

**3. COMPREHENSIVE LEGAL SERVICES REPORT FOR THE PERIOD JULY 1  
TO DECEMBER 31, 2018**

**RAPPORT GÉNÉRAL SUR LES SERVICES JURIDIQUES POUR LA  
PÉRIODE DU 1<sup>ER</sup> JUILLET AU 31 DÉCEMBRE 2018**

**COMMITTEE RECOMMENDATIONS, AS AMENDED**

That Council:

1. Receive this report for information;
2. Advise the Provincial Government of its support for reforms to the principle of joint and several liability in Ontario that would provide fair compensation to seriously injured persons while also protecting municipal taxpayers from having to bear a disproportionate share of the responsibility for providing that compensation; and,
3. Direct the City Clerk and Solicitor to provide the Finance and Economic Development Committee with a future update on the Ontario Government's consultation process, once more is known about it.

**RECOMMANDATIONS DU COMITÉ, TELLES QUE MODIFIÉES**

Que le Conseil municipal :

1. Prenne connaissance du présent rapport; et
2. Informe le gouvernement provincial de son soutien en faveur des réformes du principe de responsabilité solidaire en Ontario pour garantir une indemnisation équitable des personnes grièvement blessées et veiller à ce que les contribuables municipaux n'aient pas à assumer une part disproportionnée de ladite indemnisation.
3. Demande au greffier municipal et avocat général de tenir le Comité des finances et du développement économique informé de l'avancement du processus de consultation du gouvernement de l'Ontario lorsqu'il en saura plus à ce sujet.

DOCUMENTATION/DOCUMENTATION

1. City Clerk and Solicitor's report, dated 22 February 2019  
(ACS2019-CCS-LEG-0001).

Rapport du Greffier municipal et avocat général, daté le 22 février 2019  
(ACS2019-CCS-LEG-0001 ).

2. Extract of draft Minutes, Finance and Economic Development Committee,  
5 March 2019.

Extrait de l'ébauche du procès-verbal, Comité des finances et du développement  
économique, le 5 mars 2019.

**Report to  
Rapport au:**

**Finance and Economic Development Committee  
Comité des finances et du développement économique  
5 March 2019 / 5 mars 2019**

**and Council  
et au Conseil  
27 March 2019 / 27 mars 2019**

**Submitted on February 22, 2019  
Soumis le 22 février 2019**

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

**Contact Person  
Personne ressource:  
David White, Deputy City Solicitor, Legal Services / Avocat général adjoint,  
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**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2019-CCS-LEG-0001**

**SUBJECT: Comprehensive Legal Services Report for the Period July 1 to  
December 31, 2018**

**OBJET: Rapport Général sur les Services juridiques pour la période du 1<sup>er</sup>  
juillet au 31 décembre 2018**

## **REPORT RECOMMENDATIONS**

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

## **RECOMMANDATIONS DU RAPPORT**

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

## **EXECUTIVE SUMMARY**

This report details the work undertaken and results achieved by Legal Services in the third and fourth quarters of 2018. In keeping with the format approved by City Council on August 25<sup>th</sup>, 2011, the Comprehensive Legal Services Report combines the former Claims Settlements, Litigation Record and External Legal Costs reports into a single comprehensive report.

In respect of all forms of litigation undertaken by Legal Services (civil, labour, OMB, human rights, etc.), the reported outcomes are consistent with prior reports and highlight the City's preference to resolving matters without the expense of full proceedings. Nevertheless, the litigation outcomes also reflect the fact that, where the City does not resolve a case through a mutually-agreeable settlement, its rate of success is very high, with favourable decisions or orders in 45 of 48 cases concluded in 2018. The costs associated with the settlement of 13 claims over \$100,000 in the last two quarters of 2018 reflect the increases in court awards in personal injury matters for general damages, future loss of income/competitive advantage and future care costs.

The report details the fact that more than 93% of litigation involving the City is handled by in-house resources, with fewer than 7% of the current 404 litigated matters being referred to external counsel.

Legal Services also continued its support of a number of key City initiatives in Q3/Q4 2018. Further, Legal Services drafted or reviewed 522 legal agreements in Q3/Q4 and processed more than 430 development agreements and requests.

In terms of outsourcing costs in Q3 and Q4 2018, these continued to be driven by the support for large capital projects.

## **RÉSUMÉ**

Le présent rapport expose le travail effectué et les résultats atteints par les Services juridiques aux troisième et quatrième trimestres de 2018. Suivant le modèle approuvé par le Conseil municipal le 25 août 2011, le rapport global des Services juridiques regroupe en un seul document les rapports sur les règlements de réclamations, le bilan des litiges et les frais judiciaires externes.

Pour tous les types de litiges traités par les Services juridiques (affaires civiles, travail, Commission des affaires municipales de l'Ontario, droits de la personne, etc.), les résultats sont similaires à ceux présentés dans les rapports antérieurs et viennent mettre en lumière la préférence de la Ville pour les règlements à l'amiable. Par contre, dans les cas sans règlement à l'amiable, le taux de succès de la Ville est très élevé : en effet, elle a obtenu une décision ou une ordonnance en sa faveur dans 45 affaires sur 48 en 2018. Par ailleurs, les coûts associés au règlement de 13 litiges d'une valeur supérieure à 100 000 \$ dans les deux derniers trimestres de 2018 reflètent l'augmentation des montants adjugés par les tribunaux pour les préjudices personnels en ce qui concerne les dommages-intérêts généraux, les futures pertes de revenus ou d'avantages concurrentiels et les coûts liés à des soins futurs.

Le présent rapport précise que plus de 93 % des litiges de la Ville sont traités à l'interne, moins de 7 % des 404 litiges actuels ayant été confiés à un avocat externe.

Les Services juridiques ont aussi continué de contribuer à plusieurs initiatives municipales clés au cours des troisième et quatrième trimestres de 2018. Ils ont également rédigé ou révisé 522 accords juridiques et traité plus de 430 ententes et demandes d'aménagement.

Quant aux coûts de sous-traitance, ils se rapportaient, comme par le passé, à des projets d'immobilisations de grande envergure.

## **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 27, 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 3, 2014, City Council approved an amendment to the *Delegation of Authority By-law* thereby revising the reporting requirement for these matters to a semi-annual basis. Therefore, the information provided herein is with respect to the third and fourth quarters of 2018.

