

Joint and Several Liability Motion

Whereas municipal governments provide essential services to the residents and businesses in their communities; and

Whereas the ability to provide those services is negatively impacted by exponentially rising insurance costs; and

Whereas one driver of rising insurance costs is the legal principle of ‘joint and several liability,’ which assigns disproportionate liability to municipalities for an incident relative to their responsibility for it; and

Whereas, the Government of Ontario has the authority and responsibility for the legal framework of ‘joint and several liability;’ and

Whereas the Premier of Ontario committed to review the issue in 2018 with a view to helping municipal governments manage their risks and costs; and

Whereas the Association of Municipalities of Ontario (AMO) on behalf of municipal governments has provided recommendations in 2019 through its submission to the Attorney General of Ontario titled: [*Towards a Reasonable Balance – Addressing Growing Municipal Liability and Insurance Costs*](#) to align municipal liability with the proportionate responsibility for incidents and capping awards;

Therefore Be It Resolved:

1. That the City of Brampton does hereby support and endorse AMO’s recommendations to the Provincial Government, as follows:
 - “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.”; and
2. That the City of Brampton does hereby call on the Attorney General of Ontario to work with municipal governments to put forward a plan of action to address “joint and several liability” before the end of the government’s current term so that municipalities can continue to offer high quality services to their communities; and
3. That a copy of this Resolution be forwarded to all Brampton MPPs for their awareness and support, as well as the Region of Peel, City of Mississauga and Town of Caledon, seeking similar resolutions of support and endorsement.