

<p>2. COMPREHENSIVE LEGAL SERVICES REPORT FOR THE PERIOD JULY 1 TO DECEMBER 31, 2020 RAPPORT GÉNÉRAL SUR LES SERVICES JURIDIQUES POUR LA PÉRIODE DU 1 JUILLET AU 31 DÉCEMBRE 2020</p>

COMMITTEE RECOMMENDATION

That Council receive this report for information.

RECOMMANDATION DU COMITÉ

Que le Conseil municipal prenne connaissance du présent rapport.

DOCUMENTATION/DOCUMENTATION

1. General Manager's Report, Innovative Client Services, dated February 19, 2021, (ACS2021-ICS-LEG-0001)

Rapport de la Directrice générale, Services novateurs pour la clientèle,
daté le 19 février 2021, (ACS2021-ICS-LEG-0001)

**Report to
Rapport au:**

**Finance and Economic Development Committee
Comité des finances et du développement économique
2 March 2021 / 2 mars 2021**

**and Council
et au Conseil
10 March 2021 / 10 mars 2021**

**Submitted on February 19, 2021
Soumis le 19 février 2021**

**Submitted by
Soumis par:
Valerie Turner, General Manager, Innovative Client Services/
Directrice générale, Services novateurs pour la clientèle**

**Contact Person
Personne ressource:
David White, City Solicitor / Avocat général
Innovative Client Services – Services novateurs pour la clientèle
613-580-2424, ext. poste 21933 / david.white@ottawa.ca**

Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2021-ICS-LEG-0001

**SUBJECT: Comprehensive Legal Services Report for the Period July 1 to
December 31, 2020**

**OBJET: Rapport Général sur les Services juridiques pour la période du 1
juillet au 31 décembre 2020**

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 2020. In keeping with the format approved by City Council on August 25, 2011, the Comprehensive Legal Services Report combines the former Claims Settlements, Litigation Record and External Legal Costs reports into a single comprehensive report. It also includes information on the exercise of the authority set out in the City's Public Conduct Policy, for 2020, in accordance with the reporting requirements of that Policy.

As with many other City administrative services, in March 2020, Legal Services moved almost entirely to remote operations as a result of the COVID-19 pandemic response. As evidenced by this report, the branch continued to support City departments in their own pandemic response activities and maintained business-as-usual work in such areas as civil litigation, labour relations and planning and development.

In respect of all forms of litigation undertaken by Legal Services (civil, labour, LPAT, 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. 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 all 33 cases concluded in 2020. The costs associated with the settlement of 15 claims over \$100,000 in the last two quarters of 2020 reflect the prevailing growth 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 87 per cent of litigation involving the City is handled by in-house resources, with fewer than 13 per cent of the current 436 litigated matters being referred to external counsel.

Legal Services also continued its support of a number of key City initiatives in Q3 and Q4 2020. Further, the Branch drafted or reviewed 561 legal agreements and contracts in Q3 and Q4 2020 and processed more than 316 development agreements and requests.

In terms of outsourcing costs in Q3 and Q4 2020, these continued to be largely driven by the support for large capital projects such as Light Rail.

RÉSUMÉ

Le présent rapport expose le travail effectué et les résultats atteints par les Services juridiques au cours des troisième et quatrième trimestres de 2020. Suivant le modèle approuvé par le Conseil municipal le 25 août 2011, le Rapport général sur les Services juridiques regroupe en un seul document les rapports sur les règlements de réclamations, le bilan des litiges et les frais judiciaires externes. Il comprend également des renseignements sur l'exercice des pouvoirs établi dans la Politique en matière de conduite publique pour 2020, conformément aux exigences en matière de rapports de ladite politique.

En mars 2020, à l'instar de nombreux autres services administratifs de la Ville, les Services juridiques ont transféré la presque totalité de leurs activités pour les effectuer à distance en réponse à la pandémie de COVID-19. Comme en témoigne le présent rapport, la Direction a continué d'aider les directions générales de la Ville à mener leurs propres activités en réponse à la pandémie et a effectué son travail comme d'habitude dans des domaines comme les affaires civiles, les relations de travail ainsi que la planification et le développement.

Pour tous les types de litiges traités par les Services juridiques (affaires civiles, droit du travail, affaires devant le Tribunal d'appel de l'aménagement local [TAAL], droits de la personne, etc.) les résultats communiqués sont similaires à ceux présentés dans les rapports antérieurs et viennent mettre en lumière les préférences de la Ville pour les règlements à l'amiable. Les résultats des litiges démontrent également que, 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 chacune des 33 conclues en 2020. Par ailleurs, les coûts associés au règlement de 15 litiges d'une valeur supérieure à 100 000 \$ au cours des deux derniers trimestres de 2020 reflètent l'augmentation actuelle des montants adjugés par les tribunaux pour les préjudices

personnels en ce qui concerne les dommages-intérêts généraux, les pertes futures de revenus ou d'avantages concurrentiels et les coûts liés à des soins futurs.

Le rapport précise que plus de 87 % des litiges de la Ville sont traités à l'interne, moins de 13 % des 436 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 2020. En outre, durant la même période, la Direction a rédigé ou examiné 561 accords juridiques et contrats, et traité plus de 316 ententes et demandes d'aménagement.

Quant aux coûts de sous-traitance au cours des troisième et quatrième trimestres de 2020, ils ont continué à être largement déterminés par des projets d'immobilisations de grande envergure comme le train léger.

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 2020.

DISCUSSION

Civil Litigation / Labour and Employment

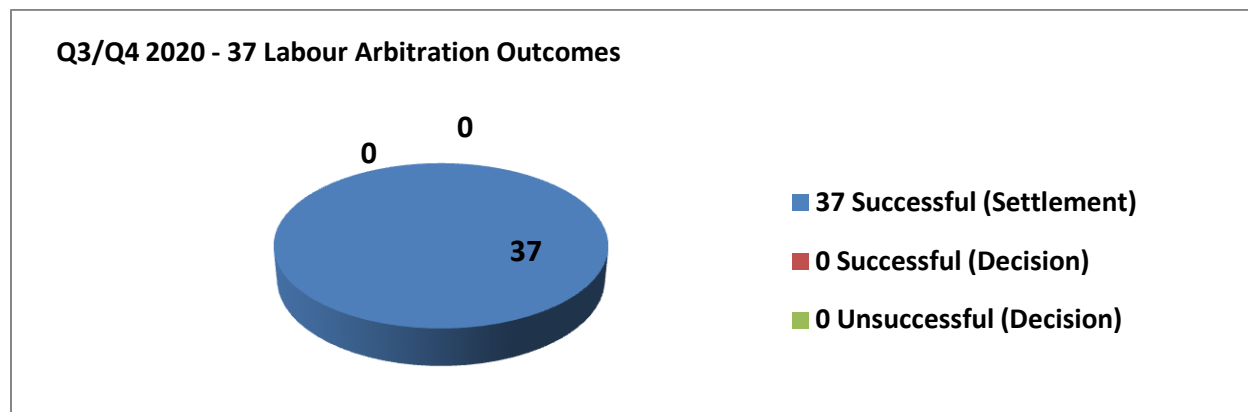
In keeping with the format developed as part of the initial Comprehensive Legal Services Report, outlined below is the litigation record for the 2020 third and fourth quarters, as well as an overview of claims received and concluded in that same period.