## DISCUSSION

### Civil Litigation / Labour and Employment

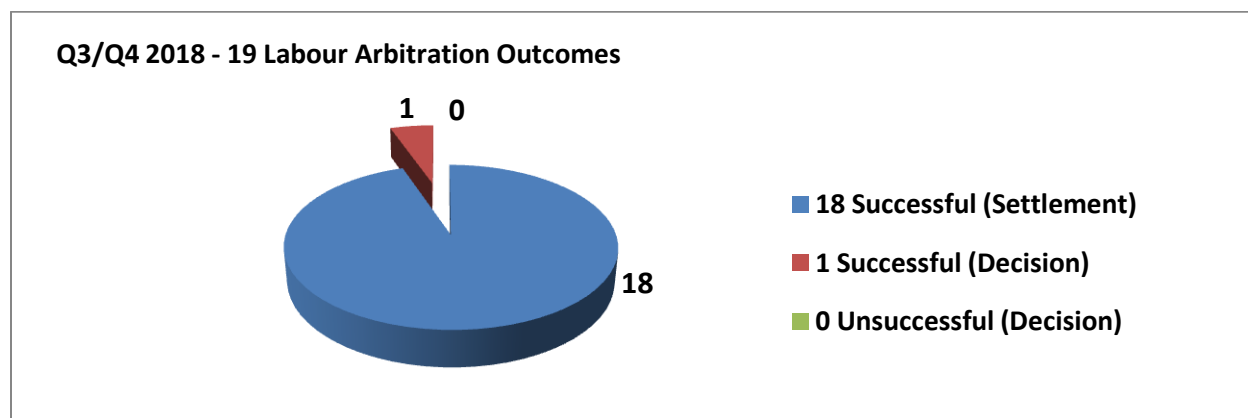
In keeping with the format developed as part of the initial Comprehensive Legal Services Report, outlined below is the litigation record for the 2018 third and fourth quarters, as well as an overview of claims received and concluded in that same period.

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 Q3 and Q4 is set out below in Figure 1.

**Figure 1 - Labour Arbitration Outcomes**



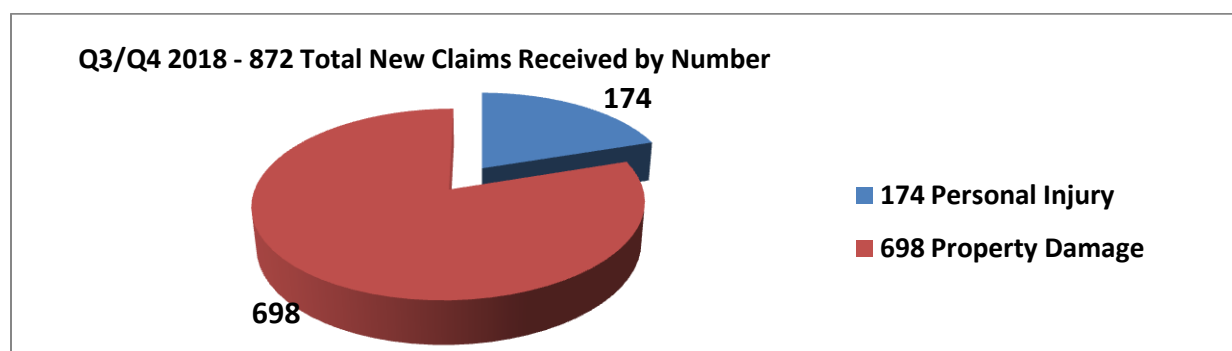
#### (b) *Claims Unit*

The Claims Unit received a total of 872 new claims in the last two quarters of 2018. This figure represents the 698 property damage claims and 174 personal injury claims that were filed with the Unit. Of the total number of new claims received during this period, 118 (14%) represent pothole claims, which is the most common type of claim

received by the Unit on an annual basis. The Claims Unit recently revised the pothole claim process, in order to make the submission and adjudication of such claims more expeditious, while also ensuring that the same criteria applied to other types of paid claims (e.g. accounting for the depreciated value of damaged property, etc.) is properly taken into account.

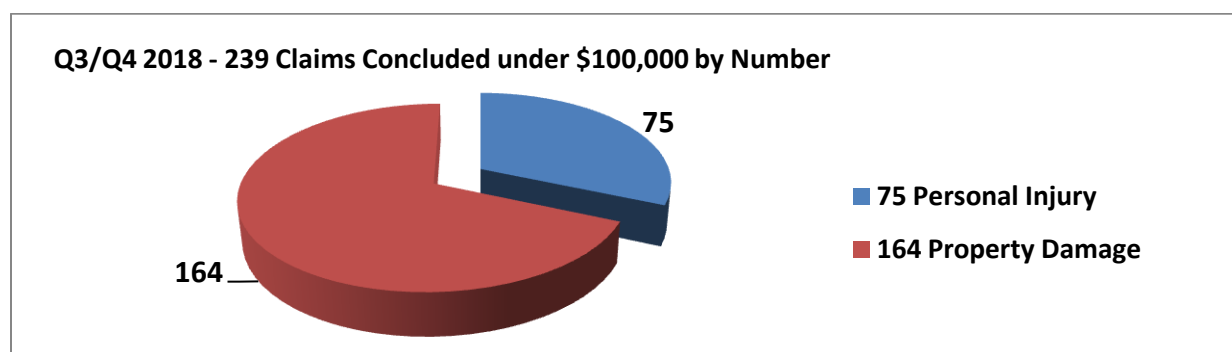
A summary of the 872 claims received during the third and fourth quarters is set out below in Figure 2 by number.

**Figure 2 - Total New Claims Received by Number**

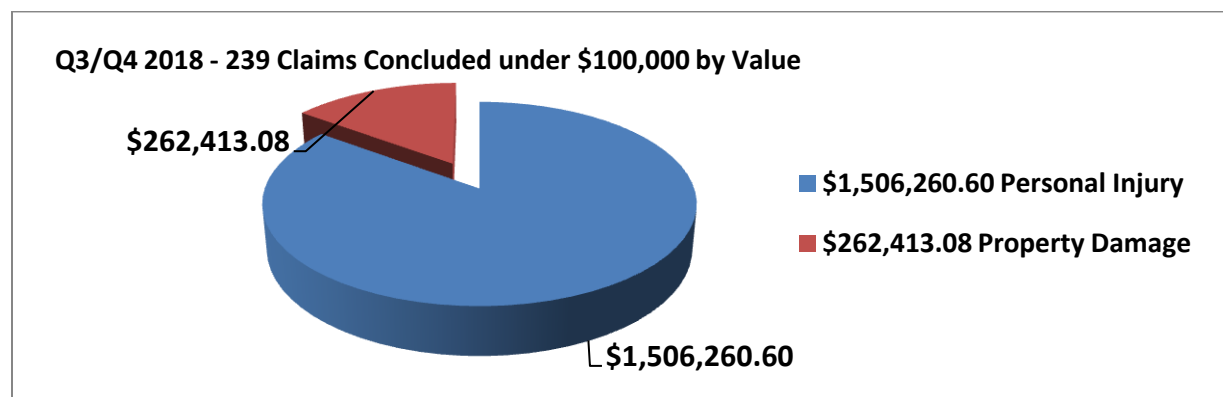


The Claims Unit also concluded a total of 1,183 claims in the last two quarters of 2018. This figure represents the 935 property damage claims and 248 personal injury claims that were either closed-settled or closed-denied during this period. A summary of the 239 claims that were closed-settled (i.e. paid in whole or in part) during the third and fourth 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 – Q3 and Q4 2018**

