



**CORPORATE POLICY MANUAL**

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| Section:     | Legal Matters        | 6    |
| Sub-Section: | Litigation           | 2430 |
| Title:       | POTENTIAL LITIGATION | 2    |

**POLICY**

**Where letters addressed to the Mayor and Council might, in the opinion of the Mayor or Chief Administrative Officer, be potentially litigious, such letters shall be forwarded for information only to Council and to the Municipal Solicitor for any further handling in conjunction with the Chief Administrative Officer or designated staff member.**

**REASON FOR POLICY**

1. To ensure that any matter which is potentially litigious is handled in consultation with or by the Municipal Solicitor.
2. To ensure that Council is kept informed, in confidence, and in a timely manner, of the status of potentially litigious matters involving the District.

**AUTHORITY TO ACT**

Delegated to Staff

**PROCEDURE**

1. Copies of potentially litigious letters will be forwarded to each member of Council with the notation that the correspondence is being dealt with under the stated Council Policy.
2. Upon confirming with the Municipal Solicitor that the matter should be held in strictest confidence, the Chief Administrative Officer will so advise the Mayor and will, from that moment on, instruct the Municipal Solicitor in the handling of the entire matter with the complainant and/or his solicitor on a confidential basis or, in the case of an insurance claim, refer it to the Municipal Clerk as required pursuant to Section 755 of the Municipal Act.
3. Council will be advised of the progress in the case after the Municipal Solicitor
  - 3.1 is ultimately unable to avoid involving the District in litigation; or
  - 3.2 is able to determine that the matter is no longer litigious in nature.
4. Should the Solicitor, in the first instance, determine that the matter was not potentially litigious, he will promptly advise the Chief Administrative Officer who will then handle it in the usual manner.

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| Approval Date:     | January 26, 1976   | Approved by: | Policy & Planning Committee, I/C |
| 1. Amendment Date: | September 12, 1977 | Approved by: | Policy & Planning Committee      |
| 2. Amendment Date: | January 25, 1982   | Approved by: | Policy & Planning Committee      |
| 3. Amendment Date: | December 11, 1995  | Approved by: | Regular Council                  |