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

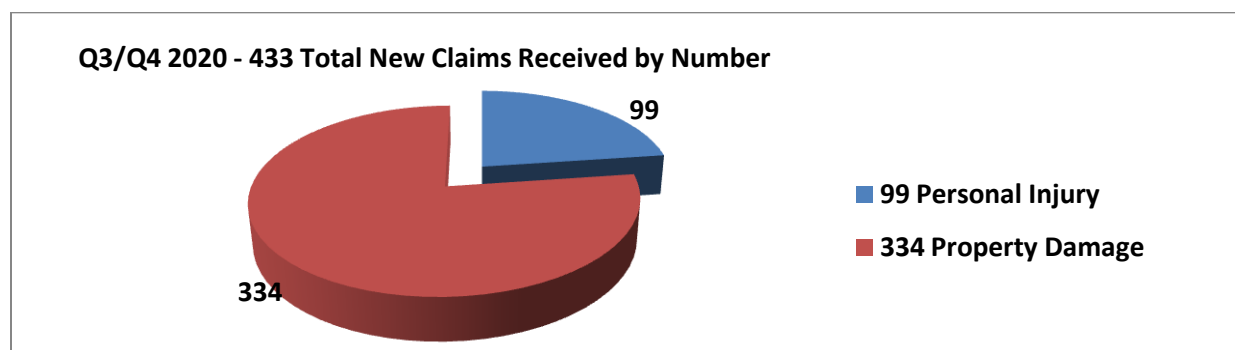


(b) Claims Unit

The Claims Unit received a total of 433 new claims in the last two quarters of 2020. This figure is made up of 334 property damage claims and 99 personal injury claims that were filed with the Unit. Of the total number of new claims received during this period, 69 (16 per cent) represent pothole claims, which have tended to be the most common type of claim received by the Unit, though heavily influenced by seasonal weather patterns.

A summary of the 433 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 661 claims in the last two quarters of 2020. This figure represents the 436 property damage claims and 225 personal injury claims

that were either closed-settled or closed-denied during this period. A summary of the 226 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

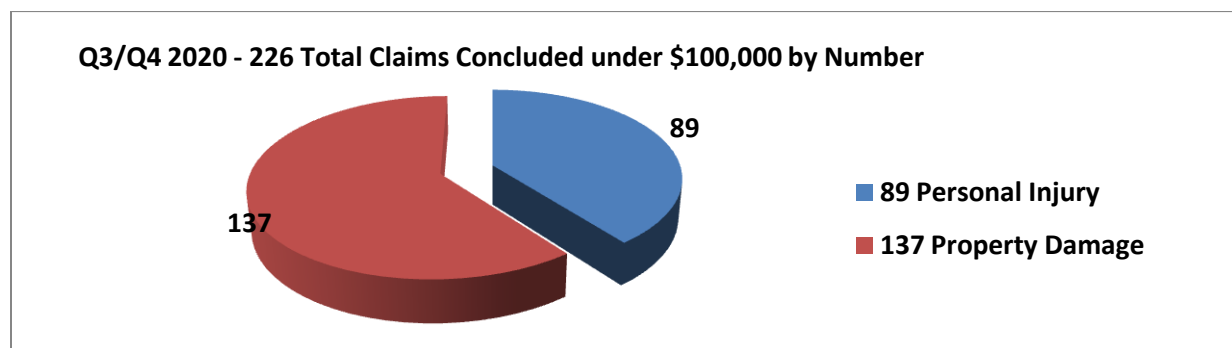


Figure 4 - Claims Concluded Under \$100,000 by Value

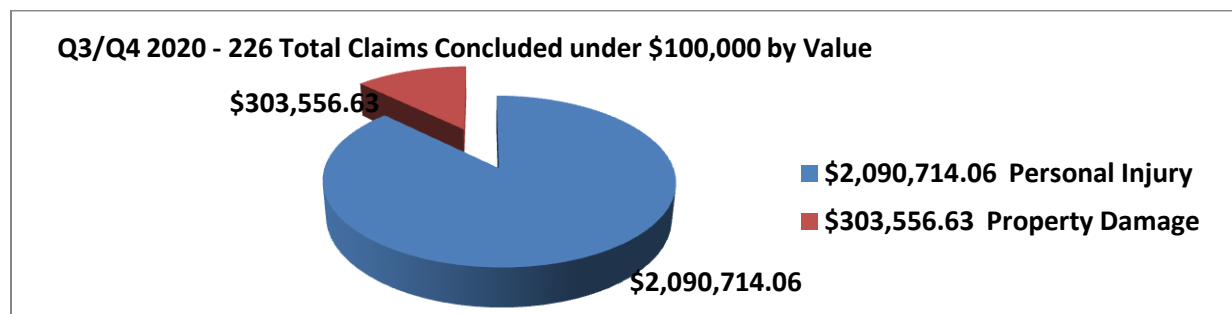


Table 1 - Claims Concluded over \$100,000 – Q3 and Q4 2020

Department	Category	Claim Type	Net City Cost
Planning, Infrastructure and Economic Development	Bodily/Personal Injury	MVA-City and Third Party Vehicle	\$1,352,242.90
Planning, Infrastructure and Economic Development	Property Damage or Loss	Contract Dispute	\$558,596.55
Planning, Infrastructure and Economic Development	Property Damage or Loss	Watermain Break – Third Party Property Damage	147,264.60
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$195,632.70
Public Works and Environmental Services	Bodily/Personal Injury	MVA-Third Party Vehicle Ice / Snow Accumulation	\$252,770.83

Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$123,172.32
Public Works and Environmental Services	Bodily/Personal Injury	Third Party Bodily Injury	\$102,268.80
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$153,463.60
Public Works and Environmental Services	Bodily/Personal Injury	Trip and Fall	\$100,183.00
Public Works and Environmental Services	Bodily/Personal Injury	MVA-City and Third Party Vehicle	\$101,467.32
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$118,000.00
Transportation Services	Bodily/Personal Injury	MVA-City and Third Party Vehicle	\$128,722.00
Transportation Services	Bodily/Personal Injury	City Vehicle-Pedestrian/Cyclist	\$518,567.80
Transportation Services	Bodily/Personal Injury	City Vehicle-Pedestrian/Cyclist	\$1,004,788.74
Transportation Services	Bodily/Personal Injury	Losses Onboard City Vehicle	\$201,516.20
		Total:	\$ 5,058,657.36

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 City Solicitor.