Department	Category	Claim Type	Net City Cost
Public Works and Environmental Services	Property Damage or Loss	Sewer Back-up - Flooding	\$2,124,958.08
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$199,457.60
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$123,333.50
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$127,371.00
Public Works and Environmental Services	Bodily/Personal Injury	Other Third Party-Bodily Injury	\$143,725.00
Public Works and Environmental Services	Bodily/Personal Injury	MVA-Bodily Injury	\$171,526.47
Transportation Services	Bodily/Personal Injury	Other Third Party-Bodily Injury	\$3,000,000.00
Transportation Services	Bodily/Personal Injury	City Vehicle-Pedestrian/Cyclist	\$306,279.62
Transportation Services	Bodily/Personal Injury	City Vehicle-Pedestrian/Cyclist	\$107,446.01
Transportation Services	Bodily/Personal Injury	City Vehicle-Pedestrian/Cyclist	\$145,446.24
Transportation Services	Bodily/Personal Injury	Losses onboard City Vehicle-No MVA	\$151,713.60
Transportation Services	Bodily/Personal Injury	City Vehicle-Pedestrian/Cyclist	\$131,453.98



Transportation Services	Bodily/Personal Injury	Losses Onboard City Vehicle-No MVA	\$269,106.71
<b>Total:</b>			<b>\$7,001,817.81</b>

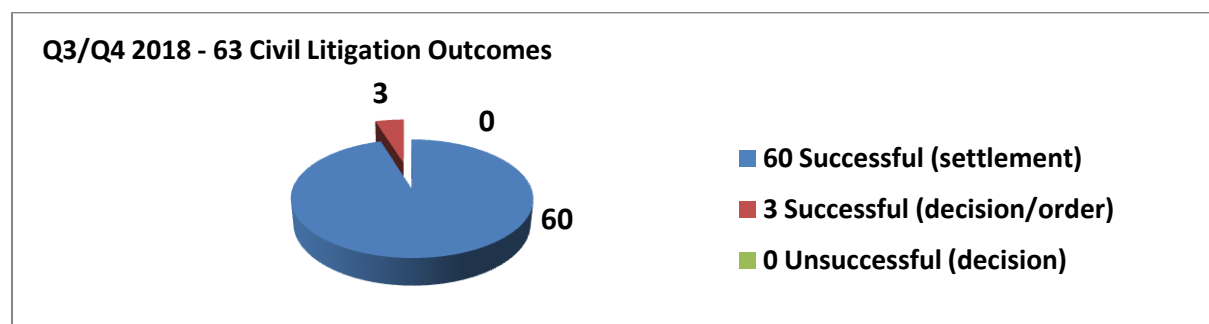
The above-noted figures represent settlement of litigated and non-litigated claims, and include all costs borne by the City in finalizing a settlement, such as court costs, legal fees, investigative costs, etc. Furthermore, claim settlement payments include those made pursuant to negotiated settlements 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*

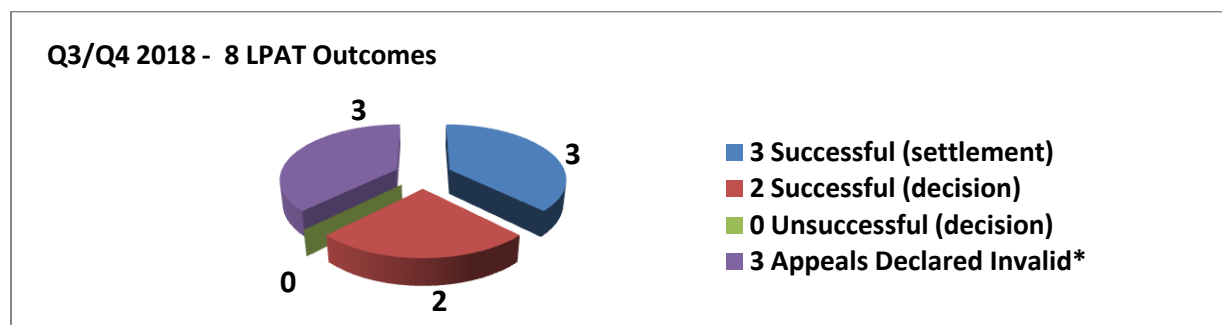
In the third and fourth quarters of 2018, 85 new Statements of Claim were received by the Legal Services Branch. With these, there are currently 404 outstanding civil proceedings against the City that are being addressed by the Branch. Of the current open files, carriage of over 93% rests with the City's in-house Legal staff, with less than 7% 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, Local Planning Appeal Tribunal ("LPAT") and other administrative tribunals for Q3 and Q4 is set out below in Figures 5, 6 and 7.

**Figure 5 - Civil Litigation Outcomes**

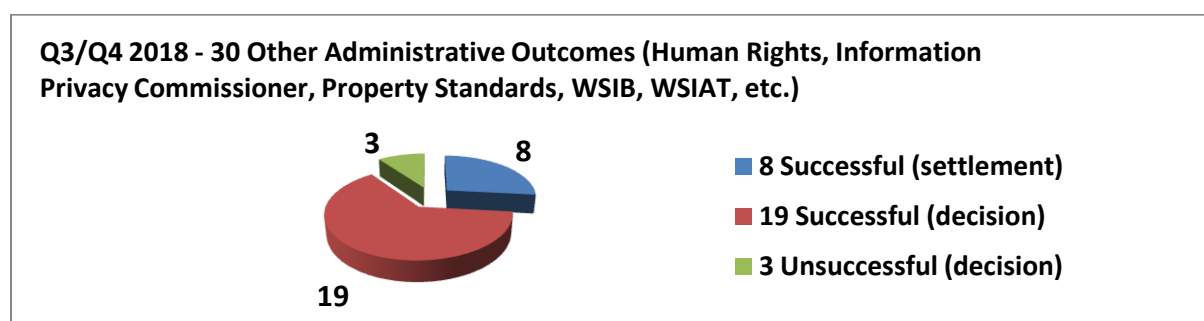


**Figure 6 - LPAT Outcomes**



\*Appeals Declared Invalid – these numbers reflect appeals to LPAT that did not meet the tests of raising issues of inconsistency with the Provincial Policy Statement and/or non-conformity with the Official Plan.

