3463 Ext. 275



# TOWNSHIP OF WAINFLEET

## Claim Form

### *Claim Information:*

Name of Claimant(s) \_\_\_\_\_

Mailing Address of Claimant(s) \_\_\_\_\_

\_\_\_\_\_

Telephone Number / Email of Claimant(s) \_\_\_\_\_

Nature/Details of Claim (identify property damage, bodily injury, etc.) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date, time and place of event on which claim is based \_\_\_\_\_

\_\_\_\_\_

Explanation of event on which claim is based (what happened) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Amount claimed (please attach supporting documentation, if possible) \_\_\_\_\_

Reason for alleged Township responsibility \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If claim involves property damage, please provide the following insurance information:

Name of Claimant's Insurance company \_\_\_\_\_

Address of Claimant's Insurance company \_\_\_\_\_

Claimant's Insurance policy number \_\_\_\_\_

### *Claimant's Signature:*

Signature of Claimant(s) \_\_\_\_\_

Date \_\_\_\_\_

Personal information contained on this form is collected pursuant to the *Freedom of Information and Protection of Privacy Act/Municipal Freedom of Information and Protection of Privacy Act* and will be used for the purpose of responding to your claim. Questions about this collection should be directed to the Township Clerk.