(c) Civil Litigation Unit

In the third and fourth quarters of 2020, 66 new Statements of Claim were received by the Legal Services Branch. With these, there are currently 436 outstanding civil proceedings against the City that are being addressed by the Branch. Of the current open files, carriage of over 87 per cent rests with the City's in-house Legal staff, with less than 13 per cent of the remaining files having been referred to external counsel at either the direction of the City's insurer, or to the scope, complexity or volume 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 2 - Civil Litigation Outcomes

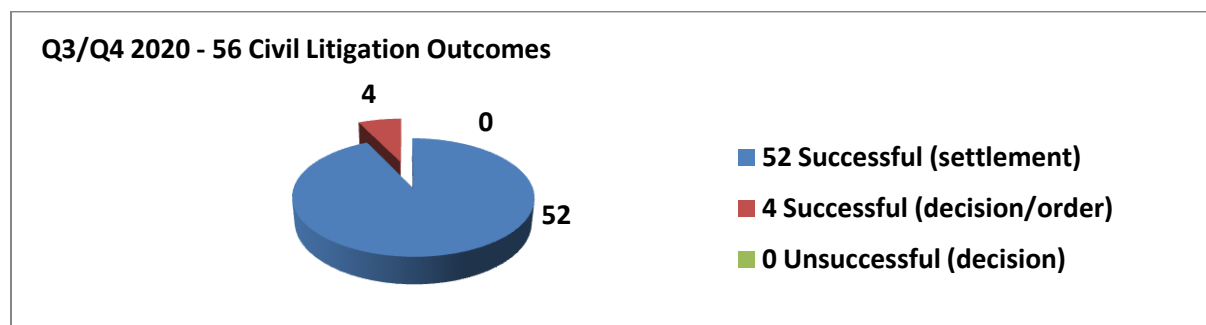
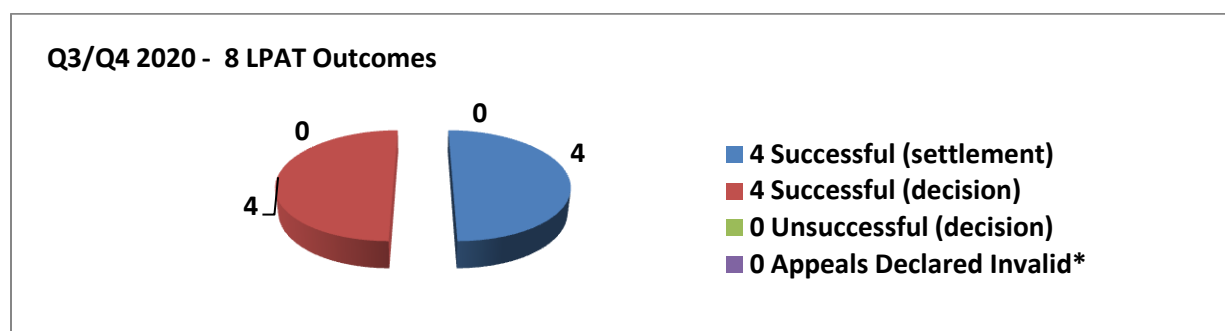
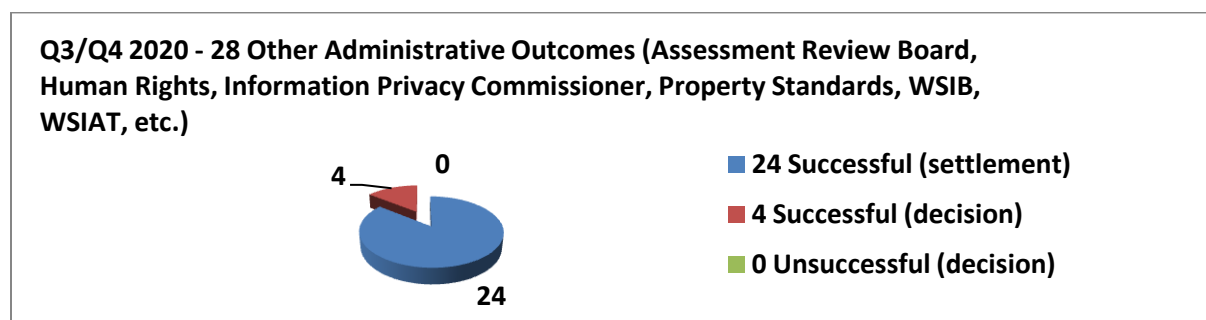


Figure 3 - LPAT Outcomes



*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



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

The Legal Services Branch, in the third and fourth quarters of 2020, 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. COVID-19 Emergency Response:

Legal Services provided a wide range of support and guidance in respect of the many facets of the City's COVID-19 response, including assistance in the interpretation and application of Provincial Orders, Regulations and other initiatives. The Branch's work also extended to supporting the City's own measures to limit the spread of COVID-19 and to mitigate the effect of the pandemic and pandemic-related restrictions on the community.

2. Rail Transportation Matters:

Legal Services provided ongoing support to Transit Operations, the Stage 2 and Confederation Line Light Rail offices, and Capital Railway, with respect to a wide variety of rail matters and specific projects. These included support for the Regulatory Monitor and Compliance Officer for the Confederation Line, Prince of Wales Bridge and Trillium Line regulatory requirements, including obtaining a revised Certificate of Fitness approval for Stage 2. In addition, Legal Services liaised with Stage 1 and 2 Light Rail offices and the law firm BLG concerning OLRT/Stage 2 matters in a support role and a number of other rail matters affecting the City's rail corridors together with assisting in drafting legal agreements.

