

**1. COMPREHENSIVE LEGAL SERVICES REPORT FOR THE PERIOD
JANUARY 1 TO JUNE 30, 2017**

**RAPPORT GÉNÉRAL SUR LES SERVICES JURIDIQUES POUR LA
PÉRIODE DU 1^{ER} JANVIER AU 30 JUIN 2017**

COMMITTEE RECOMMENDATION

That Council receive this report for information.

RECOMMANDATION DU COMITÉ

Que le Conseil municipal prenne connaissance du présent rapport.

DOCUMENTATION/DOCUMENTATION

1. City Clerk and Solicitor's report, dated 29 August 2017 (ACS2017-CCS-LEG-0006)

Rapport du Greffier municipal et avocat général, daté le 29 août 2017 (ACS2017-CCS-LEG-0006)

**Report to
Rapport au:**

**Finance and Economic Development Committee
Comité des finances et du développement économique
5 September 2017 / 5 septembre 2017**

**and Council
et au Conseil
13 September 2017 / 13 septembre 2017**

**Submitted on August 29, 2017
Soumis le 29 août 2017**

**Submitted by
Soumis par:
M. Rick O'Connor, City Clerk and Solicitor / Greffier municipal et avocat général**

**Contact Person
Personne ressource:
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2017-CCS-LEG-0006

**SUBJECT: Comprehensive Legal Services Report for the Period January 1 to
June 30, 2017**

**OBJET: Rapport Général sur les Services juridiques pour la période du 1^{er}
janvier au 30 juin 2017**

REPORT RECOMMENDATION

That the Finance and Economic Development Committee and Council receive this report for information.

RECOMMANDATION DU RAPPORT

Que le Comité des finances et du développement économique et le Conseil municipal prennent connaissance du présent rapport.

BACKGROUND

The inaugural Comprehensive Legal Services Report covering the first and second quarters of 2011 was approved by City Council on August 25th, 2011. A revised, quarterly report format originated from a Motion that was passed by Council on April 27th, 2011, that directed “the City Clerk and Solicitor to combine the existing Claims Settlements, Litigation Record and External Legal Costs reports into a single comprehensive report.” On December 3rd, 2014, City Council approved an amendment to the Delegation of Authority Bylaw thereby revising the reporting requirement for these matters to a semi-annual basis. Therefore, the information provided herein is with respect to the first and second quarters of 2017.

DISCUSSION

Civil Litigation / Labour and Employment

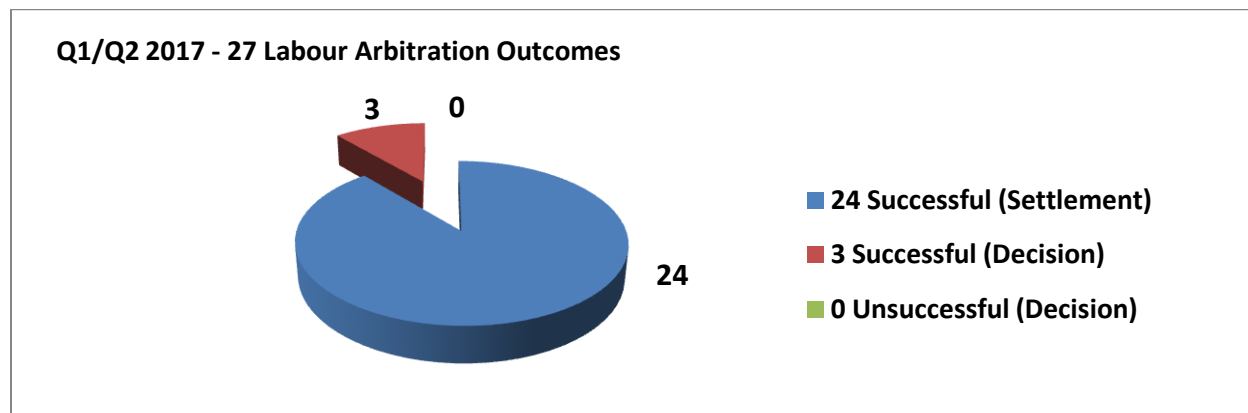
In keeping with the format developed as part of the initial Comprehensive Legal Services Report, outlined below is the litigation record for the 2017 first and second quarters, as well as an overview of claims received and concluded in that same period.

