



Haldimand County Administration Building
53 Thorburn Street South
Cayuga, ON N0A 1E0

February 15, 2022

Sent by email: attorneygeneral@ontario.ca

The Honorable Doug Downey
Attorney General
McMurtry-Scott Building
720 Bay Street, 11th Floor
Toronto ON M7A 2S9

Dear Attorney General,

On behalf of Haldimand County, this letter is to serve as notice of support to the Association of Municipalities of Ontario (AMO) request to re-establish the priority for reform to Joint and Several Liability. Specifically, supporting the seven recommendations as outlined within their October 1, 2019 submission to the Attorney General of Ontario, namely:

1. 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 non-profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, 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.

The provisions of the Negligence Act and specifically the provision of Joint and Several Liability have not been updated for decades and the County would suggest that the legislation was never intended to place the burden of insurer of last resort on municipalities. Municipalities, including Haldimand County have seen escalating and unsustainable escalations in insurance and increasing difficulties in obtaining insurance in

part because of this issue. For this reason, we strongly support a reform to Joint & Several Liability and encourage further discussion and consultation on this process.

Sincerely,

Ken Hewitt
Mayor

Cc: Minister of Municipal Affairs – minister.mah@ontario.ca
Jamie McGarvey, AMO President – amopresident@amo.on.ca