

## RE: Liability Question - Municipality of Temagami

Jessica Stone <jestone@brokerlink.ca>

Mon 2024-03-25 9:20 AM

To: Rhonda Smith <Clerk@Temagami.ca>

Cc: Sabrina Pandolfo <projects@Temagami.ca>; Samantha Elliott <saelliott@brokerlink.ca>

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**

Account Manager | **BrokerLink**

T: 705-476-3411 ext. 83255 | TF : 1-800-263-2157

[jestone@brokerlink.ca](mailto:jestone@brokerlink.ca)

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**From:** Jessica Stone <jestone@brokerlink.ca>

**Sent:** Tuesday, March 19, 2024 4:21 PM

**To:** Rhonda Smith <Clerk@Temagami.ca>

**Cc:** Sabrina Pandolfo <projects@Temagami.ca>; Samantha Elliott <saelliott@brokerlink.ca>

**Subject:** RE: Liability Question - Municipality of Temagami

Hi Rhonda,

Thank you for the additional information – I will send this off to the insurer to come back with additional risk management commentary, there is a lot of factors to be considered and they will be able to provide us with lots of information.

Sincerely,



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

Account Manager | **BrokerLink**

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**From:** Rhonda Smith <[Clerk@Temagami.ca](mailto:Clerk@Temagami.ca)>

**Sent:** Tuesday, March 19, 2024 4:13 PM

**To:** Jessica Stone <[jestone@brokerlink.ca](mailto:jestone@brokerlink.ca)>

**Cc:** Sabrina Pandolfo <[projects@Temagami.ca](mailto:projects@Temagami.ca)>; Samantha Elliott <[saelliott@brokerlink.ca](mailto:saelliott@brokerlink.ca)>

**Subject:** Re: Liability Question - Municipality of Temagami

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Thank you for the quick response. The Island is Crown Land and there are walking trails but we do not maintain them. I was told by a past Councillor that:

*The Temagami Community Foundation did the fundraising for the dock and had Russ Manderstrom build it. The following season it suffered some damage and Russ fixed it as a sort of warranty gesture.*

*At the time of building the dock, the OldGrowth committee which included TCF as the lead, Friends of Temagami, the Municipality (Lorie Hunter), TLA, TFN and other groups were all working to develop the*

*trails on the island and in White Bear. Friends of Temagami did the maps and Kiosk, TCF fundraiser, TLA supplied some labour and the Municipality agreed to accept the dock and cover it with the Municipalities insurance.*

*Similar to a road, it gets built then handed over provided it is done within standards.*

*The Old Growth committee dissolved over time. And I'm no longer involved with TCF (I was the ED) at the time.*

*This question comes up from time to time when the dock needs repair or protection in the fall for freeze up.*

*To my knowledge various people have helped out just to make sure the dock is useable.*

*I think the town may have done some work on it in the past.*

*An option would be to have the TCF provide some funds through a grant from money raised through their car and boat ticket sales if it needs repair.*

*There was a verbal agreement that should have been on paper but it was basically gifted to the municipality just as the kiosks were.*

*Hope this helps.*

I mean because we do not own or maintain the Island to me the more we distance ourselves the better.

*Rhonda Smith*

Municipal Clerk

[clerk@temagami.ca](mailto:clerk@temagami.ca)

705-569-3421 ext.211

Municipality of Temagami

PO Box 220

Temagami ON P0H 2H0



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**From:** Jessica Stone <[jestone@brokerlink.ca](mailto:jestone@brokerlink.ca)>

**Sent:** Tuesday, March 19, 2024 4:06 PM

**To:** Rhonda Smith <[Clerk@Temagami.ca](mailto:Clerk@Temagami.ca)>

**Cc:** Sabrina Pandolfo <[projects@Temagami.ca](mailto:projects@Temagami.ca)>; Samantha Elliott <[saelliott@brokerlink.ca](mailto:saelliott@brokerlink.ca)>

**Subject:** RE: Liability Question - Municipality of Temagami

Hi Rhonda,

Just a couple of questions, who owns the island? Are you looking to rebuild the dock? What do people use the dock for? Just want to make sure that we mitigate any future risks and get a clearer understanding of this dock and understanding of the island. Once I get more information I can send off to the insurer for additional risk management commentary.

Sincerely,



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

Account Manager | **BrokerLink**

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**From:** Rhonda Smith <[Clerk@Temagami.ca](mailto:Clerk@Temagami.ca)>  
**Sent:** Tuesday, March 19, 2024 4:00 PM  
**To:** Jessica Stone <[jestone@brokerlink.ca](mailto:jestone@brokerlink.ca)>  
**Cc:** Sabrina Pandolfo <[projects@Temagami.ca](mailto:projects@Temagami.ca)>  
**Subject:** Liability Question - Municipality of Temagami

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Good Afternoon,

I am writing to you today to inquire about insurance and liability regarding an old dock on Temagami Island that the Municipality did not build or place there. The dock is in bad need of repair and has actually floated out into the bay. The dock was gifted to the Municipality back in the day by an organization that no longer exists. Temagami Island is also not owned or maintained by the Municipality and has the remains of what was a copper mine. We are unaware if there are any open shafts remaining or any other dangers.

Could you please provide feedback on your opinion regarding this matter. Have a great afternoon!

Kind Regards,

*Rhonda Smith*

Municipal Clerk

[clerk@temagami.ca](mailto:clerk@temagami.ca)

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Municipality of Temagami

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