

## Sabrina Pandolfo

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**To:** Jessica Stone  
**Subject:** RE: Liability Question - Municipality of Temagami

**From:** Jessica Stone <jestone@brokerlink.ca>  
**Sent:** March 25, 2024 9:20 AM  
**To:** Rhonda Smith <Clerk@Temagami.ca>  
**Cc:** Sabrina Pandolfo <projects@Temagami.ca>; Samantha Elliott <saelliott@brokerlink.ca>  
**Subject:** RE: Liability Question - Municipality of Temagami

Good Morning Rhonda,

We have received additional risk management commentary from the insurer.

The insurer recommends:

1. Ownership (and responsibility for) the lands upon which the dock will be attached.
2. The condition of the dock itself – including an engineering assessment of some sort that will provide a benchmark of the status of the dock at present including any projected recommended maintenance.
3. Who will be responsible for the dock moving forward by way of an agreement.
4. The safety of the island which contains an abandoned copper mine.


The insurer also recommends that the following assessments be carried out before anyone uses, handles, or installs the dock:

- We ask who owns the lands because as a municipal entity, installing property onto Crown lands, or anywhere for that matter, without the owner's express permission is an issue. This will encompass things like damage to the dock, damage to the property and third-party property damage and/or injury.
- Without understanding the physical status of the dock, we will not know the value, nor the future repairs that will be necessary. We should not assume any asset without fully understanding its safety and status.
- This needs to be clarified for now and for the future: who will be responsible? Will they be certified (and insured)? Who will carry out regular inspections to ensure its safety? Will they be permitted to work on the property where it is erected?
- We are concerned that erecting a dock invites people to an area that is potentially inherently unsafe. The insured would certainly be implicated if the island that their dock is erected upon is seen to be inherently dangerous. Do we have permission to erect the dock on this island (Crown land)? If the province is responsible for the island, we will need to get sign-off that the dock will be permitted and that regular maintenance that will be required to the dock will be permitted by the province. The DFO or the MOE may need to be involved in these discussions. If that might be the case, the Municipality needs to be prepared to comply.

Understanding that the dock was a gift, the insurer also recommends that when accepting things of this nature that a procedure be put in place prior to acceptance, and that the item is safe and free of title. The concern is always that items such as this may become an anchor around the neck of the community.

As always, please do not hesitate to reach out to our office should you have any additional questions or concerns.


Sincerely,

 **Jessica Stone, R.I.B.O., CAIB**  
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