



Town of Newmarket  
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## **Litigation and Claims Update for 2025 Information Report**

Report Number: INFO-2026-10

Department(s): Legislative Services , Legal and Procurement Services

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Distribution Date: April 27, 2026

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

### **Purpose**

The purpose of this report is to provide Council with status updates on various ongoing and concluded Planning appeals, litigation and insurance matters for the time period from December 1, 2024 to December 31, 2025.

### **Background**

This Information Report provides an update on litigation and claim matters since the last [Information Report 2024-29](#) on this topic up to December 31, 2025.

### **Discussion**

#### **Update on Planning Appeals and Litigation Matters**

Please refer to Attachment 1 for a detailed update on court actions and administrative tribunal matters for the period from December 1, 2024 up to and including December 31, 2025. For each matter, Attachment 1 provides a high-level description, a recap of the history of the file, the current status of the matter, and the responsible lawyer.

#### **Insurance Update**

The Town continues to see a number of insurance claims being reported to the Town by individuals and personal injury law firms related to slips, trips and falls. These numbers fluctuate year over year. As a result of this trend, staff continue to work with our insurer

and broker to develop mitigation strategies and improve documentation practices to assist when claims are presented.

The Town's insurance policy expires yearly on December 31 and is renewed January 1 of each year. The insurance market has appeared to level out with several factors continuing to impact premium costs. These factors include catastrophic events in Canada and globally, rising claims costs and damage awards. The Town recently completed updated property appraisals of Town owned properties to ensure adequate insured values. This resulted in increased property insurance premiums as a result of annual inflation together with an increase in total insured values. The Town has seen a correction in the market but continues to experience inflationary increases of approx. 2.77% last year.

The Town takes a very proactive approach to managing its risks, through inspections, maintenance practices, documentation and staff training. Town staff continually work with the Claims and Risk Analyst and insurance broker in updating and improving insurance transfer of risk options, signage review, agreement provisions and educational opportunities for staff through in-house speakers and webinars. Town Staff remain focused on having appropriate documentation to be able to respond to claims effectively and efficiently.

Training and information sessions continue to be held for full time and summer parks staff. The Town's Claims and Risk Analyst provides updates on best practices for risk mitigation that are passed on to the Town by our insurer, defence counsel and other municipalities.

The Town's Claims and Risk Analyst works with the Town's insurer and adjusting company to identify municipal risk trends and to implement strategies to deal with those issues.

The Town continues to take a proactive approach to transferring our risk to others through agreements and contracts where it is appropriate.

Please refer to Attachment 1 for further information regarding the insurance claims received by the Town between December 1, 2024 and December 31, 2025.

## **Consultation**

Human Resources was consulted in the preparation of this report.

## **Conclusion**

This report provides a summary update on all ongoing and concluded litigation suits, tribunal matters and insurance claims that were active between December 1, 2024 and December 31, 2025. Matters that have concluded in 2026 will be captured in the next information report.

## **Council Priority Association**

This report aligns with the following Council Priority: Extraordinary Places and Spaces

## **Human Resource Considerations**

None.

## **Budget Impact**

There is no budget impact associated with this report. Where a matter involves a budget impact that is not covered by the Town's insurance policy, it is brought before Council for approval on a case-by-case basis.

## **Attachments**

**Attachment 1** – Litigation and Claims Listing, December 1, 2024 to December 31, 2025

## **Approval for Distribution**

Lisa Lyons, Director of Legislative Services/Town Clerk

Karen Reynar, Director of Legal and Procurement Services/Town Solicitor

Esther Armchuk, Commissioner of Corporate Services

## **Report Contact**

For more information on this report, contact [info@newmarket.ca](mailto:info@newmarket.ca).

