



Rural Municipality of Corman Park No. 344 Policy

Policy # TS-002

Policy Title: Compensation Claims for General Property Damage

Policy Objective:

To provide for compensation for mailbox, fencing and other general property damages caused by RM grading, maintenance, construction and/or snow removal activities.

Authority: (Resolution No. 42, January 21, 2013)

Policy:

The Rural Municipality of Corman Park (RM) shall compensate any land-owner/resident that suffers damage to a mailbox, fencing or other property because of RM grading, maintenance, construction, snow removal, mowing and/or other public works.

Claims shall be filed in writing, with particulars of the claim, within thirty (30) days of the date that damages were sustained. Claims must include pictures of the damage. Claim shall be subject to approval by the Superintendent of Public Works. The RM shall provide written notice of the acceptance or denial of the claim within ninety (90) days of receipt of the claim.

Upon acceptance of the claim, the land-owner/resident may invoice the RM for the eligible costs associated with their claim and the RM shall duly reimburse the eligible costs.

Eligible costs shall be limited to:

- (a) The actual costs of materials needed to restore the mailbox, fencing or other property to its original condition or replace the mailbox, fencing or other property with a comparable item. Receipts must be submitted with invoice.
- (b) Labour/installation costs, up to a maximum of \$40 (i.e. 2 hours of labour at \$20/hr), for which no receipt is necessary.

If the land-owner/resident does not agree to the compensation rates, as provided above, they may seek any such remedy provided pursuant to Section 346 of the Municipalities Act, 2005.

The RM will not accept responsibility for damages to concealed property.



BACKGROUND INFORMATION

Liability for Damages-The Municipalities Act, 2005, c.M-36.1, s.346; 2007, c.32, s.18

346 (1) A municipality is civilly liable for damages if any land or improvements are injuriously affected by the exercise of any powers conferred on it in this or any other Act with respect to the construction of any municipal public work.

(2) The amount of damages for which a municipality is liable pursuant to subsection (1) is the extent of the amount of the injury done, less any increased value to other lands or improvements of the claimant resulting from the exercise of such powers.

(2.1) Notwithstanding subsection (1) and (2), every person is deemed not to suffer any damages, and, without restricting the generality of the foregoing, property is not to be injuriously affected or suffer any diminution of value by reason of denial or removal of access to a street, if other access exists or is provided.

(3) Subject to subsection (5), if the amount of compensation for damages is not agreed on, the amount is to be determined by a judge of the court, on application by either party.

(4) Subsections 7(2) and (3) of *The Municipal Expropriation Act* apply, with any necessary modification, to an application made pursuant to subsection (3).

(5) By agreement of all parties concerned, the amount of compensation may be determined by the award of three arbitrators appointed in the manner provided by subsection 8(1) of *The Municipal Expropriation Act*.

(6) Subsections 8(2), (3) and (4) of *The Municipal Expropriation Act* apply, with any necessary modification, to an arbitration conducted pursuant to subsection (5).

(7) Notwithstanding *The Limitations Act* but subject to subsection (8), a claim made by any person with respect to damages mentioned in this section is to be made in writing, with particulars of the claim, within one year after:

- a) The injury is sustained; or
- b) The injury becomes known to that person.

(8) In the case of a minor, a mentally incompetent person or a person of unsound mind, the claim is to be made within

- a) The longer of:
 - i. One year; and
 - ii. One year after the person ceases to be under a disability; or
- b) In case of a person's death while under disability, one year after the person's death.

(9) If a claim is not made in the manner and within the time limits mentioned in subsection (7) and (8), the right to compensation for damages is forever barred.