3. Road, Lanes, Cycling and Pedestrian Transportation Matters:

Legal Services provided support to Transportation Services Department (including Transit Operations, Transportation Planning and 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.

4. Legal Services provided Legal Support to Information Technology Services in finalizing and executing a new contract for the provision of a new Municipal Application and Permitting ("MAP") software solution (also known as the Land Management System or LMS). Legal Services assisted with drafting the new contract and advised on matters that arose during negotiations.

5. Legal Services assisted PIED with a new contract for the installation of Electric Vehicle Charging Stations in the City's right-of-way that involves partnering with Envari and taking advantage of funding from Natural Resources Canada. Based on instructions received, Legal Services drafted the contract and advised on different terms being negotiated by the parties.

Table 2 - General Agreements and Contracts – Metrics

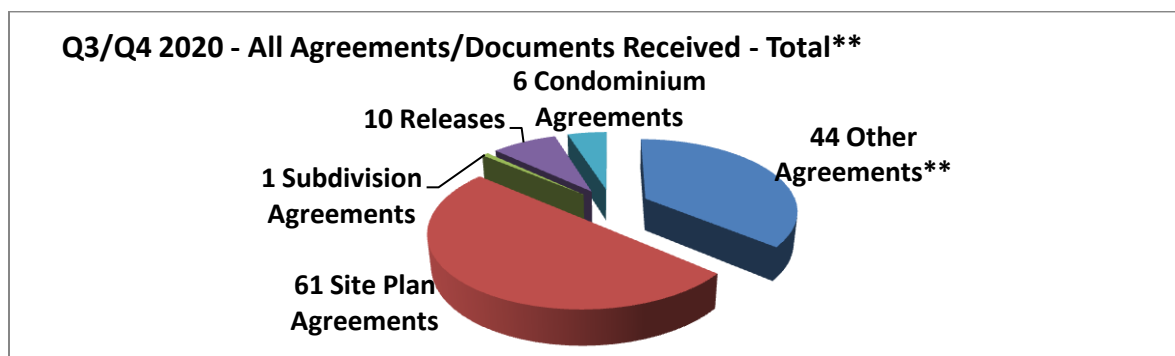
General Agreement/Contract Type	Routine	Moderately Complex	Complex	Total
Agreements and Contracts Reviewed/Drafted	256	230	75	561
Reports Reviewed/Drafted	85	38	40	163
Real Estate Purchases and Sales	8	40	6	54
Light Rail Land Purchases	5	5	0	10
Tax Sale Registrations, Property Standards Orders	55	0	0	55
By-laws Reviewed/Drafted	144	35	21	200
Construction Lien Payments Reviewed / Processed	78	n/a	n/a	78

Planning, Development and Real Estate

The Planning, Development and Real Estate Law Unit is collectively responsible for the preparation of a variety of Development Agreements such as Subdivision, Site Plan, and Condominium, as well as agreements related to consent or minor variance applications. In addition, staff are also responsible for providing real estate law services (purchases, sales, expropriations, tax sales, leases, easements, mortgages, title searches and registrations) on behalf of the City.

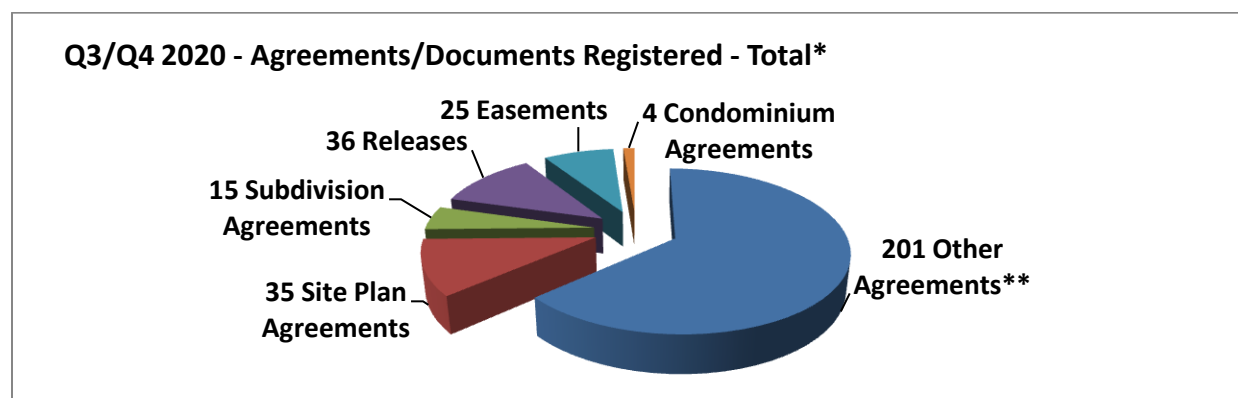
In the third and fourth quarters of 2020, 122 individual documents were logged by the Development Law Unit that were required for drafting and registration. Of these 122 requests, 96 per cent were considered routine; 3 per cent were considered moderately complex; and 1 per cent were considered complex. A summary is set out below in Figure 8 (by type).

Figure 8 - All Agreements/Document Requests Received - Total



The Unit also completed registration on 316 individual agreements and documents in the third and fourth quarters of 2020. Of these 316 documents registered, 77 per cent were considered routine; 7 per cent were considered moderately complex and 16 per cent 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 2020

Firm	Portfolio/ Practice Area	Legal Fees	Disbursements	Taxes	Total
Agro Zaffiro LLP	Insured Litigated Claims	\$11,458.00	\$45.30	\$1,495.43	\$12,998.73
Borden, Ladner, Gervais	Corporate, Commercial, Development	\$424,962.60	\$18,857.85	\$57,688.35	\$501,508.80
Borden, Ladner,	Light Rail Project	\$150,039.60	\$3,868.76	\$19,923.34	\$173,831.70

