



CLAIMS

TO TOWN OF MOUNT ROYAL

Have you suffered a loss or damage that you feel was caused by an action performed by—or attributable to—Town of Mount Royal?

If so, you should submit a claim by following the rules in the Cities and Towns Act or the Civil Code, as the case may be.

Some of the situations that most commonly lead to a claim being submitted are:

- Sewer backup;
- A branch from a Town tree falling on your car or other property;
- Falling on a sidewalk;
- Private property damaged by municipal work;
- Vehicle damaged by a pothole.



Applicable deadlines

MATERIAL DAMAGE: YOUR PROPERTY WAS DAMAGED



Mandatory notice: 15 days

The Cities and Towns Act requires claimants to provide a written notice of action to the Town in the 15 days following the incident, “failing which the municipality shall be relieved from any liability for any damages caused by such accident, any provision of the law to the contrary notwithstanding.”.



Prescription: 6 months

No action for damages may be taken more than six (6) months after the day on which the right of action accrued.

BODY INJURY: YOU ARE INJURED



Optional notice

You are not required to send a notice of action to the Town before submitting a claim for damages related to bodily injury. However, such notice is desirable, as it will enable the Town to expedite the processing of your claim.



Prescription : 3 years

No action for bodily injury can be taken more than three (3) years after the day on which the incident occurred.

Procedure

SENDING THE NOTICE

The notice must be in writing. It can be in the form of a letter or submitted on the optional form provided by the Town, which is available on the Claims page in the Services for Residents section of the Town website town.mount-royal.qc.ca.

At a minimum, the notice must include:

- the claimant’s complete contact information;
- the claimant’s last and first names;
- the date and time of the incident;
- a description of the events leading to the claim.

The notice may be submitted in person, by mail, email or fax:

90 Roosevelt Avenue
Mount Royal, Quebec H3R 1Z5
email address: townclerk@town.mount-royal.qc.ca
Fax : 514 734-3092

PROCESSING OF YOUR APPLICATION

The Town will send an acknowledgement of receipt, specifying the date of receipt of the notice and the person in charge of handling the file, which may be the claims officer, an adjuster mandated by the claims officer or representatives of the Town’s insurer.

The length of the processing period depends on the complexity of the file.

After examining your file, the Town will usually issue a reasoned decision regarding the admissibility, in whole or in part, of your claim. In the event of a difference of opinion between you and the Town or if the Town neglects to issue a decision, the above-mentioned prescription periods will apply.

AUTOMOBILE ACCIDENTS

A collision between an individual’s vehicle, whether moving or stationary, and a Town vehicle is an exception to the standard claims procedure.

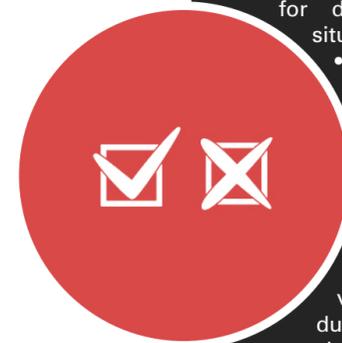
In conformance with the Automobile Insurance Act, any claim by the owner of a vehicle for material damage suffered in an automobile accident can, in principle, be handled only through the insurer with which the owner has an automobile insurance policy. You must therefore submit your claim directly to your insurer and the Town will do likewise.

EXONERATION OF RESPONSIBILITY

The Cities and Towns Act expressly provides that the Town is not liable for damage in the following situations:

- Backup from a sewer when a properly operating backflow valve was not installed;
- Damage caused by the presence of an object on the roadway, footpath or bike path;
- Damage caused to a vehicle’s tires or suspension due to the condition of the roadway or the presence of a pothole;
- Damage resulting from the actions of a contractor whose services the Town has retained.

In addition, the zoning by-law provides that the Town may not be held liable for damage caused to, among other things, plantings or fences located on the Town’s public right-of-way.



VILLE DE
MONT-ROYAL



TOWN OF
MOUNT ROYAL

Information

Town Clerk’s office
90 Roosevelt Avenue
Mount Royal, Quebec H3R 1Z5
townclerk@town.mount-royal.qc.ca
Telephone : 514 734-2988

This text has no legal or official value. It summarizes the basic points of the rules governing claims but is not a substitute for obtaining legal advice.

TOWN.MOUNT-ROYAL.QC.CA