The report also provides a breakdown of the range and volume of civil litigation currently being handled by the Legal Services Branch, as well as information on whether carriage of these matters rests with in-house legal staff or with external legal counsel.

(a) Labour Relations Unit

A summary of labour arbitrations for Q1 and Q2 is set out below in Figure 1.

Figure 1 - Labour Arbitration Outcomes

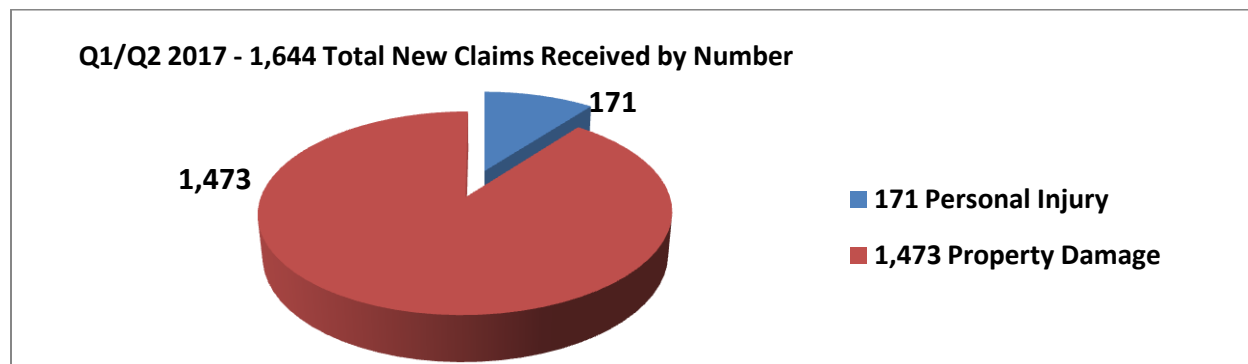


(b) *Claims Unit*

The Claims Unit received a total of 1,644 new claims in the first two quarters of 2017. This figure represents the 1,473 property damage claims and 171 personal injury claims that were filed with the Unit. Of the total number of new claims received during this period, 778 represent pothole claims, which is annually the most common type of claim received by the Unit.

A summary of the 1,644 claims received during the first and second quarters is set out below in Figure 2 by number.

Figure 2 - Total New Claims Received by Number



The Claims Unit also concluded a total of 982 claims in the first two quarters of 2017. This figure represents the 806 property damage claims and 176 personal injury claims that were either closed-settled or closed-denied during this period. A summary of the

244 claims that were closed-settled (i.e. paid in whole or in part) during the first and second quarters is set out below in Figures 3 (by number) and 4 (by value).