**Figure 7 - Other Administrative Outcomes**



**Reasons for Unsuccessful Outcomes:**

- i. At the internal review stage, the Workplace Safety and Insurance Board reversed its earlier decision and found on the balance of probabilities that the Worker's workplace accident caused the Worker's current injury.
- ii. At the internal review stage, the Workplace Safety and Insurance Board reversed its earlier decision that the Worker had not provided sufficient evidence to establish entitlement to benefits.
- iii. Property Standards and License Appeal Committee Hearing - The Applicant requested a review of the Chief License Inspector's decision to deny the issuance of a food premises license, before the Property Standards and License Appeals Committee, which was held on October 24, 2018. The Committee determined that the license should be issued, subject to conditions, including that

the Applicant was to abide by the Water Pipes in Public Places and Workplaces By-law 2016-303, and was not to own, rent, or operate the licensed premises with anyone previously convicted of an offence under By-law 2016-303.

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

The Legal Services Branch, in the third and fourth quarters of 2018, 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 (City-wide): Legal Services is providing support to Transit Operations, O-Train Planning, O-Train Construction, Capital Railway, with respect to a wide variety of rail matters including specific projects, a variety of regulatory, and legal matters, including Regulatory Monitor Compliance Officer for the Confederation Line, Prince of Wales Bridge, Trillium Line regulatory requirements together with liaison with O-Train Planning, O-Train Construction and BLG concerning OLRT/Stage 2 matters in support role and a number of other rail matters affecting the City's rail corridors together with assisting in drafting legal agreements.
2. Road, Lanes, Cycling and Pedestrian Transportation Matters (City-wide): Legal Services is providing support to the Transportation Services Department (including Transit Operations, Transportation Planning, Traffic Services), Roads and Parking Services, Infrastructure Services, and Rights of Way Branch with respect to a wide variety of road, lanes, cycling and pedestrian transportation matters relating to existing and new infrastructure, by providing timely and effective legal advice together with preparation, drafting, negotiating, and execution of a number of agreements including funding/contribution agreements.
3. Legal Services provided ongoing assistance to municipal elections office associated with the municipal and school board elections in October 2018 and follow-up matters.
4. Legal Services assisted in and helped direct the procurement of Cyber Liability insurance for the City's IT infrastructure.

5. Legal Services assisted drafting the Request for Proposal (RFP) and proposed contract for the procurement of architectural services for the design and construction of the new City Library for Supply Services.

**Table 2 - General Agreements and Contracts – Metrics**

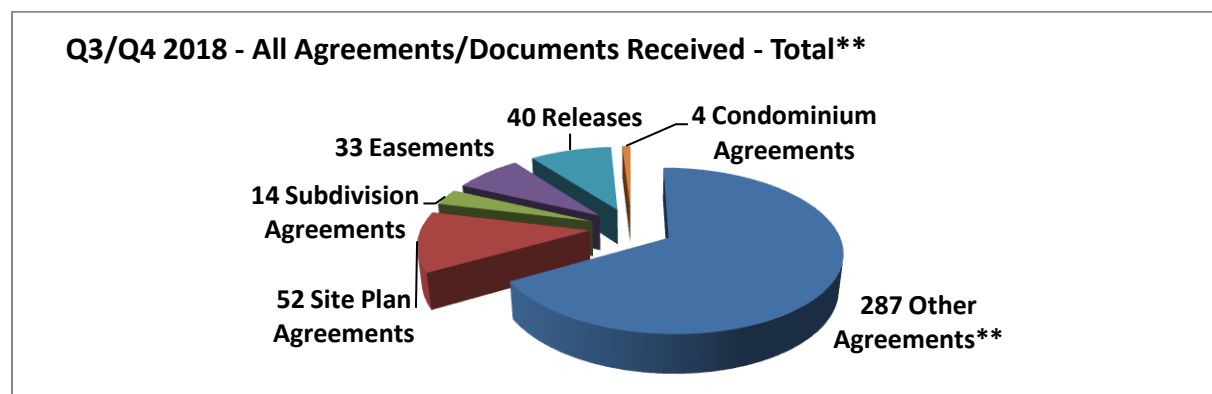
General Agreement/Contract Type	Routine	Moderately Complex	Complex	Total
Agreements and Contracts Reviewed/Drafted	169	237	116	522
Reports Reviewed/Drafted	44	32	25	101
Real Estate Purchases and Sales*	35	0	0	35
Tax Sale Registrations, Property Standards Orders, Grow Op Orders	75	0	0	75
By-laws Reviewed/Drafted	37	6	3	46
Construction Lien Payments Reviewed / Processed	75	0	0	75

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

### *Planning and Development*

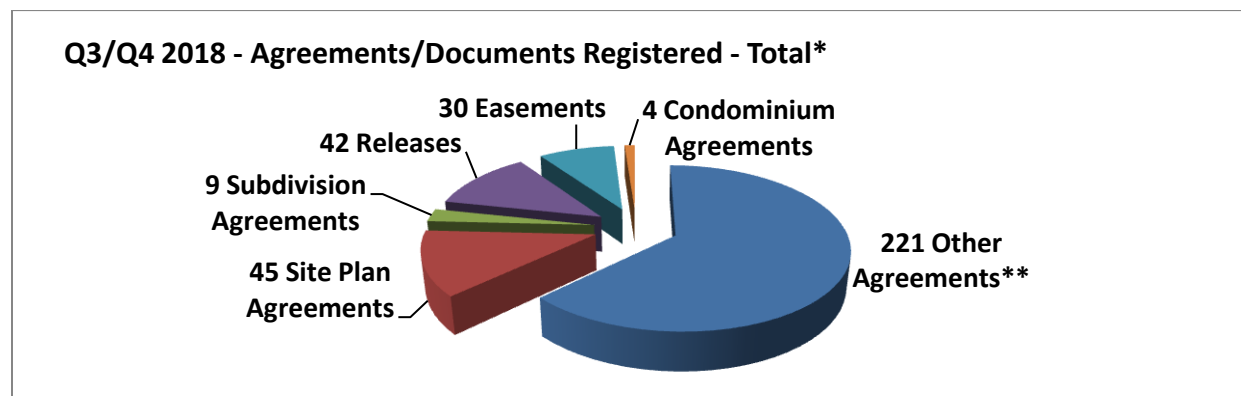
In the third and fourth quarters of 2018, 430 individual agreements and document requests were received by the Development Law Unit for drafting and registration. Of these 430 requests, 74% were considered routine; 7% were considered moderately complex; and 19% were considered complex. A summary is set out below in Figure 8 (by type).