Gervais					
Borden, Ladner, Gervais	Insured Litigated Claims	\$4,438.00	\$366.50	\$624.61	\$5,429.11
Caza Saikaley	Litigation	\$10,962.50	\$0	\$1,425.14	\$12,387.64
Caza Saikaley	Insured Litigated Claims	\$15,238.99	\$177.26	\$2,004.06	\$17,420.31
Cunningham Swan Car	Corporate, Commercial, Development	\$4,839.00	\$234.52	\$659.58	\$5,733.10
Emond Harnden	Labour and Employment	\$79,830.00	\$6,430.00	\$11,213.95	\$97,473.95
Emond Harnden	Insured Litigated Claims	\$2,729.50	\$0	\$354.85	\$168,733.35
Gowlings	Litigation	\$85,071.50	\$64,250.00	19,411.81	\$168,733.31
Gowlings	Insured Litigated Claims	\$47,681.60	\$6499.00	\$7,019.72	\$61,200.32
Lerners	Insured Litigated Claims	\$11,156.50	\$2.60	\$1,450.73	\$12,609.83
Norton Rose Fulbright Canada LLP	Light Rail Project	\$189,937.00	\$20.87	\$24,252.26	\$214,210.13
Shillington's	Insured Litigated Claims	\$9,774.00	\$554.58	\$1,318.93	\$11,647.51
Singleton Urquhart	Light Rail Project	\$307,253.52	\$65,201.73	\$48,394.82	\$420,850.07
Stephen Goudge, QC	Corporate Commercial, Development	\$43,875.00	\$18,718.50	\$8,137.16	\$70,730.66
Totals		\$1,399,247.31	\$185,227.47	\$205,374.74	\$1,789,849.52

Table 4 - External Legal Costs – Q4 2020

Firm	Portfolio/ Practice Area	Legal Fees	Disbursements	Taxes	Total
Agro Zaffiro LLP	Insured Litigated Claims	\$3,450.00	\$0	\$448.50	\$3,898.50
Borden, Ladner, Gervais	Corporate, Commercial, Development	\$453,514.40	\$86,465.56	\$70,146.74	\$610,126.70
Borden, Ladner, Gervais	Insured Litigated Claims	\$29,638.50	\$4,371.78	\$4,344.57	\$38,354.85

Borden, Ladner, Gervais	Light Rail Project	\$299,670.90	\$12,669.91	\$40,595.85	\$352,936.66
Caza Saikaley	Insured Litigated Claims	\$45,083.14	\$1,101.88	\$6,003.95	\$52,188.97
Caza Saikaley	Litigation	\$49,515.00	\$8,688.24	\$7,111.48	\$65,314.72
Cunningham Swan Cart	Corporate, Commercial, Development	\$12,560.50	\$145.78	\$1,651.86	\$14,358.14
Emond Harnden	Labour and Employment	\$116,619.50	\$50.00	\$15,160.76	\$131,830.26
Emond Harnden	Insured Litigated Claims	\$16,283.50	\$0	\$2,116.87	\$18,400.37
Gowlings	Litigation/Labour	\$10,804.50	\$211.25	\$1,432.05	\$12,447.80
Gowlings	Insured Litigated Claims	\$38,557.70	\$3,835.31	\$5,511.14	\$47,904.15
Hicks Morley	Labour and Employment	\$1,000.00	\$0	\$130.00	\$1,130.00
Lerners	Insured Litigated Claims	\$40,830.00	\$2,027.29	\$5,571.51	\$48,428.80
Mcall Dawson	Insured Litigated Claims	\$9,104.50	\$1,107.04	\$1,327.65	\$11,539.19
Norton Rose Fulbright Canada LLP	Light Rail Project	\$50,045.00	\$0	\$6,505.85	\$56,550.85
Shillington's	Insured Litigated Claims	\$10,994.00	\$0	\$1,429.22	\$12,423.22
Singleton Urquhart	Light Rail Project	\$684,676.52	\$864,868.57	\$199,541.59	\$1,749,086.68
Soloway Wright	Corporate, Commercial, Development	\$12,453.00	\$2,055.59	\$1,876.25	\$16,384.84
Totals:		\$1,884,800.66	\$987,598.20	\$370,905.84	\$3,243,304.70

The amounts for external legal costs relating to litigated matters form part of the total sums listed for each of the claims over \$100,000, listed in Table 1 above, as those amounts include all costs borne by the City in finalizing a settlement, including any external legal fees.

Public Conduct Policy

In December 2018, City Council adopted the Public Conduct Policy, intended to further “the City’s objective of dealing with all residents in ways that are consistent and fair while acknowledging that there may be a need to protect staff, Members of Council and residents of the City of Ottawa from unreasonable behaviour and frivolous and/or vexatious actions.” Where an individual’s behaviour is determined to be unreasonable, or a request is classified as frivolous or vexatious, the Policy provides a range of possible responses, including such things as written warnings and the imposition of restrictions on the individual’s communications with the City. Also included is a comprehensive appeal procedure, which is available to any individual who has been the subject of restrictions under the Policy.

In 2020, the Public Conduct Policy was invoked on two occasions, with restrictions on communications with staff imposed in both cases.

In accordance with the annual reporting requirements of the Public Conduct Policy, instances of the application of the Policy in 2021 will form part of the Comprehensive Legal Services Report for Q3-Q4 2021, to be presented to the Finance and Economic Development Committee and City Council in Q1 2022.

Rail Transportation Matters

Legal Services provided support to Transportation Services Department in pursuing an appeal of an administrative monetary penalty or “AMP”, arising out of a November 23, 2017 violation for a rail operating rule relating to a red signal on the Trillium Line. There were no injuries or property damage associated with this incident when a train stopped past a signal displaying red. The automated Indusi braking system performed as intended and stopped the train. In Q4 of 2020, the appeal to the Transportation Appeal Tribunal of Canada was exhausted following its decision to uphold the AMP for \$56,250. As of March 2020, the Trillium Line has been shut down as part of Stage 2 LRT construction. The signal in question will be eliminated due to grade separation.

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.

ADVISORY COMMITTEE(S) COMMENTS

No advisory committee comments were collected for the purposes of this report.

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

Legal Services supports and considers the *Accessibility for Ontarians with Disabilities Act, (2005)* in its operations. This report is administrative in nature and has no associated accessibility impacts.

TERM OF COUNCIL PRIORITIES

This report supports the strategic priority of Council of providing Service Excellence Through Innovation with improved service delivery through data analysis and innovation in service design.

SUPPORTING DOCUMENTATION

Document 1 - Aggregate Metrics for Q1 to Q4 2020

Document 2 - External Legal Costs for Q1 to Q4 2020

DISPOSITION

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

**FINANCE AND ECONOMIC
DEVELOPMENT COMMITTEE
REPORT 21
10 MARCH 2021**

22

**COMITÉ DES FINANCES ET DU
DÉVELOPPEMENT ÉCONOMIQUE
RAPPORT 21
LE 10 MARS 2021**

Document 1

Aggregate Metrics for Q1 to Q4 2020

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 2020 is reproduced below. These figures include all forms of litigation, namely labour, civil, LPAT and other miscellaneous tribunals.