Figure 3 - Claims Concluded Under \$100,000 by Number

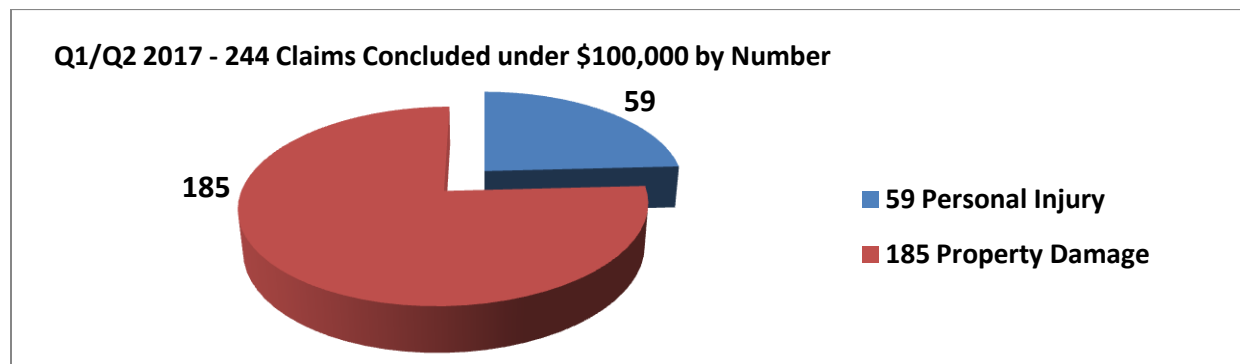


Figure 4 - Claims Concluded Under \$100,000 by Value

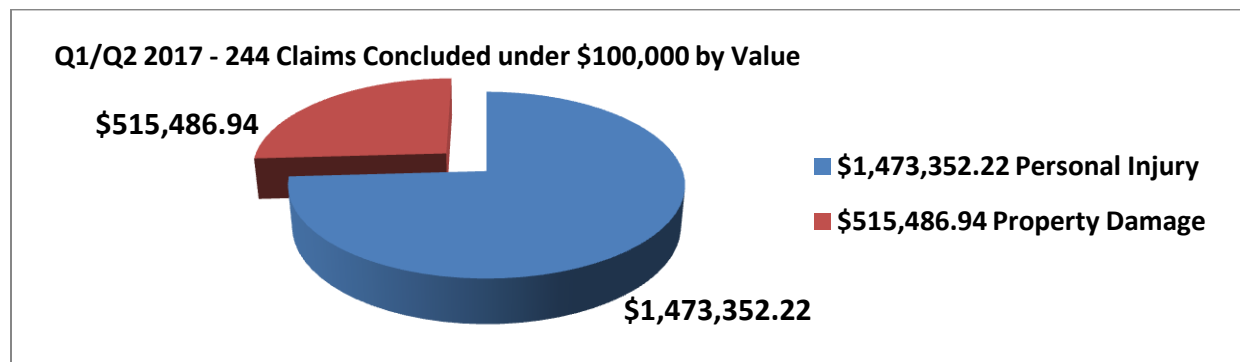


Table 1 - Claims Concluded over \$100,000 - Q1 and Q2 2017

Department	Category	Claim Type	Net City Cost
Community and Social Services	Bodily/Personal Injury	Third Party Bodily Injury	\$125,000.00
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$153,669.58
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$126,808.00
Transportation Services	Bodily/Personal Injury	City Vehicle Pedestrian/Cyclist	\$884,932.57
Transportation Services	Bodily/Personal Injury	Falling Ice, Snow, Debris Third Party Bodily Injury	\$155,378.55
Transportation Services	Bodily/Personal Injury	Other Third Party – Bodily Injury	\$118,912.02

Transportation Services	Bodily/Personal Injury	MVA, City and Third Party Vehicle	\$300,421.91
Transportation Services	Bodily/Personal Injury	Losses Onboard City Vehicle	\$927,291.71
Transportation Services	Bodily/Personal Injury	Losses while Boarding/Exiting City Vehicle	\$100,452.00
Transportation Services	Bodily/Personal Injury	Losses Onboard City Vehicle	\$102,940.85
Transportation Services	Bodily/Personal Injury	MVA, City and Third Party Vehicle	\$200,000.00
		Total:	\$3,195,807.19

The above-noted figures represent settlement of litigated and non-litigated claims, and include all costs borne by the City in finalizing a settlement, such as court costs, legal fees, investigative costs, etc. Furthermore, claim settlement payments include those made pursuant to negotiated settlements as well as any court-ordered damages. The details with regard to these claims are confidential in keeping with standard settlement practices. The specific circumstances and facts surrounding these confidential settlements are available to Members of Council from the Office of the City Clerk and Solicitor.

(c) Civil Litigation Unit

In the first and second quarters of 2017, 60 new Statements of Claim were received by the Legal Services Branch. With these, there are currently 393 outstanding civil proceedings against the City that are being addressed by the Branch. Of these open files, carriage of over 90% rests with the City's in-house Legal staff, with less than 10% of the remaining files having been referred to external counsel at either the direction of the City's insurer or due to the scope and/or complexity of the litigation.

A summary of outcomes for civil litigation, Ontario Municipal Board ("OMB") and other administrative tribunals for Q1 and Q2 is set out below in Figures 5, 6 and 7.

