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## Claims and Damages Settlement

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**Cross-reference:** FIN-001-028 Ex Gratia Payments

### Statement of Direction

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As a large corporate and government body, Strathcona County can expect to receive claims for financial compensation from companies and individuals. The County will make efforts to handle all claims received in an impartial, equitable, and unprejudiced manner, while protecting against undue liability.

### Purpose

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The purpose of this Directive is to assist County administration in fairly and effectively handling claims for damages.

### Definitions

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“Act” means the *Municipal Government Act*, RSA 2000, c. M-26.

“Claimant” means a person making a claim to the County for reimbursement of damages.

### Guidelines

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The County will only accept claims in writing, in order to evaluate all of the facts of the claim.

The County may require an investigation prior to accepting a claim for damages. This may include access to any physical property that has been damaged, or requesting that an individual visit a medical professional of the County’s choice for an evaluation.

If legal action is commenced by a claimant, dealing with the subject of the claim, while the County is conducting an investigation or making a decision on a claim, the County may suspend the investigation or decision on the claim and allow the claim to proceed through the court process.

In determining whether to accept a claim, the County may consider the following factors:

1. The results of a County investigation into the claim;
2. The value of the claim;
3. The age of the claim, in particular with respect to the *Limitations Act*, RSA 2000, c. L-12;
4. Whether the claim is insured (in which case, the claim may be referred to the County’s insurers);
5. Whether the County has a statutory limitation on its liability; and
6. Whether accepting the claim would set a precedent for similar claims.

If the County determines that a claim will be paid out, the claimant must sign a waiver and release that will, at a minimum, include the following types of provisions:

- A waiver of the claimant's right to further compensation;
- A waiver of the claimant's right to commence legal action against the County related to the claim or the damages;
- A release of the County's liability related to the claim; and
- An agreement to keep the terms of the settlement confidential.

## **Administrative Record**

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**Next Review Date:** September 5, 2021

**Policy No:** FIN-001-029D

**Last Review Date:** September 5, 2018

**Replaces:** FIN-001-022

**Administrative Review:** Corporate Finance

**Approved by:**

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Rob Coon  
Rob Coon  
Chief Commissioner

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September 5, 2018  
Date