

# DO YOU INTEND TO FILE A CLAIM WITH YOUR MUNICIPALITY FOR DAMAGES INCURRED?

You must act  
quickly and follow  
established  
procedures,  
otherwise you  
could lose your  
right of recovery.



## DAMAGE TO PROPERTY

If you believe that your building, vehicle or other property has been damaged through municipal fault or negligence, don't take a chance: follow the procedure detailed hereafter, as prescribed by the *Cities and Towns Act*. By failing to do so, you could forfeit your right to claim.

### Claims notice

- A letter or claims notice similar to the attached model must be addressed to the Town Clerk within fifteen (15) days of the event. Otherwise, the Town is not required to pay damages.
- The letter or notice must provide the date of the event, circumstances, the type of damage incurred, and the claimant's contact information, allowing the Town to conduct its own investigation.

### Recourse

- Subsequently, you have six (6) months from the date of the letter or notice, to sue the Town, if need be.

### Town's investigation

The investigation to be conducted by the Town or its representatives following reception of your letter or notice of intent can, in no way, be construed as an acknowledgement of responsibility by the municipality, or an agreement to pay the amount claimed. The investigation's purpose is to determine whether or not the Town is responsible for the damages and, if so, if the amount claimed is justified.

## SPECIFIC CASES

### Automobile accident

Please note that under the Automobile Insurance Act, if you have incurred damages resulting from an automobile accident involving a town vehicle, you must address your claim to your insurance company, in compliance with the law and related regulations.

### Responsibility with respect to roads

Under the *Cities and Towns Act*, the municipality is not liable for damage caused by the presence of an object on the roadway, whether or not the object comes from a motor vehicle or is projected by a motor vehicle.

Neither is the municipality liable for damage caused by the state of the roadway to the tires or to the suspension system of a motor vehicle.

## BODILY INJURY

If you or one of your relatives has been injured, you have three (3) years in which to sue the Town, under article 2930 of the *Québec Civil Code*.

In the case of bodily injury, the *Civil Code* does not require that a claims notice be issued within fifteen (15) days of the event.

However, you must act quickly to allow the Town to conduct an investigation on the causes of the incident, its circumstances, and the seriousness of the bodily injuries. The longer it takes for you to file suit, the more difficult it will be for you to prove fault or negligence on the part of the Town.

**For additional information, please contact the Rosemère Legal Department at the following number: 450 621-3500.**

### NOTE :

This document does not constitute a legal opinion. Rather, it has been prepared as a guide of general interest for the benefit of claimants. Any specific question should be discussed with a legal consultant.

## (MODEL) CLAIMS NOTICE

Date and nature of the event :

Location of the event:

General description of damage:

Amount claimed (if available): \$ \_\_\_\_\_

Identity and signature of claimant(s):

First name:

Family name:

Address:

Tel. Home ( ) \_\_\_\_\_

Tel. Business ( ) \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## CLAIMS NOTICE TRANSMISSION INFORMATION (BY MAIL OR BY FAX):

Town Clerk  
Town of Rosemère  
100 Charbonneau Street  
Rosemère, Québec J7A 3W1

Fax: 450 621-7601