**Figure 8 - All Agreements/Document Requests Received - Total**



The Development Law Unit also completed registration on 351 individual agreements and documents in the third and fourth quarters of 2018. Of these 351 documents registered, 62% were considered routine; 14% were considered moderately complex and 24% were considered complex. A summary is set out below in Figure 9 (by type).

**Figure 9 – Agreements/Documents Registered - Total**



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

\*\*There are 17 different agreement types that fall under 'Other'

**Table 3 - External Legal Costs – Q3 2018**

Firm	Portfolio/ Practice Area	Legal Fees	Disbursements	Taxes	Total
Borden, Ladner, Gervais	Corporate, Commercial, Development	\$174,160.30	\$2,494.60	\$22,849.09	\$199,503.99
Borden, Ladner, Gervais	Light Rail Project Stages 1 and 2	\$440,340.80	\$5,443.20	\$57,935.35	\$503,719.35
Aird & Berlis	Corporate, Commercial, Development	\$2,623.50	\$6.25	\$341.87	\$2,971.62
Caza Saikaley	Litigation	\$9,549.60	\$2,144.48	\$1,458.66	\$13,152.74
Caza Saikaley	Insured Litigated Claims	\$7,927.50	\$655.50	\$1,095.13	\$9,678.13
Gowlings	Litigation	\$43,898.00	\$1,736.57	\$5,932.51	\$51,567.08
Gowlings	Insured Litigated Claims	\$14,900.70	\$524.84	\$2,001.43	\$17,426.97
Hicks Morley	Labour and Employment	\$1,905.00	\$0	\$247.65	\$2,152.65
McCall	Insured	\$3,831.00	\$159.33	\$518.76	\$4,509.09

Dawson	Litigated Claims				
Norton Rose Fulbright	Light Rail Project Stages 1 and 2	\$192,784.50	\$1,567.72	\$25,137.65	\$219,489.87
Emond Harnden	Labour and Employment	\$12,459.50	\$0	\$1,619.84	\$14,079.34
<b>Totals</b>		<b>\$904,380.40</b>	<b>\$14,732.49</b>	<b>\$119,137.94</b>	<b>\$1,038,250.83</b>

**Table 4 - External Legal Costs – Q4 2018**

<b>Firm</b>	<b>Portfolio/ Practice Area</b>	<b>Legal Fees</b>	<b>Disbursements</b>	<b>Taxes</b>	<b>Total</b>
Borden, Ladner, Gervais	Corporate, Commercial, Development	\$340,006.60	\$13,345.98	\$45,908.63	\$399,261.21
Caza Saikaley	Insured Litigated Claims	\$64,928.65	\$19,753.87	\$10,981.13	\$95,663.65
Gowlings	Insured Litigated Claims	\$80,440.60	\$8,926.36	\$11,558.58	\$100,925.54
Lerners	Insured Litigated Claims	\$6,210.50	\$585.87	\$873.79	\$7,670.16
McCall Dawson	Insured Litigated Claims	\$3,365.00	\$21.85	\$440.29	\$3,827.14
Aird & Berlis	Corporate, Commercial, Development	\$10,809.00	\$3.75	\$1,405.67	\$12,218.42
Ault & Ault	Corporate, Commercial, Development	\$10,502.00	\$691.40	\$1,455.14	\$12,648.54
Jon Smithen	Litigation	\$196,963.60	\$0	\$25,605.27	\$222,568.87
Hicks Morley	Labour and Employment	\$3,600.00	\$0	\$468.02	\$4,068.02
Emond Harnden	Labour and Employment	\$283,359.62	\$0	\$36,837.15	\$320,196.77
Norton Rose Fulbright	Light Rail Project Stages 1 and 2	\$695,757.50	\$8,636.28	\$87,767.57	\$792,161.35
Borden, Ladner, Gervais	Light Rail Project Stages 1 and 2	\$360,661.20	\$3,850.89	\$47,346.53	\$411,858.62
Caza Saikaley	Litigation	\$44,354.35	\$5,434.64	\$6,423.50	\$56,212.49
Gowlings	Litigation/Labour	\$105,309.85	\$8,016.94	\$14,732.51	\$128,059.30

Singleton Urquhart	Light Rail Project Stage 1	\$524,568.05	\$105,160.82	\$80,481.40	\$710,210.27
<b>Totals</b>		<b>\$2,730,836.52</b>	<b>\$174,428.65</b>	<b>\$372,285.18</b>	<b>\$3,277,550.35</b>

For external legal costs relating to litigated matters, the above-noted figures may also be reported in the over \$100,000 claims concluded section, as those amounts include all costs borne by the City in finalizing a settlement, including any external legal fees incurred.

### Items of Interest

#### a) Joint and Several Liability Reform – Update

In August 2010, City Council of the day unanimously endorsed “the efforts of the Association of Municipalities of Ontario to seek joint and several liability reform in Ontario and to call on the Provincial Government to pursue much needed changes to the *Negligence Act*.” The Ontario Legislature subsequently passed a motion on February 27th, 2014, calling on the Government to implement a “comprehensive, long-term solution to reform joint and several liability insurance for municipalities by no later than June 2014.” However, the Government later advised that it would not be moving ahead with any of the proposed solutions to reform joint and several liability. The Association of Municipalities of Ontario subsequently advised the Provincial Government that it would continue its efforts in support of joint and several liability reform, and the City Clerk and Solicitor undertook to keep Council apprised of any further developments in this regard.

More recently, Ontario’s Premier announced while speaking at the 2019 annual Rural Ontario Municipalities Association conference that the Provincial Government was launching consultations on reforming joint and several liability. Though few details have yet been released about the scope of these consultations, the Premier was quoted in the media at the time as saying, “One thing is clear: it’s time we look at this. We will have more to say about the process and the timing in the very near future.”

Legal Services will provide a further update on this development, once more is known about the nature and scope of the Provincial Government’s consultation process.