Figure A Labour Arbitration Outcomes (Q1 to Q4 2020)

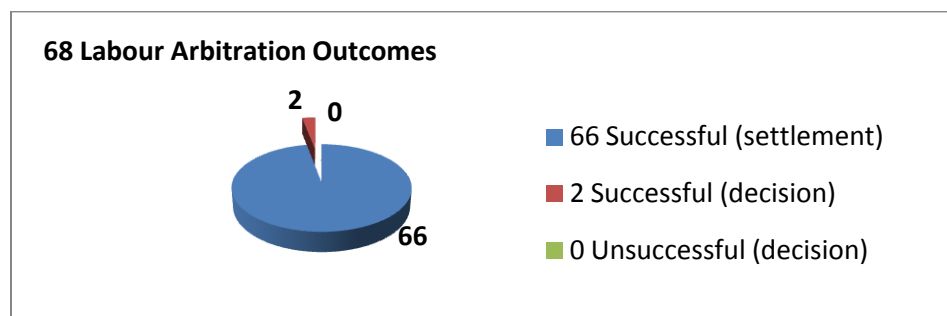


Figure B Civil Litigation Outcomes (Q1 to Q4 2020)

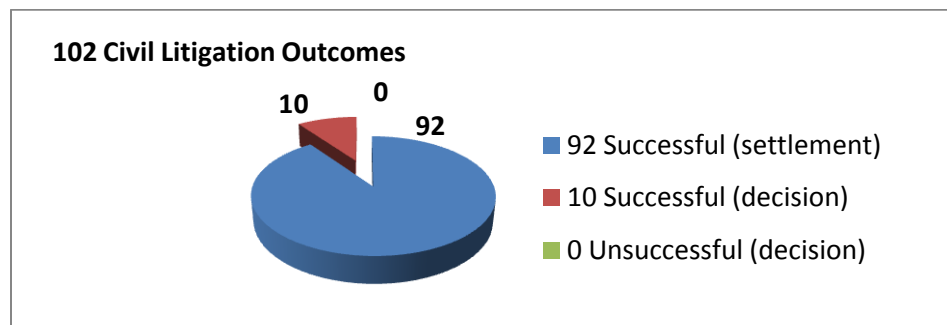


Figure C LPAT Outcomes (Q1 to Q4 2020)

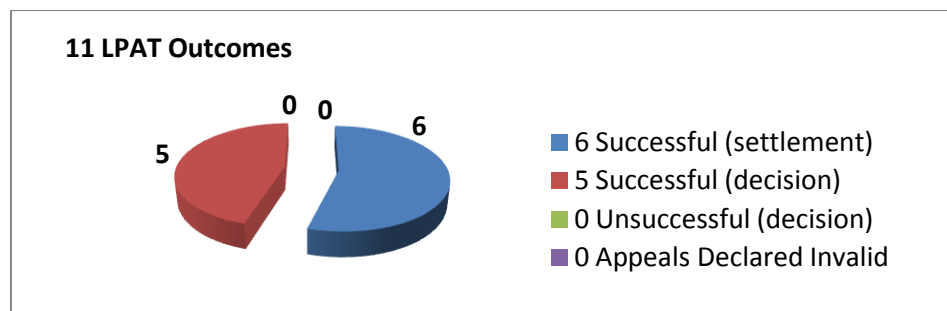
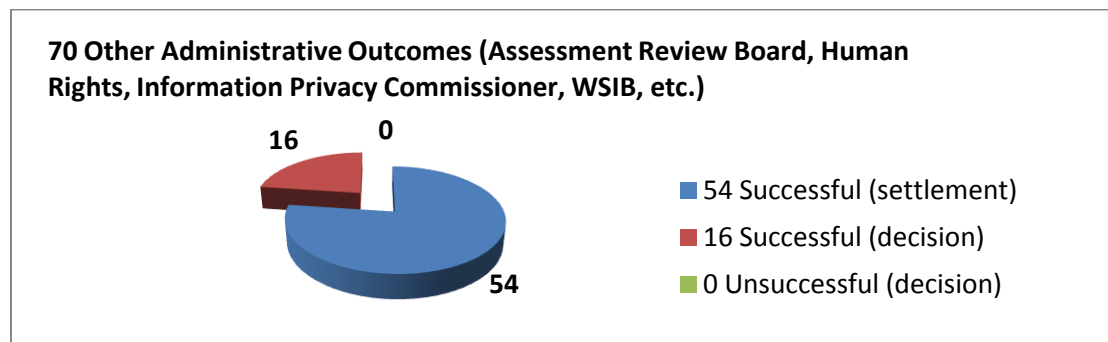


Figure D Other Administrative Outcomes (Q1 to Q4 2020)

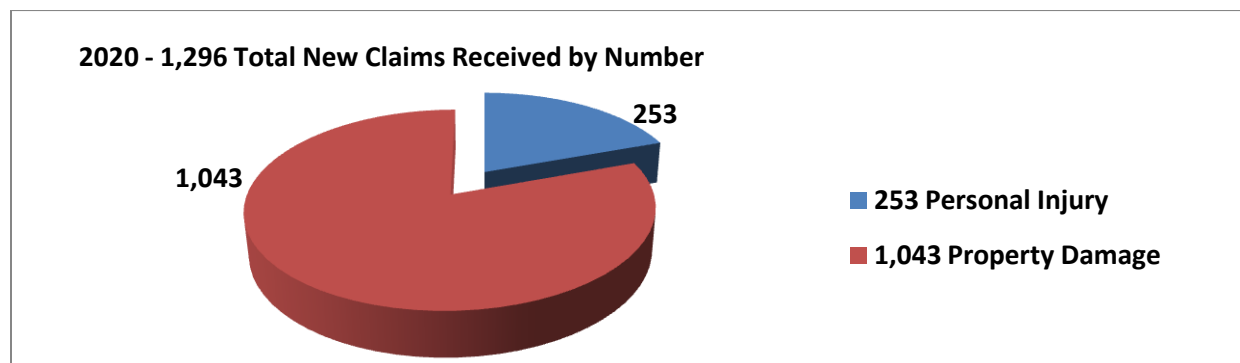


Claims Unit

The Claims Unit received a total of 1,296 new claims in 2020. This figure represents the 1,043 property damage claims and 253 personal injury claims that were filed with the Unit. Of the total number of new claims received for 2020, 440 (34 per cent) represent pothole claims, which is annually the most common type of claim received by the Unit.

