

P O L I C Y

Claims Made Against the Town of Antigonish

General Statement

It shall be the policy of the Town of Antigonish that claims made against the Town will be considered for reimbursement.

Processing

The claimant shall normally write a letter or fill out a complaint form. A decision will then be made on how to proceed and the following actions will apply:

1. Request additional information from the claimant. This may include but is not limited to additional details on the incident, photographs, cost estimates or actual invoices.
2. Report the claim information to the Town's insurance carrier for the purpose of having an adjustor review the claim, recognizing that all adjusting service charges are paid for by the Town. All claims involving bodily injury shall be referred to the Town's insurance carrier immediately. Also any claim which is expected to exceed \$5,000 shall be referred to the Town's Insurance Carrier upon receipt.
3. The Town may elect to engage the services of an adjustor without involving the insurance carrier.
4. If it is appropriate, report the claim information to the contractor that is/was involved where the incident occurred.
5. Claim information must be circulated to the appropriate personnel for purposes of awareness, report preparation and possible remedial action.

Decision

- A. A decision on liability by an adjustor will normally be accepted by the Town. However the Town reserves the right in situations where liability is being denied to negotiate a settlement with the claimant if it is felt that the Town does have some responsibility in the matter.
- B. A decision on liability by a contractor may be accepted by the Town. However where liability is denied by the contractor the Town reserves the right to negotiate a

settlement with a claimant if it is felt that the Town has some responsibility in the matter. Also the Town may choose to attempt recovery from a contractor for any amounts paid to claimants.

- C. The Town may deny any claim if it is not felt that the claim is reasonable.
- D. The Town may negotiate with a claimant without involving a third party.
- E. In making any decisions on claims the Town must be mindful of whatever precedent may be established.
- F. It shall be normal practice to attain a signed release from the claimant. Such a release will include a statement that although the Town is offering compensation / services in response to a claim it is not acknowledging that the Town was negligent or responsible for the incident.
- G. Where settlements are made such amounts will normally be based on a reasonable estimate of damages incurred.
- H. If legal action is being pursued the matter must immediately be referred to the insurance carrier. Consideration should also be given to alerting the Town's Solicitor.

September 19, 2005
Date Approved by Town Council.