#### b) Strategic Standing Offer (SSO) Update

In fulfilling the responsibility under the *Delegation of Authority By-law* to represent the City and to advance and defend its interests in legal matters, the City Clerk and Solicitor is charged by Council with using “the most efficient combination of staff and external legal services as required.” Further to that mandate, Legal Services has had in place, in each of the last three terms of Council, a Strategic Standing Offer (SSO) with a single firm in each of its portfolios for external legal services: civil litigation; corporate and commercial law; and, labour and employment law. For the 2019-2022 term, Legal Services has, in conjunction with the Chief Procurement Officer’s guidance, put in place a roster of standing offer firms in order to meet its needs for external legal services. This new standing offer continues to provide very favourable hourly rates for high quality legal services, and also gives enhanced flexibility for the selection of external legal counsel.

## **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.

## **SUPPORTING DOCUMENTATION**

Document 1 - Aggregate Metrics for Q1 to Q4 2018

Document 2 - External Legal Costs for Q1 to Q4 2018

## **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.

Document 1

Aggregate Metrics for Q1 to Q4 2018

Civil Litigation / Labour and Employment

In keeping with the format used as part of the Q1-Q4 Comprehensive Legal Services Reports, the aggregate of litigation outcomes for 2018 is reproduced below. These figures include all forms of litigation, namely labour, civil, LPAT and other miscellaneous tribunals.

Figure 1 - Labour Arbitration Outcomes (Q1 to Q4 2018)

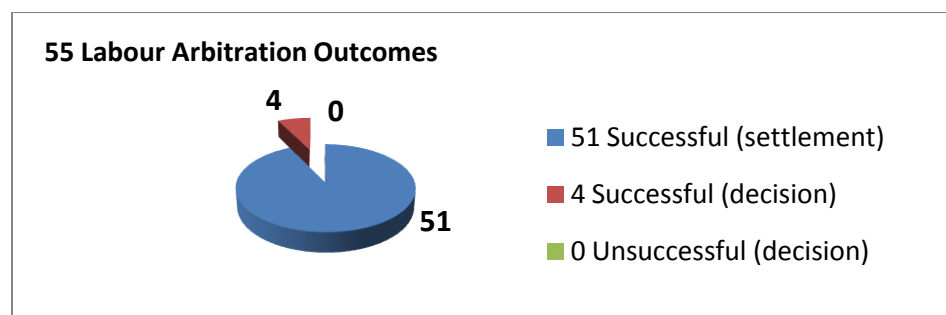


Figure 2 - Civil Litigation Outcomes (Q1 to Q4 2018)

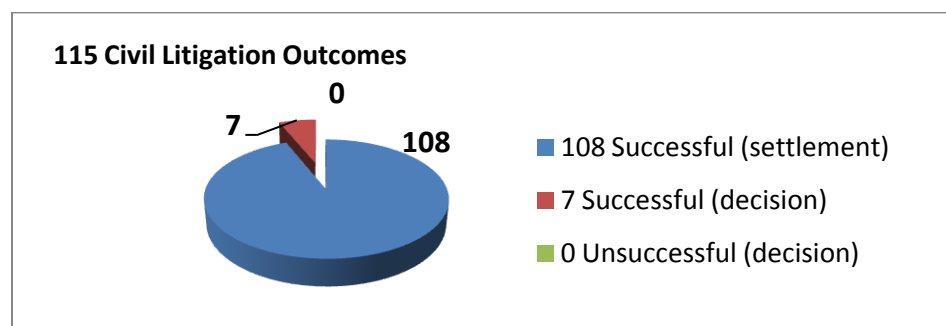
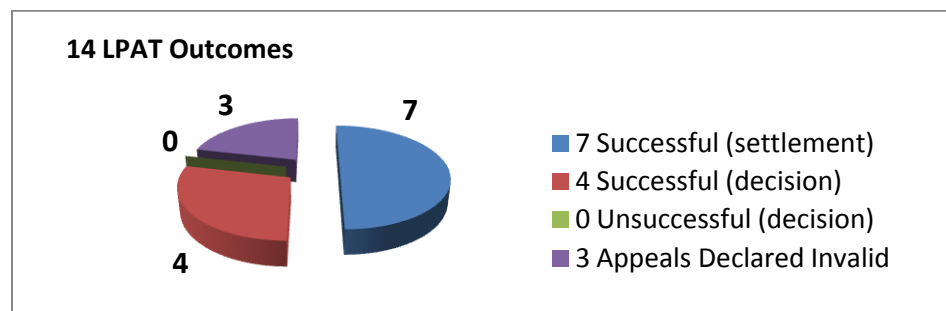
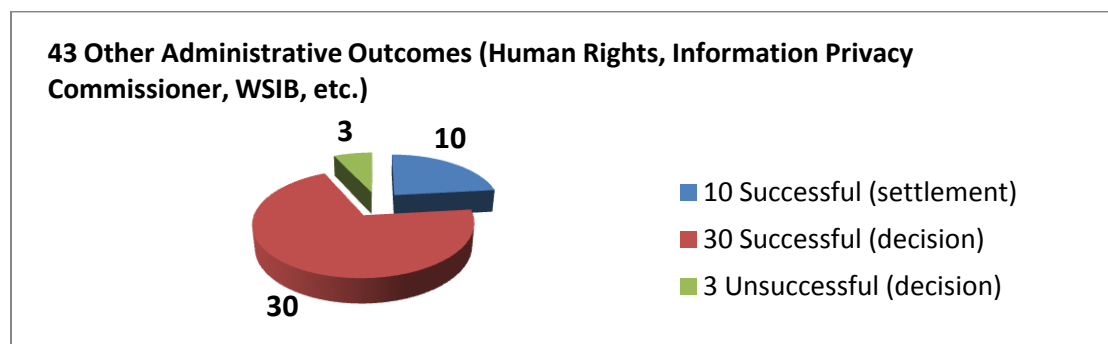


Figure 3 - LPAT Outcomes (Q1 to Q4 2018)



**Figure 4 - Other Administrative Outcomes (Q1 to Q4 2018)**

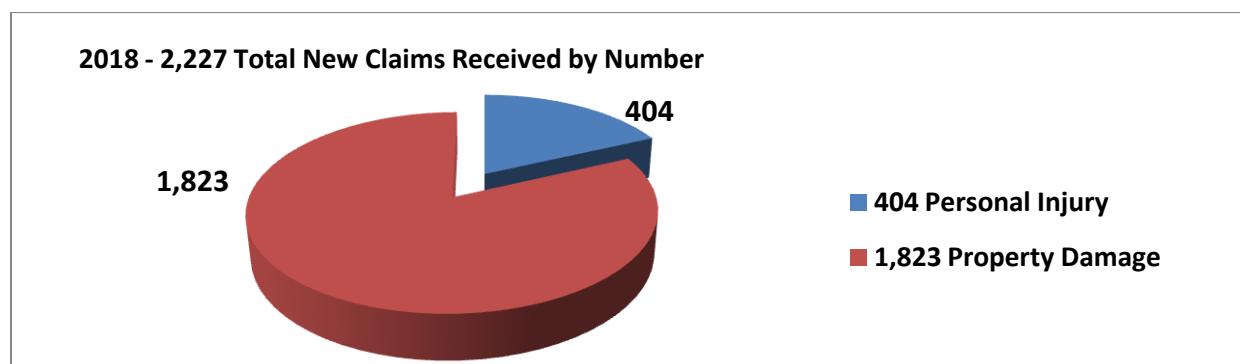


### Claims Unit

The Claims Unit received a total of 2,227 new claims in 2018. This figure represents the 1,823 property damage claims and 404 personal injury claims that were filed with the Unit. Of the total number of new claims received for 2018, 608 (27%) represent pothole claims, which is annually the most common type of claim received by the Unit.