Figure 5 - Civil Litigation Outcomes

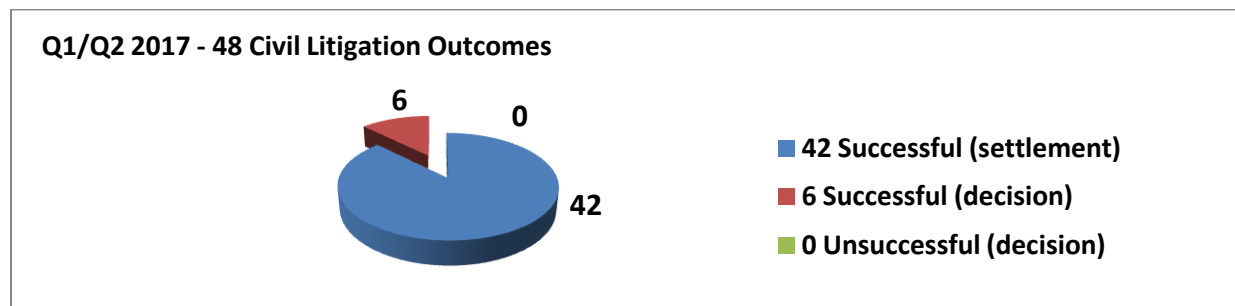


Figure 6 - OMB Outcomes

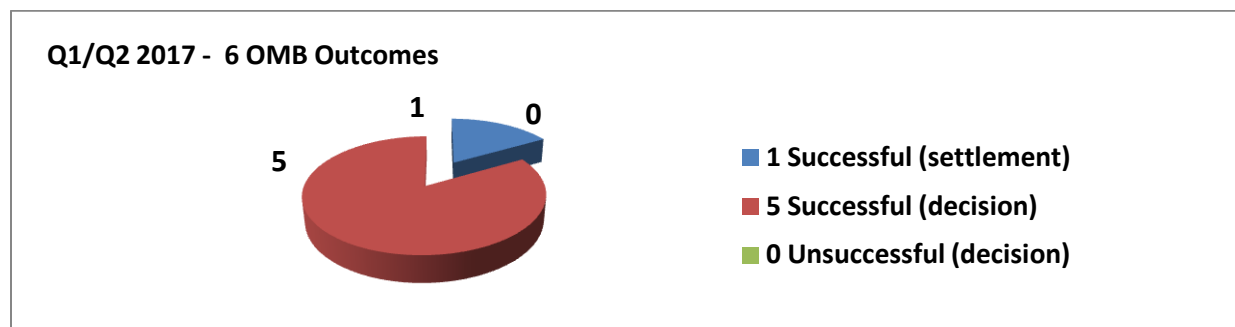
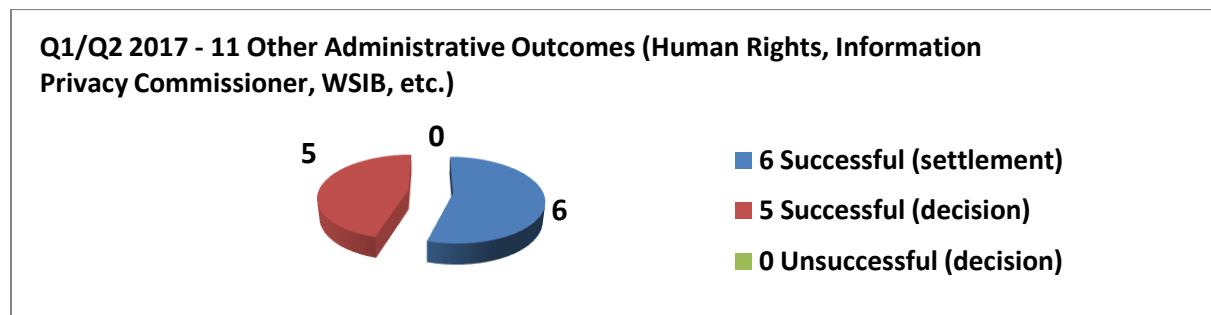


Figure 7 - Other Administrative Outcomes



Corporate Commercial / Planning, Development and Real Estate / Municipal and Regulatory

The Legal Services Branch, in the first and second quarters of 2017, provided key legal support for various projects and strategic initiatives of the City within the current Term of Council Priorities. Some of the results of the varied services provided by in-house legal staff include the following:

1. Rail Transportation Matters: Legal Services, along with external legal counsel, is providing support to Transit Services, O-Train Planning, O-Train Construction and Capital Railway, with respect to a wide variety of rail matters including specific projects and a variety of regulatory issues as well as assisting in drafting legal agreements including LRT Tunnel Cell Service, PRESTO and the Smartcard Project.
2. Ottawa Central Library Project: Legal Services, in conjunction with external legal counsel, provides legal advice and guidance for ongoing legal matters related to the Central Library Project.
3. Spring Flooding Response: Legal Services provided legal advice in support of the City's emergency response to the spring flooding issues.

