

Lawsuits have cost Aurora nearly \$1 million

By Brock Weir

Legal bills for old and ongoing lawsuits between former and incumbent members of Council, and members of the public have cost Aurora nearly \$1 million over the last seven years.

This, according to numbers released by the Town on Friday in advance of a presentation on liability claims faced by the Town, due to be presented at Council this week.

In a presentation by BFL Canada, the Town's municipal insurance provider, lawsuits which have garnered significant headlines over the past five years have cost \$998,934 in legal fees, which have been covered by the Town's insurance.

The largest hit to the Town's premiums comes from Councillor Evelyn Buck's lawsuit against former Aurora mayor Phyllis Morris, incumbent Councillors Wendy Gaertner and John Gallo, as well as former councillors Stephen Granger, Evelina MacEachern and Al Wilson. While Councillor Buck, as plaintiff in the case, has been paying her own legal fees, those of Ms. Morris, Councillors Gaertner and Gallo, as well as Mr. Granger, Ms. MacEachern, and Mr. Wilson continue to be funded by municipal insurance as they were duly elected members of Council when the lawsuit was launched in 2009.

Councillor Buck's multimillion dollar lawsuit claims her reputation was damaged by the defendants stemming from a statement from Councillors published local newspapers relating to Councillor Buck and the now-rescinded Council Code of Conduct.

So far, that lawsuit has racked up \$845,000 on the Town's insurance bill.

A judge has yet to render his decision in the case.

Two lawsuits involving Ms. Morris also racked up a heavy bill. Although the report doesn't break down the particulars of each case, both the lawsuit unsuccessfully launched by Aurora resident George Hervey alleging Ms. Morris violated the Municipal Conflict of Interest Act in participating in discussions that led to her 2010 defamation lawsuit against three local bloggers, as well as Ms. Morris' subsequent lawsuit against the Town of Aurora for her own costs related the lawsuit which started it all, have continued to rack up, currently standing at \$153,932.

While Ms. Morris successfully defended herself against Mr. Hervey's claims, her lawsuit against the Town of Aurora will next be before the courts on September 23.

Councillor Buck's lawsuit aside, these cases do not account for the lion's share of insurance claims accumulated by the Town. 38 slip/trip and fall cases have been filed against the Town's insurers, claiming a bill of \$423,000, one claim of alleged injuries ?due to an improperly maintained soccer field? clocking in at \$217,487, three claims under ?errors and omissions? for \$134,565, 21 claims for backed-up sewers for \$71,076, and six claims classified under ?miscellaneous? for \$7,000.

In total, between January 1, 2008 and August 31, 2014, 72 claims have been reported against the Town's insurers, totalling \$1,852,060 in what has been paid, after the Town's deductible.

This week's presentation from BFL stems from a Notice of Motion from Mayor Geoffrey Dawe, approved by Council in July, requesting representatives from the company come forward with clarity on just what is driving rising insurance premiums at Town Hall after increasing rates resulted in a significant hit on the 2014 Budget.

Over the previous year, there was a 43 per cent spike in insurance rates, resulting in a \$195,000 hit on Aurora's overall tax bill.

?The Town was impacted by a significant increase in its insurance premiums for 2014,? said Mayor Dawe in his motion. ?It is

incumbent on Council to further investigate the matters giving rise to the increase in insurance premiums?.and it is also incumbent on the Town to investigate options for reducing its premium in future years and managing its risk exposure, including financially capping certain types of coverage. It is important for the public to be aware of the pressures impacting the Town's insurance premiums.?

His motion requested the insurers to ?publically present? updated information to Council ?as soon as possible regarding significant insurance matters/claims affecting the Town directly, including any amounts and legal costs paid to date for existing claims, and ways to reduce the Town's insurance premium in future years.?