A summary of the 1,296 claims received during 2020 is set out below in Figure E by number.

Figure E Total New Claims Received by Number



The Claims Unit concluded a total of 1,911 claims in 2020. This figure represents the 1,480 property damage claims and 431 bodily injury claims that were either closed-settled or closed-denied during the year. A summary of the 496 claims that were closed-settled (i.e. paid in whole or in part) in 2020 is set out below in Figures F (by number) and G (by value).

Figure F Claims Paid Under \$100,000 by Number (Q1 to Q4 2020)

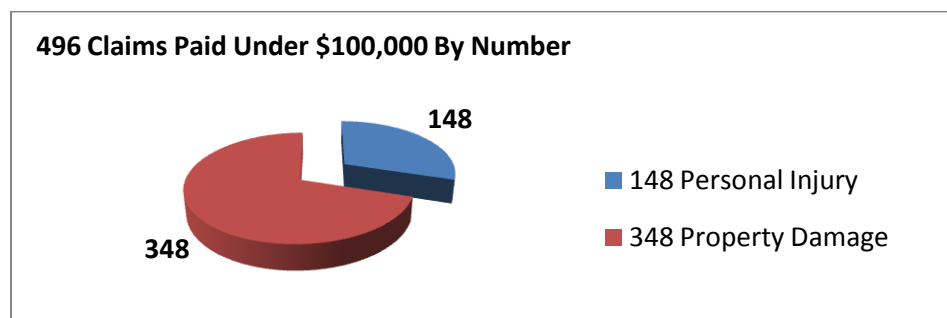


Figure G Claims Paid Under \$100,000 by Value (Q1 to Q4 2020)

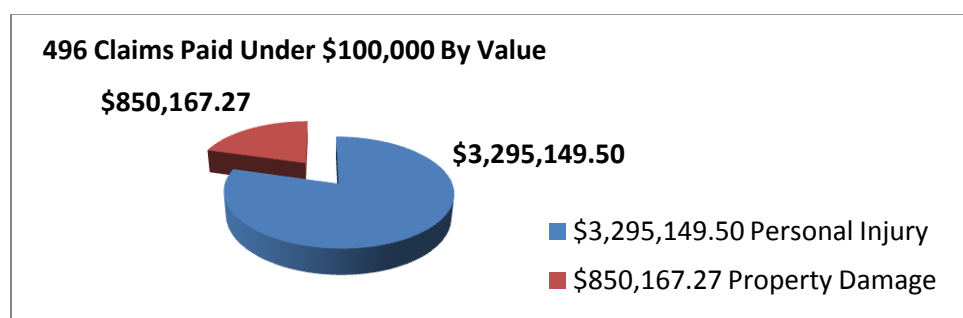


Table A - Claims Paid over \$100,000 - Q1 to Q4 2020

Department	Category	Claim Type	Net City Cost
Emergency and Protective Services	Bodily/Personal Injury	MVA, City and Third-Party Vehicle	\$128,822.85
Planning, Infrastructure and Economic Development	Property Damage or Loss	Contract Dispute	\$209,856.24
Planning, Infrastructure and Economic Development	Property Damage or Loss	Contract Dispute	\$252,243.78
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$120,123.71
Public Works and Environmental Services	Bodily/Personal Injury	Trip and Fall	\$120,000.00
Public Works and Environmental Services	Property Damage or Loss	Damage from Tree Roots	\$159,048.08
Recreation, Cultural and Facility Services	Bodily/Personal Injury	Slip and Fall	\$180,136.97

Transportation Services	Bodily/Personal Injury	MVA, City and Third-Party Vehicle	\$310,543.62
Transportation Services	Bodily/Personal Injury	MVA, City and Third-Party Vehicle	\$990,174.00
Transportation Services	Bodily/Personal Injury	City Vehicle Hitting Pedestrian/Cyclist	\$103,240.90
Transportation Services	Bodily/Personal Injury	Losses Onboard City Vehicle	\$103,308.70
Planning, Infrastructure and Economic Development	Bodily/Personal Injury	MVA-City and Third Party Vehicle	\$1,352,242.90
Planning, Infrastructure and Economic Development	Property Damage or Loss	Contract Dispute	\$558,596.55
Planning, Infrastructure and Economic Development	Property Damage or Loss	Watermain Break – Third Party Property Damage	147,264.60
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$195,632.70
Public Works and Environmental Services	Bodily/Personal Injury	MVA-Third Party Vehicle Ice / Snow Accumulation	\$252,770.83
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$123,172.32
Public Works and Environmental Services	Bodily/Personal Injury	Third Party Bodily Injury	\$102,268.80
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$153,463.60
Public Works and Environmental Services	Bodily/Personal Injury	Trip and Fall	\$100,183.00
Public Works and Environmental Services	Bodily/Personal Injury	MVA-City and Third Party Vehicle	\$101,467.32
Public Works and Environmental Services	Bodily/Personal Injury	Slip and Fall	\$118,000.00
Transportation Services	Bodily/Personal Injury	MVA-City and Third Party Vehicle	\$128,722.00
Transportation Services	Bodily/Personal Injury	City Vehicle-Pedestrian/Cyclist	\$518,567.80
Transportation Services	Bodily/Personal Injury	City Vehicle-Pedestrian/Cyclist	\$1,004,788.74
Transportation Services	Bodily/Personal Injury	Losses Onboard City Vehicle	\$201,516.20
		TOTAL:	\$7,736,156.21

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

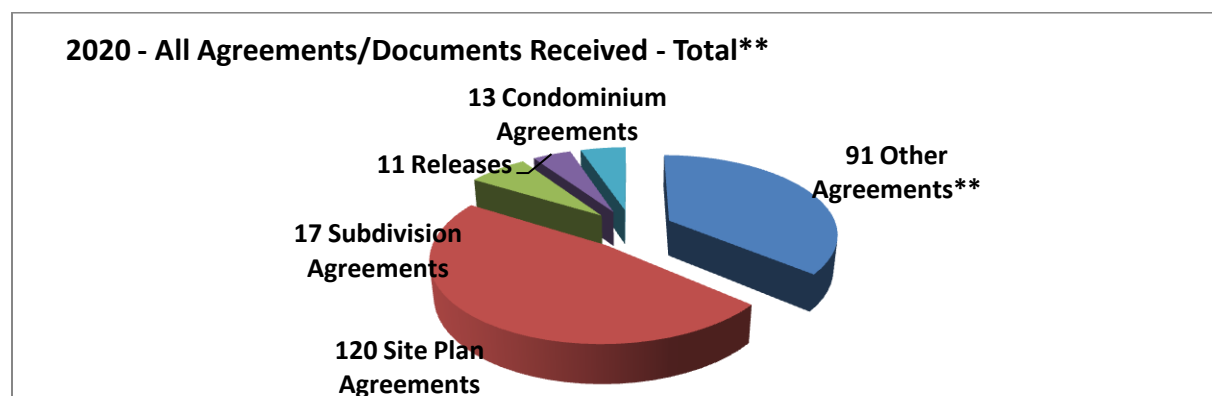
Table B General Agreements and Contracts – Metrics