Table 2 - General Agreements and Contracts - Metrics

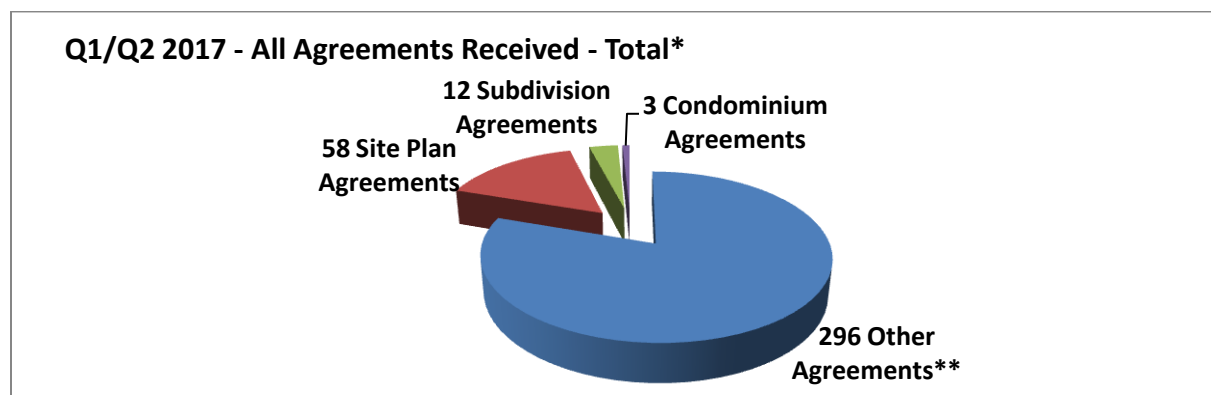
General Agreement/Contract Type	Routine	Moderately Complex	Complex	Total
Agreements and Contracts Reviewed/Drafted	121	168	48	337
Reports Reviewed/Drafted	82	22	30	134
Real Estate Purchases and Sales*	55	0	0	55
Tax Sale Registrations, Property Standards Orders, Grow Op Orders	98	0	0	98
By-laws Reviewed/Drafted	68	8	4	82
Construction Lien Payments Reviewed / Processed	72	0	0	72

*Stats do not include work required in processing outsourced transactions, including Light Rail land acquisitions.

Planning and Development

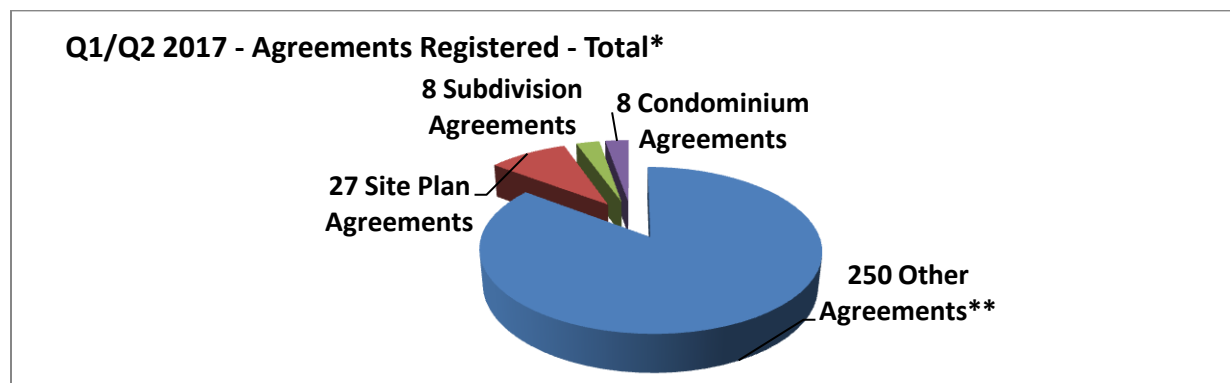
In the first and second quarters of 2017, 369 individual agreements were received by the Development Law Unit for processing, of which there were 42 different types of agreements (i.e. Site Plan Agreement, Subdivision Agreement, Condominium Agreement, etc.). Of these 369 agreements, 91% were considered routine; 4% were considered moderately complex; and 4% were considered complex agreements. A summary of the agreements received is set out below in Figure 8 (by type).

Figure 8 - All Agreements Received - Total



The Development Law Unit also completed registration on 293 individual agreements in the first and second quarters of 2017. Of these 293 agreements registered, 74% were considered routine; 10% were considered moderately complex and 16% were considered complex. A summary of the agreements registered is set out below in Figure 9 (by type).

