



**City of Clarence-Rockland**  
Corporate Services – Clerk’s Office  
1560 Laurier Street  
Rockland ON K4K 1P7  
Tel: 613.446.6022  
Fax: 613.446.1497  
Email: [mouellet@clarence-rockland.com](mailto:mouellet@clarence-rockland.com)

## **FILING A CLAIM WITH THE CITY OF CLARENCE-ROCKLAND**

The City of Clarence-Rockland receives claims from people that believe the City should compensate them for an injury or damage they have experienced and that they believe is the City’s fault. Typical claims include requests for compensation for injuries from slipping on a sidewalk and damage to cars due to potholes.

### **Insurance Claims Process**

If you feel you have incurred costs for which you believe the City of Clarence-Rockland may be responsible, you must follow the process outlined below for the City to consider your claim.

This document provides citizens with some basic information about how to file a claim with the City of Clarence-Rockland and answers some frequently asked questions. If you have more questions, please contact the City of Clarence-Rockland Clerk’s Office by phoning 613-446-6022 or emailing [mouellet@clarence-rockland.com](mailto:mouellet@clarence-rockland.com).

### **How to File a Claim**

You can submit a claim by mail or by e-mail. Remember to include all of the information that the City of Clarence-Rockland will need to properly process and assess your claim.

Your claim e-mail or letter will need to include the following:

- Information on how we can best contact you, including your name, home address, phone number and e-mail address;
- Information about the incident that caused the property damage or the injury, with specific details about what happened, where and when;
- A description of the incident, including contact information for any witnesses or anyone else with information that could help the City understand what happened;
- Any documentation that supports your claim, including photos, drawings, etc.; and
- Details of the damage or injury. If you are making a claim for property damage, you should include any receipts for the property and at least two (2) estimates of the cost of repairs.

### **Things to Keep in Mind**

While the City understands that individuals apply for a claim because they believe that the City of Clarence-Rockland bears at least some responsibility for the injury or damage received, it is important to remember that submitting a claim is a legal process. Each claim is investigated and evaluated based on the City’s legal responsibility and liability.

## **Information about Common Claims**

**Potholes** - The City of Clarence-Rockland region has a significant freeze/thaw cycle each winter and spring. This cycle, together with traffic, creates holes in road surfaces. Potholes can damage a tire or a wheel. In some cases, suspension and/or steering systems can be affected.

The City receives many pothole claims every spring. Unlike many other types of maintenance, the *Municipal Act, 2001* sets the rules that the City has to follow to avoid claims for such damage. These are called the *Minimum Maintenance Standards for Municipal Highways (MMS)* and can be found on the Provincial Government's E-Laws website, at the following link:

[Minimum Maintenance Standards for Municipal Highways](#)

These Provincial government standards require the City to fix a pothole within a period that ranges between 4 days and 30 days, depending on the size of the pothole and whether it is on a paved or an unpaved road. It is important to note that the City's obligation to fix a pothole is triggered only after the municipality becomes aware of the problem.

When the City receives a pothole claim, the Clerk's Office will determine whether the *Minimum Maintenance Standards for Municipal Highways* were met. If the City met those standards, the City is not responsible.

**Trees** - The City owns several trees and accidents involving branches sometimes happen, particularly in high winds. When a claim is received, the Clerk's Office will look at the history of the tree to see whether the City had prior notice of the condition of the tree and, if it did, what steps it took in response. Unless the City had some advance warning that one of its trees posed a hazard, such as a rotting limb or a cracked trunk, and it did not take appropriate steps to deal with the hazard, the City will not usually be legally responsible or liable for any damage.

**Flooding** – Flooding claims usually result from a back-up in either the storm or the sanitary sewer, or from a broken watermain. It is important for individuals submitting a claim for flooding damage to understand that the Municipal Act states that cities and towns are not liable for damage caused by the escape of water or sewage if they are not negligent. Therefore, a claimant has to show that the City was negligent, either in the design, construction or maintenance of the sewer or watermain. When the City receives a flooding claim, it will look at why the flooding happened to determine whether it was due to a problem in the design or construction of the drainage system, whether the system was maintained according to industry norms, or whether the weather event was simply too much for the system to manage.

As flooding damages can be overwhelming and extensive, and the City's investigation and process time could take a while, it is recommended to the claimant to contact their personal insurance first.

## **Claims Involving Private Contractors**

The City of Clarence-Rockland provides many services with its own staff. However, sometimes private contractors are used for services like major construction projects, snow plowing and garbage collection. If these private contractors cause damage to others while carrying out their work, the City's agreements require the contractors to deal with these claims directly.

If you believe that you have been injured or that your property has been damaged by a private contractor working for the City, you can send your claim directly to the contractor.

### **If Your Claim is Denied**

The City will provide you with written reasons why your claim was denied. If your claim is denied and you believe that the City is still responsible, you may choose to file a lawsuit against the City.

### **Correspondence may be submitted to our office as follows:**

Mail: City of Clarence-Rockland  
Corporate Services – Clerk’s Office  
1560 Laurier Street  
Rockland ON K4K 1P7

Email: [mouellet@clarence-rockland.com](mailto:mouellet@clarence-rockland.com)

Fax: 613.446.1497