## Court Actions between December 1, 2024 and December 31, 2025

Matter	Description	History	Current Status	Counsel
FLKI SCJ File No. 524/12	<ul style="list-style-type: none"> <li>A property owner, commenced applications in December 2013 against MPAC and various municipalities, (including the Town) seeking exemption from municipal taxation for the years 2013 and onward.</li> </ul>	<ul style="list-style-type: none"> <li>The Town served a notice of appearance in August 2014, although MPAC took the lead in responding to the matter.</li> <li>The Superior Court on August 30, 2019, dismissed the action as against the Town and a number of other municipalities.</li> <li>The property owner's appeal to the Divisional Court was dismissed January 6, 2022 and an appeal to the Court of Appeal was dismissed on May 24, 2024.</li> </ul>	<ul style="list-style-type: none"> <li>The property owner sought leave to appeal to the Supreme Court of Canada on August 22, 2024. The Supreme Court dismissed the leave to appeal request on December 16, 2025.</li> <li>Fully resolved.</li> </ul>	Paul Voorn
BPCL SCJ File No. CV-17-129580	<ul style="list-style-type: none"> <li>Claim by contractor for road works performed on Srigley Road.</li> </ul>	<ul style="list-style-type: none"> <li>Committee of the Whole in Closed Session on February 1, 2021, provided direction to staff.</li> </ul>	<ul style="list-style-type: none"> <li>Settled within the parameters of Council direction and the court action was dismissed.</li> </ul>	Paul Voorn  Dolden Wallace Folick LLP
MGL et al	<ul style="list-style-type: none"> <li>Claim against parties responsible for</li> </ul>	<ul style="list-style-type: none"> <li>The Claim was issued September 7,</li> </ul>	<ul style="list-style-type: none"> <li>Ongoing</li> </ul>	Paul Voorn

**Attachment 1**

<p>SCJ File No. CV-22- 2841</p>	<p>construction of a retaining wall.</p>	<p>2022, served on the defendants and defences have been served.</p> <ul style="list-style-type: none"> <li>• Closed Session Committee of the Whole direction to staff provided on July 11, 2022</li> </ul>		<p>Presvelos Law LLP</p>
<p>CMHC et al. SCJ File No. CV-22- 4053</p>	<ul style="list-style-type: none"> <li>• Claim by the Town for the cost to repair an acoustic wall within lands assumed by the Town.</li> </ul>	<ul style="list-style-type: none"> <li>• The repairs were performed by the Town and recovery is sought against those involved in its construction.</li> </ul>	<ul style="list-style-type: none"> <li>• Committee of the Whole in Closed Session on January 16, 2023, provided direction to staff.</li> <li>• The statement of claim been served and will need to be amended due to more recent failures of the acoustic wall.</li> <li>• The next step will be the service of defences and then moving on to discoveries.</li> </ul>	<p>Paul Voorn  Dolden Wallace Folick LLP</p>
<p>SCJ File No. CV-23- 711341</p>	<ul style="list-style-type: none"> <li>• Employment related matter</li> </ul>	<ul style="list-style-type: none"> <li>• After service of the claim, the Town defended the matter.</li> </ul>	<ul style="list-style-type: none"> <li>• The matter was resolved and the claim was discontinued.</li> </ul>	<p>Hicks Morley Hamilton Stewart Storie LLP</p>
<p>MRCL SCJ File No. CV-24- 436</p>	<ul style="list-style-type: none"> <li>• Claim by the Town and Region against a property owner for the cost of repairing the portion of a buried storm drain that crosses the lands of the</li> </ul>	<ul style="list-style-type: none"> <li>• The repairs were performed by the Region, as agent for the Town.</li> <li>• The site plan permitted the Town to perform repairs if not performed by the property owner.</li> </ul>	<ul style="list-style-type: none"> <li>• Committee of the Whole in Closed Session on April 24, 2023, provided direction to staff.</li> <li>• The statement of claim, defence and reply have been exchanged and filed.</li> </ul>	<p>Paul Voorn  Borden Ladner Gervais LLP</p>