Figure 9 - Agreements Registered - Total



*Stats shown in Figures 8 and 9 do not include work related to by-laws.

**There are 38 different agreement types that fall under 'Other'

Table 3 - External Legal Costs - Q1 2017

Firm	Portfolio/ Practice Area	Legal Fees	Disbursements	Taxes	Total
Borden, Ladner, Gervais	Corporate, Commercial, Development	\$88,043.79	\$5,092.14	\$12,110.49	\$105,246.42
Gowlings	Insured Litigated Claims	\$21,228.70	\$2,388.99	\$3,070.30	\$26,687.99

McCall, Dawson	Insured Litigated Claims	\$10,118.51	\$1,778.33	\$1,546.59	\$13,443.43
Shillington's	Insured Litigated Claims	\$23,797.00	\$4,716.25	\$3,183.52	\$31,696.77
Caza Saikaley	Insured Litigated Claims	\$121.10	\$3,440.25	\$462.98	\$4,024.33
Stieber Berlach	Insured Litigated Claims	\$8,690.00	\$1,239.60	\$1,290.85	\$11,220.45
Hicks Morley	Labour and Employment	\$1,074.89	\$0	\$139.74	\$1,214.63
Emond Harnden	Labour and Employment	\$6,943.01	\$460.83	\$962.52	\$8,366.36
Norton Rose Fulbright	Light Rail Project	\$214,429.00	\$42,710.33	\$29,331.42	\$286,470.75
Borden, Ladner, Gervais	Light Rail Project	\$39,326.81	\$1,335.07	\$5,286.04	\$45,947.92
Caza Saikaley	Litigation	\$39,859.27	\$18,065.70	\$7,362.14	\$65,287.11
Gowlings	Litigation/Labour	\$16,033.15	\$627.70	\$2,109.75	\$18,770.60
Totals		\$469,665.24	\$81,855.19	\$66,856.33	\$618,376.75

Table 4 - External Legal Costs - Q2 2017

Firm	Portfolio/ Practice Area	Legal Fees	Disbursements	Taxes	Total
Borden, Ladner, Gervais	Corporate, Commercial, Development	\$210,036.59	\$5,569.61	\$27,987.30	\$243,593.50
Lerners	Insured Litigated Claims	\$6,140.50	\$37.96	\$803.20	\$6,981.66
Gowlings	Insured Litigated Claims	\$6,903.49	\$84.35	\$908.42	\$7,896.26
McCall Dawson	Insured Litigated Claims	\$12,629.00	\$1,981.68	\$1,899.39	\$16,510.07
Shillington's	Insured Litigated Claims	\$69,214.50	\$5,005.76	\$9,648.63	\$83,868.90
Stieber Berlach	Insured Litigated Claims	\$40,230.00	\$2,851.59	\$5,600.61	\$48,682.20
Caza Saikaley	Insured Litigated Claims	\$2,249.04	\$0	\$292.37	\$2,541.41

Hicks Morley	Labour and Employment	\$23,772.60	\$0	\$3,090.44	\$26,863.04
Emond Harnden	Labour and Employment	\$27,481.49	\$80.71	\$3,583.14	\$31,145.34
Borden, Ladner, Gervais	Light Rail Project	\$190,557.87	\$11,544.78	\$26,223.93	\$228,326.58
Norton Rose Fulbright	Light Rail Project	\$753,918.00	\$58,285.82	\$98,379.81	\$910,583.63
Caza Saikaley	Litigation	\$42,595.60	\$6,293.72	\$6,235.68	\$55,125.00
Gowlings	Litigation/Labour	\$7,356.70	\$340.00	\$980.79	\$8,677.49
Totals		\$1,393,085.39	\$92,075.98	\$185,633.71	\$1,670,795.08

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

This is largely an administrative report issued on a semi-annual basis to meet the requirements of the Delegation of Authority By-law. As such, no consultation was undertaken.

LEGAL IMPLICATIONS

There are no legal impediments to receiving this report for information.

RISK MANAGEMENT IMPLICATIONS

There are no risk management concerns arising from this report.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

Governance, Planning & Decision-Making

GP2 – Advance management oversight through tools and processes that support accountability and transparency.

DISPOSITION

Subject to any direction by the Finance and Economic Development Committee and Council, the City Clerk and Solicitor will continue to produce this report on a semi-annual basis.