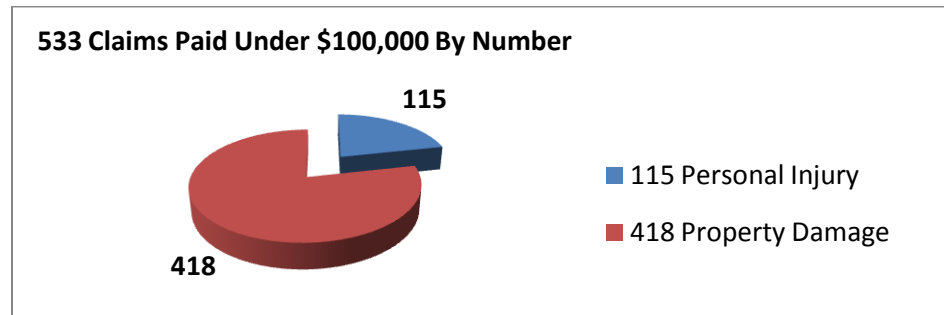
A summary of the 2,227 claims received during 2018 is set out below in Figure 2 by number.

**Figure 5 - Total New Claims Received by Number**

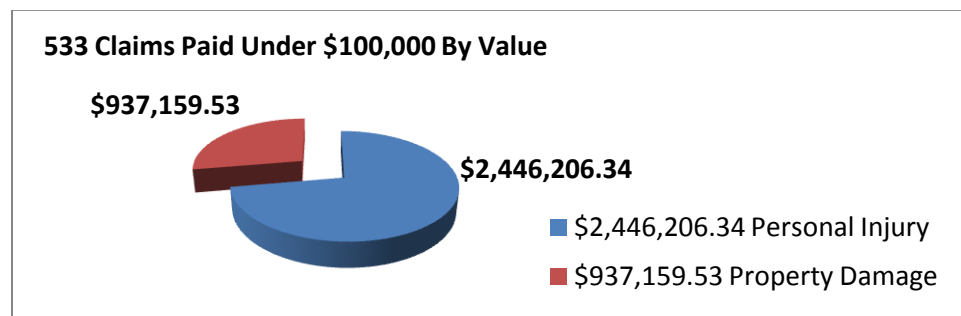


The Claims Unit concluded a total of 2,613 claims in 2018. This figure represents the 2,182 property damage claims and 431 bodily injury claims that were either closed-settled or closed-denied during the year. A summary of the 536 claims that were closed-settled (i.e. paid in whole or in part) in 2018 is set out below in Figures 5 (by number) and 6 (by value).

**Figure 6 - Claims Paid Under \$100,000 by Number (Q1 to Q4 2018)**



**Figure 7 - Claims Paid Under \$100,000 by Value (Q1 to Q4 2018)**



**Table 1 - Claims Paid over \$100,000 - Q1 to Q4 2018**

Department	Category	Claim Type	Net City Cost
Public Works and Environmental Services	Property Damage or Loss	Sewer Back-up - Flooding	\$379,500.00
Public Works and Environmental Services	Property Damage or Loss	Sewer Back-up - Flooding	\$445,500.00
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$102,028.40
Recreation, Cultural and Facility Services	Bodily/Personal Injury	Slip and Fall	\$201,315.32
Transportation Services	Bodily/Personal Injury	Other Third Party-Bodily Injury	\$442,998.26
Transportation Services	Bodily/Personal Injury	MVA, City and Third Party Vehicle	\$1,020,906.15
Transportation Services	Bodily/Personal Injury	City Vehicle - Pedestrian/Cyclist	\$271,452.27
Transportation Services	Bodily/Personal Injury	City Vehicle - Losses Onboard	\$187,331.97
Transportation Services	Bodily/Personal Injury	City Vehicle - Losses Onboard	\$103,103.79

Public Works and Environmental Services	Property Damage or Loss	Sewer Back-up-Flooding	\$2,124,958.08
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$199,457.60
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$123,333.50
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$127,371.00
Public Works and Environmental Services	Bodily/Personal Injury	Other Third Party-Bodily Injury	\$143,725.00
Public Works and Environmental Services	Bodily/Personal Injury	MVA-Bodily Injury	\$171,526.47
Transportation Services	Bodily/Personal Injury	Other Third Party-Bodily Injury	\$3,000,000.00
Transportation Services	Bodily/Personal Injury	City Vehicle-Pedestrian/Cyclist	\$306,279.62
Transportation Services	Bodily/Personal Injury	City Vehicle-Pedestrian/Cyclist	\$107,446.01
Transportation Services	Bodily/Personal Injury	City Vehicle-Pedestrian/Cyclist	\$145,446.24
Transportation Services	Bodily/Personal Injury	Losses onboard City Vehicle-No MVA	\$151,713.60
Transportation Services	Bodily/Personal Injury	City Vehicle-Pedestrian/Cyclist	\$131,453.98
Transportation Services	Bodily/Personal Injury	Losses Onboard City Vehicle-No MVA	\$269,106.71
		<b>TOTAL:</b>	<b>\$10,155,953.97</b>

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

**Table 5 - General Agreements and Contracts – Metrics**

<b>General Agreement/Contract Type</b>	<b>Routine</b>	<b>Moderately Complex</b>	<b>Complex</b>	<b>Total</b>
Agreements and Contracts Reviewed/Drafted	349	367	146	862
Reports Reviewed/Drafted	95	72	38	205
Real Estate Purchases and Sales*	74	0	0	74
Tax Sale Registrations, Property Standards Orders, Grow Op Orders	139	0	0	139