	<p>property owner and to which the parking lot culverts on the property are connected.</p>		<ul style="list-style-type: none"> <li>The property owner is pursuing a motion for summary judgment in the belief that it is not responsible for conducting repairs. The motion will likely proceed to a hearing in 2027.</li> </ul>	
<p>FSSDL SCJ File No. CV-25- 736029</p>	<ul style="list-style-type: none"> <li>Claim against the Town for not awarding a road reconstruction project to the lowest bidder.</li> </ul>	<ul style="list-style-type: none"> <li>The procurement process was intentionally structured as a RFP (not a tender) to allow the Town to consider factors other than just pricing, including past work experience on similar projects. In addition, the RFP was non-binding which means that traditional Contract A/B claims do not apply.</li> </ul>	<ul style="list-style-type: none"> <li>Committee of the Whole in Closed Session on April 28, 2025, provided direction to staff.</li> <li>As there was no obligation to award the project to the contractor, a motion to strike the claim was brought and is scheduled for May 19, 2026.</li> </ul>	<p>Paul Voorn McMillan LLP</p>
<p>SCJ File No. CV-25- 744502</p>	<ul style="list-style-type: none"> <li>Employment related matter</li> </ul>	<ul style="list-style-type: none"> <li>After service of the claim, the Town defended the matter.</li> </ul>	<ul style="list-style-type: none"> <li>The matter was resolved and the claim was discontinued.</li> </ul>	<p>Hicks Morley Hamilton Stewart Storie LLP</p>

## Administrative Tribunal Matters between December 1, 2024 and December 31, 2025

Matter	Description	History	Current Status	Counsel
1075 Gorham Street  CRB File No. CRB20-01; OLT 21-1400	<ul style="list-style-type: none"> <li>Appeal by owner to the Conservation Review Board of a heritage designation.</li> </ul>	<ul style="list-style-type: none"> <li>Based on a staff report that came before committee of the whole on November 4, 2019, Council designated the property under Part IV of the <i>Ontario Heritage Act</i>.</li> <li>The owner appealed to the CRB.</li> </ul>	<ul style="list-style-type: none"> <li>Council in Closed Session on October 5, 2020, provided direction to staff.</li> <li>Appeal file was administratively closed by the Ontario Land Tribunal (successor tribunal to the Conservation Review board) in February 2024 due to inactivity. Since then the Town has regularly followed up with the appellant in order to conclude the matter through a hearing or withdrawal of the appeal.</li> </ul>	Barbara Montgomery
471 Eagle Street  OLT-25- 000239	<ul style="list-style-type: none"> <li>Appeal by owner to the Ontario Land Tribunal of a heritage designation.</li> </ul>	<ul style="list-style-type: none"> <li>Heritage designation bylaw passed on February 10, 2025.</li> </ul>	<ul style="list-style-type: none"> <li>Council in Closed Session on April 28, 2025, provided direction to staff.</li> </ul>	Barbara Montgomery
429 Botsford Street  OLT-25- 000240	<ul style="list-style-type: none"> <li>Appeal by owner to the Ontario Land Tribunal of a heritage designation.</li> </ul>	<ul style="list-style-type: none"> <li>Heritage designation bylaw passed on February 10, 2025.</li> </ul>	<ul style="list-style-type: none"> <li>Council in Closed Session on April 28, 2025, provided direction to staff.</li> </ul>	Barbara Montgomery

**Attachment 1**

233 Prospect Street OLT-25-000241	<ul style="list-style-type: none"> <li>• Appeal by owner to the Ontario Land Tribunal of a heritage designation.</li> </ul>	<ul style="list-style-type: none"> <li>• Heritage designation bylaw passed on February 10, 2025.</li> </ul>	<ul style="list-style-type: none"> <li>• Council in Closed Session on April 28, 2025, provided direction to staff.</li> </ul>	Barbara Montgomery
411 Millard Avenue OLT-25-000244	<ul style="list-style-type: none"> <li>• Appeal by owner to the Ontario Land Tribunal of a heritage designation.</li> </ul>	<ul style="list-style-type: none"> <li>• Heritage designation bylaw passed on February 10, 2025.</li> </ul>	<ul style="list-style-type: none"> <li>• Appeal withdrawn on May 12, 2025.</li> </ul>	Barbara Montgomery
371 Davis Drive OLT-25-000242	<ul style="list-style-type: none"> <li>• Appeal by owner to the Ontario Land Tribunal of a heritage designation.</li> </ul>	<ul style="list-style-type: none"> <li>• Heritage designation bylaw passed on February 10, 2025.</li> </ul>	<ul style="list-style-type: none"> <li>• Appeal withdrawn on June 10, 2025.</li> </ul>	Barbara Montgomery
Human Rights Tribunal matter	<ul style="list-style-type: none"> <li>• A complaint of discrimination was launched regarding the installation of bike lanes on Park Avenue, which eliminated on-street parking.</li> </ul>	<ul style="list-style-type: none"> <li>• The Town was served in August of 2018 and a response of the Town was filed thereafter.</li> </ul>	<ul style="list-style-type: none"> <li>• Committee of the Whole in Closed Session on Feb 1, 2021, provided direction to staff.</li> <li>• The matter resolved thereafter within the parameters of Council's direction.</li> </ul>	Paul Voorn Miller Thomson
Human Rights Tribunal matter	<ul style="list-style-type: none"> <li>• A complaint of discrimination was launched regarding a property standards order served on a property.</li> </ul>	<ul style="list-style-type: none"> <li>• The Town was served in November of 2023 and a response of the Town was filed in December of 2023.</li> </ul>	<ul style="list-style-type: none"> <li>• A mediation occurred on May 28, 2024 which did not resolve the matter.</li> <li>• The Town is waiting for notice from the Tribunal on a hearing date.</li> </ul>	Paul Voorn

