



*Working for Municipalities*

# Heads UP



keeping members informed.

January 23, 2015

## **OGRA Board Approves multi-prong Approach in Response to the Superior Court Ruling in Steadman v. Corporation of the County of Lambton**

The Ontario Good Roads Association held their regularly scheduled Board meeting in Toronto on January 23, 2015. Top on the agenda was the recent Superior Court ruling in the matter of Steadman v. County of Lambton. As stated in the previous press release the OGRA Board is very concerned about the precedent setting nature of this decision. “There are thousands of kilometres of highways maintained by municipalities and the Ontario Ministry of Transportation that abut farmland” said Tom Bateman, OGRA President and County Engineer, County of Essex. “The potential cost to municipalities is staggering” he said.

Joe Tiernay, Executive Director stated “this is basically a damned if you do and damned if you don’t situation for Ontario municipalities. The same judges that are ruling in favour of plaintiffs claiming that municipalities are not doing enough to keep the roads safe in winter are now ruling that we are doing too much.” He went on to say that “municipalities have a statutory duty to keep the roads safe. They cannot carry out those duties while at the same time being concerned that an abutting property owner will sue for damage to crops or ornamental bushes and trees”

The Board of Directors has approved a multi-prong response to the ruling.

Step one will be to petition the Ontario Minister of Municipal Affairs and Housing to amend the Municipal Act to provide municipalities protection from nuisance claims in connection with the escape of road salt or de-icing materials from a highway or bridge.

Step two will be to work with the County of Lambton and their insurers to determine if there are grounds to file an appeal against the Superior Court ruling. If so OGRA will file a request to obtain intervener status in future proceedings.

Since the MTO is also affected by this ruling, step three will be enter into discussions with Ministry staff to ensure that both the Province and municipalities are protected from similar claims.

OGRA will keep members informed as this matter progresses. The mandate of the Ontario Good Roads Association is to represent the transportation and public works interests of municipalities through advocacy, consultation, training and the delivery of identified services.

All details are posted on the OGRA website at [www.ogra.org](http://www.ogra.org).

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