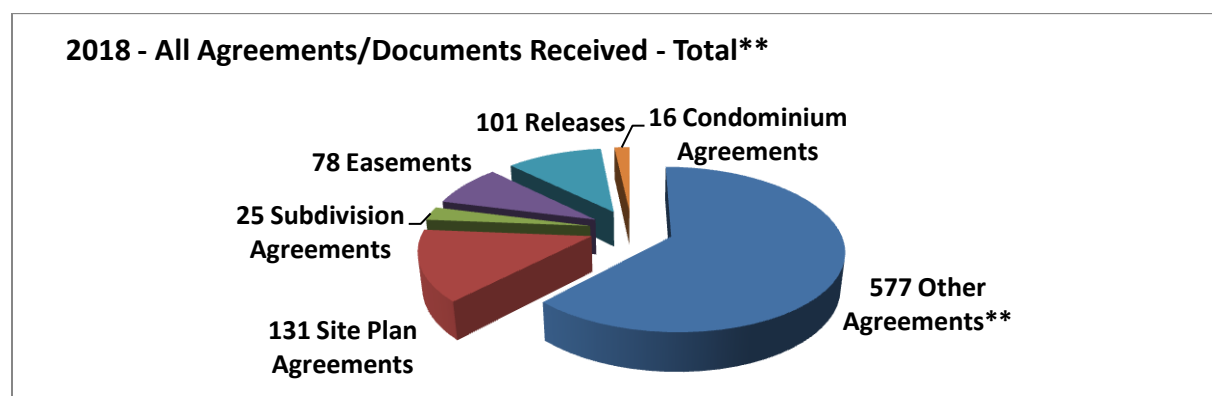
By-laws Reviewed/Drafted	48	15	4	67
Construction Lien Payments Reviewed / Processed	128	0	0	128

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

### *Planning and Development*

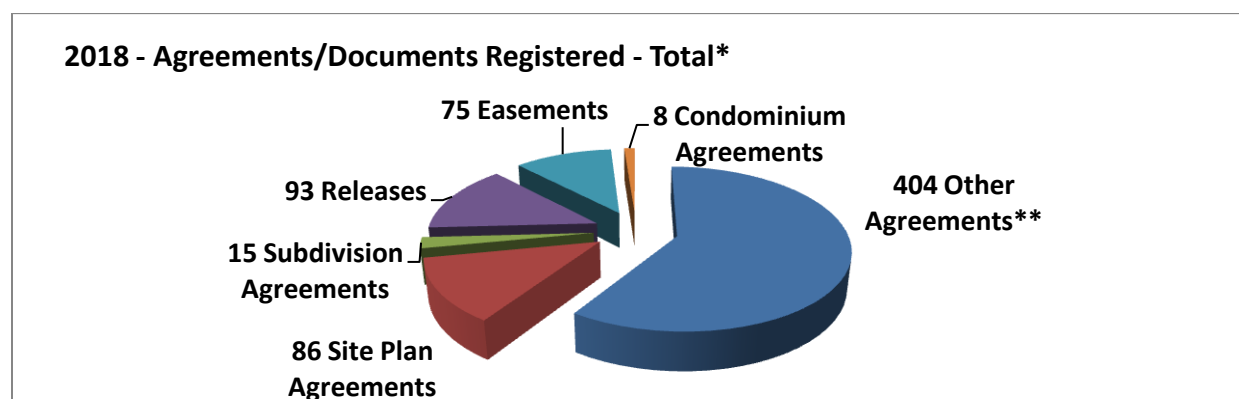
In 2018, 928 individual agreements and document requests were received by the Development Law Unit for drafting and registration. A summary is set out below in Figure 8 (by type).

**Figure 9 - All Agreements/Document Requests Received - Total**



The Development Law Unit also completed registration on 681 individual agreements and documents in 2018. A summary is set out below in Figure 9 (by type).

**Figure 9 – Agreements/Documents Registered - Total**



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

\*\*There are 17 different agreement types that fall under 'Other'

**Document 2**

**Table 1 - External Legal Costs for Q1 to Q4 2018**

<b>Firm</b>	<b>Portfolio/ Practice Area</b>	<b>Legal Fees</b>	<b>Disbursements</b>	<b>Taxes</b>	<b>Total</b>
Borden, Ladner, Gervais	Corporate, Commercial, Development	\$801,149.30	\$18,887.20	\$106,420.61	\$926,457.11
Caza Saikaley	Insured Litigated Claims	\$75,614.25	\$21,371.87	\$12,452.76	\$109,438.88
Gowlings	Insured Litigated Claims	\$136,910.70	\$13,688.28	\$19,514.87	\$170,113.85
Lerners	Insured Litigated Claims	\$12,091.00	\$1,962.04	\$1,817.23	\$15,870.27
McCall, Dawson	Insured Litigated Claims	\$11,091.00	\$581.18	\$1,517.43	\$13,189.61
Shillington's	Insured Litigated Claims	\$7,173.00	\$43.50	\$938.16	\$8,154.66
Stieber Berlach	Insured Litigated Claims	\$44,186.50	\$3,504.61	\$6,179.06	\$53,870.17
Hicks, Morley	Labour and Employment	\$8,040.00	\$0	\$1,045.24	\$9,085.24
Borden, Ladner, Gervais	Light Rail Project Stages 1 and 2	\$1,063,253.20	\$16,240.24	\$140,277.57	\$1,219,771.01
Norton Rose Fulbright	Light Rail Project Stages 1 and 2	\$2,012,292.50	\$24,764.88	\$257,929.99	\$2,294,987.37
Caza Saikaley	Litigation	\$128,578.15	\$18,046.20	\$18,881.59	\$165,505.94
Gowlings	Litigation	\$252,944.75	\$13,400.19	\$34,624.90	\$300,969.84
Emond Harnden	Litigation/Labour	\$554,336.12	\$96.07	\$72,075.53	\$626,507.72
Merovitz Potechin	Corporate, Commercial, Development	\$14,940.00	\$34.85	\$1,946.74	\$16,921.59
Aird & Berlis	Corporate, Commercial, Development	\$17,343.00	\$16.50	\$2,256.76	\$19,616.26
Ault & Ault	Corporate, Commercial, Development	\$10,502.00	\$691.40	\$1,455.14	\$12,648.54
Jon Smithen	Litigation	\$196,963.60	\$0	\$25,605.27	\$222,568.87
Singleton Urquhart	Light Rail Project Stage 1	\$524,568.05	\$105,160.82	\$80,481.40	\$710,210.27
<b>Totals</b>		<b>\$5,871,977.12</b>	<b>\$238,489.83</b>	<b>\$785,420.25</b>	<b>\$6,895,887.20</b>