<p>Human Rights Tribunal matter</p>	<ul style="list-style-type: none"> <li>• A complaint of discrimination was launched regarding the person's interactions with the Superior Court and York Regional Police.</li> </ul>	<ul style="list-style-type: none"> <li>• The Town was served November 29, 2024.</li> <li>• Along with other parties to the complaint, a request was made to the Tribunal to consider an administrative dismissal of the complaint based on the passage of time, lack of jurisdiction and the Town having no connection to the matter.</li> </ul>	<ul style="list-style-type: none"> <li>• The Town is awaiting notice from the Tribunal on its decision to administratively dismiss the proceeding.</li> </ul>	<p>Paul Voorn</p>
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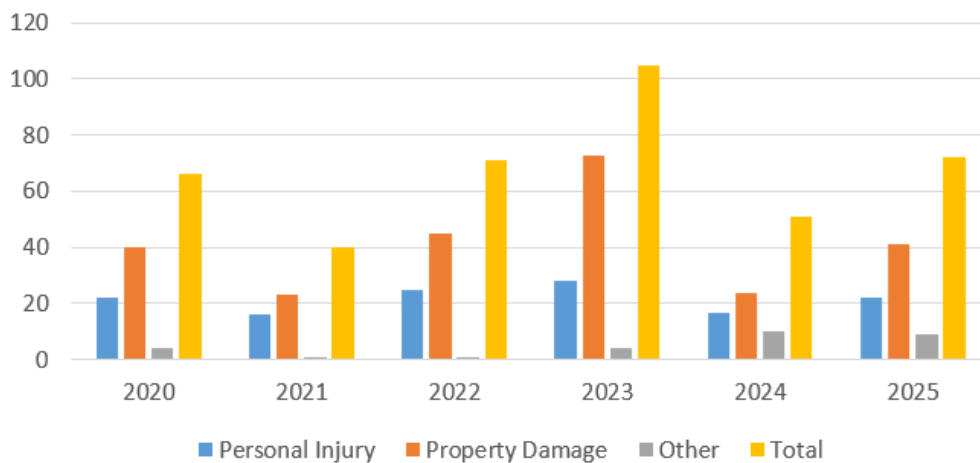
# Insurance Claims between December 1, 2024 and December 31, 2025

The Town of Newmarket opened and investigated a total of 87 claim filed between December 1, 2024 and December 31, 2025. Of those, 28 claims were referred to the Town’s independent third-party adjuster for liability and damage investigation. These claims are primarily slip, trip and fall claims involving personal injury. Litigation was commenced on 4 claims and referred to external legal counsel. 56 claims have been closed. The Town continues to see a number of personal injury claims arising from trips, slips and falls.

The Town of Newmarket currently has 20 open claims litigation matters with loss dates from 2017 to 2025 in various stages of litigation.

A five-year comparison of personal injury vs property damage or other claims including minor motor vehicle accident related claims, contract dispute and small claims court matters is outlined in **Table 1** below.

Comparison of Personal Injury, Property Damage and Other Claims 2020 to 2025



## Claims Recovery

The Town has been successful in the use of indemnification provisions in contracts to transfer claims to responsible parties for handling where required.