General Agreement/Contract Type	Routine	Moderately Complex	Complex	Total
Agreements and Contracts Reviewed/Drafted	417	423	114	954
Reports Reviewed/Drafted	187	72	57	316
Real Estate Purchases and Sales	16	73	12	101
Light Rail Land Purchases	8	20	0	28
Tax Sale Registrations, Property Standards Orders	110	13	0	123
By-laws Reviewed/Drafted	268	58	28	354
Construction Lien Payments Reviewed / Processed	150	n/a	n/a	150

Planning and Development

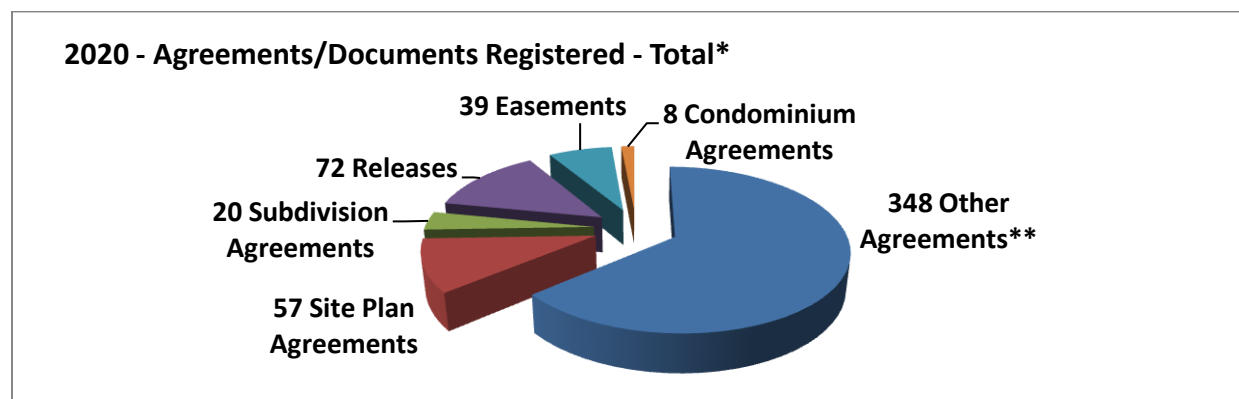
In 2020, 252 individual agreements and document requests were received by the Development Law Unit for drafting and registration. A summary is set out below in Figure H (by type).

Figure H All Agreements/Document Requests Received - Total



The Development Law Unit also completed registration on 544 individual agreements and documents in 2020. A summary is set out below in Figure I (by type).

Figure I Agreements/Documents Registered - Total



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

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

Document 2

Table I External Legal Costs for Q1 to Q4 2020

Firm	Portfolio/ Practice Area	Legal Fees	Disbursements	Taxes	Total
Agro Zaffiro LLP	Insured Litigated Claims	\$20,108.50	\$110.30	\$2,628.45	\$22,847.25
Borden, Ladner, Gervais	Corporate, Commercial, Development	\$1,469,245.40	\$215,929.91	\$218,975.46	\$1,904,150.77
Borden, Ladner, Gervais	Light Rail Project	\$783,523.30	\$28,138.31	\$105,206.14	\$916,867.75
Borden, Ladner, Gervais	Insured Litigated Claims	\$34,639.00	\$4,953.28	\$5,046.47	\$44,638.75
Caza Saikaley	Insured Litigated Claims	\$99,039.69	\$12,174.10	\$14,457.57	\$125,671.36
Caza Saikaley	Litigation	\$90,180.50	\$8,729.97	\$12,403.47	\$111,313.94
Cunningham Swan Cart	Insured Litigated Claims	\$620.00	\$0	\$80.60	\$700.60
Cunningham Swan Cart	Corporate, Commercial, Development	\$27,179.50	\$893.94	\$3,559.75	\$31,633.19
Emond Harnden	Insured Litigated Claims	\$33,114.00	\$198.20	\$4,330.67	\$37,642.87

**FINANCE AND ECONOMIC
DEVELOPMENT COMMITTEE
REPORT 21
10 MARCH 2021**

29

**COMITÉ DES FINANCES ET DU
DÉVELOPPEMENT ÉCONOMIQUE
RAPPORT 21
LE 10 MARS 2021**

Emond Harnden	Litigation/Labour	\$291,620.00	\$6,480.00	\$38,747.25	\$336,847.25
Gowlings	Insured Litigated Claims	\$128,234.90	\$13,155.21	\$18,279.22	\$159,669.33
Gowlings	Litigation	\$134,173.00	\$67,163.50	\$26,173.79	\$227,510.29
Hicks, Morley	Labour and Employment	\$1,000.00	\$0	\$130.00	\$1,130.00
Lerners	Insured Litigated Claims	\$65,712.50	\$2,330.29	\$8,845.71	\$76,888.50
McCall, Dawson	Insured Litigated Claims	\$9,104.50	\$1,107.04	\$1,327.65	\$11,539.19
Norton Rose Fulbright	Light Rail Project	\$459,753.00	\$198.77	\$59,026.98	\$518,978.75
Shillington's	Insured Litigated Claims	\$20,768.00	\$554.58	\$2,748.15	\$24,070.73
Singleton Urquhart	Light Rail Project	\$1,882,898.99	\$1,568,242.55	\$444,187.57	\$3,895,329.11
Soloway Wright	Corporate, Commercial, Development	\$16,845.00	\$2,095.69	\$2,452.42	\$21,393.11
Stephen Goudge, QC	Corporate, Commercial, Development	\$43,875.00	\$18,718.50	\$8,137.16	\$70,730.66
Totals		\$5,611,634.78	\$1,951,174.14	\$976,744.48	\$8,539,553.40