

COMMITTEE AGENDA



TO **Audit Committee**

DATE April 30, 2014

LOCATION Council Chambers, Guelph City Hall, 1 Carden Street

TIME 4:00 p.m.

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

CONFIRMATION OF MINUTES – March 6, 2014 open meeting minutes

PRESENTATIONS (Items with no accompanying report)

a) None.

CONSENT AGENDA

The following resolutions have been prepared to facilitate the Committee's consideration of the various matters and are suggested for consideration. If the Committee wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with separately. The balance of the Audit Committee Consent Agenda will be approved in one resolution.

ITEM	CITY PRESENTATION	DELEGATIONS	TO BE EXTRACTED
AUD-2014.11 Internal Audit Report - Legal and Realty Services Follow Up Audit	<ul style="list-style-type: none"> Loretta Alonzo, Internal Auditor 		√
AUD-2014.12 Status of Audit Recommendations – First Quarter			
AUD-2014.13 Policy for the Selection and Appointment of the External Auditor			
AUD-2014.14 Outstanding Motions of the Audit Committee			
AUD-2014.15 Litigation Status Report			

Resolution to adopt the balance of the Audit Committee Consent Agenda.

ITEMS EXTRACTED FROM CONSENT AGENDA

Once extracted items are identified, they will be dealt with in the following order:

- 1) delegations (may include presentations)
- 2) staff presentations only
- 3) all others.

STAFF UPDATES AND ANNOUNCEMENTS

ADJOURNMENT

NEXT MEETING – June 3, 2014



**The Corporation of the City of Guelph
Audit Committee
Thursday, March 6, 2014 at 4:00 p.m.**

Attendance

Members: Chair Guthrie Councillor Furfaro
Mayor Farbridge Councillor Kovach
Councillor Burcher (*arrived at 4:02 p.m.*)

Staff: Ms. A. Pappert, CAO
Mr. A. Horsman, Executive Director, Finance & Enterprise/Chief Financial Officer
Mr. M. Amorosi, Executive Director, Corporate & Human Resources
Dr. J. Laird, Executive Director, Planning, Building, Engineering & Environment
Mr. D. McCaughan, Executive Director, Operations & Transit
Mr. D. Thomson, Executive Director, Community & Social Services
Ms. L. Alonzo, Internal Auditor
Ms. T. Baker, Manager, Financial Reporting & Accounting
Ms. T. Agnello, Deputy Clerk
Ms. D. Black, Council Committee Coordinator

Call to Order (4:00 p.m.)

Chair Guthrie called the meeting to order.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Confirmation of Minutes

1. Moved by Councillor Kovach
Seconded by Councillor Furfaro

That the open meeting minutes of the Audit Committee held on February 4, 2014 be confirmed as recorded.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Guthrie, Furfaro, and Kovach (4)

VOTING AGAINST: (0)

CARRIED

Consent Agenda

The following items were extracted:

AUD-2014. 8 Overtime – Oversight and KPA Framework
AUD-2014.9 Overtime Audit Implementation Plan
AUD-2014.10 Internal Audit Report – Cash Controls and Compliance

Extracted Consent Items

AUD-2014. 9 Overtime Audit Implementation Plan

Councillor Burcher arrived at the meeting. (4:02 p.m.)

Mr. Derrick Thomson, Executive Director, Community & Social Services provided a synopsis of the Overtime Audit Task Force implementation plan.

Discussion ensued regarding the reporting process and timing, and identification of the Key Performance Indicators.

Mr. Andrew Cleary, President B/A, ATU Local 1189, raised concerns regarding the release of the overtime audit and minimal input from the union. He noted that system changes have had positive results and the union members support the implementation plan.

2. Moved by Councillor Kovach
Seconded by Mayor Farbridge

That the March 6, 2014 report entitled "Overtime Audit Implementation Plan" be received.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Guthrie, Furfaro, Kovach and Wettstein (5)
VOTING AGAINST: (0)

CARRIED

AUD-2014.8 Overtime – Oversight and KPI Framework

Staff advised that they will report on the KPI Framework in June.

3. Moved by Mayor Farbridge
Seconded by Councillor Furfaro

That the recommendations in report "CAO-A-1403, Overtime – Oversight and KPI Framework be approved.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Guthrie, Furfaro, Kovach and Wettstein (5)
VOTING AGAINST: (0)

CARRIED

AUD-2014.10 Internal Audit Report – Cash Controls and Compliance

The Internal Auditor provided clarification of reporting requirements for operational changes for efficiencies and the difference between cash control and compliance issues.

4. Moved by Mayor Farbridge
Seconded by Councillor Burcher

That the Audit committee receive the Internal Auditor's report, CAO-A-1405 "Cash Controls and Compliance Audit".

VOTING IN FAVOUR: Mayor Farbridge, Councillors Guthrie, Furfaro, Kovach and Wettstein (5)
VOTING AGAINST: (0)

CARRIED

Staff Updates and Announcements

Ms. Loretta Alonzo, Internal Auditor, announced that Ms. Katherine Gray has been hired as the Internal Audit Business Performance Specialist.

Adjournment (4:30 p.m.)

5. Moved by Councillor Kovach
Seconded by Councillor Furfaro

That the committee meeting be adjourned.

CARRIED

Tina Agnello – Deputy Clerk

**AUDIT COMMITTEE
CONSENT AGENDA**

April 30, 2014

Members of the Audit Committee.

SUMMARY OF REPORTS:

The following resolutions have been prepared to facilitate the Committee's consideration of the various matters and are suggested for consideration. If the Committee wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Audit Committee Consent Agenda will be approved in one resolution.

A Reports from Administrative Staff

REPORT	DIRECTION
AUD-2014.11 INTERNAL AUDIT REPORT – LEGAL AND REALTY SERVICES FOLLOW UP AUDIT 1. That the Audit Committee receive the Internal Auditor's report "Appendix A – CAO-A-1406, Legal and Realty Services Follow Up Audit".	Receive
AUD-2014.12 STATUS OF AUDIT RECOMMENDATIONS – FIRST QUARTER 1. That the Audit Committee receive report CAO-A-1404, "Status of Audit Recommendations –Q1, 2014.	Receive
AUD-2014.13 POLICY FOR THE SELECTION AND APPOINTMENT OF THE EXTERNAL AUDITOR 1. That FIN-14-19 "Policy for the Selection and Appointment of the External Auditor be received. 2. That the Policy for the Selection and Appointment of the External Auditor, attached as Appendix 1, be approved.	Approve

AUD-2014.14 OUTSTANDING MOTIONS OF THE AUDIT COMMITTEE

Approve

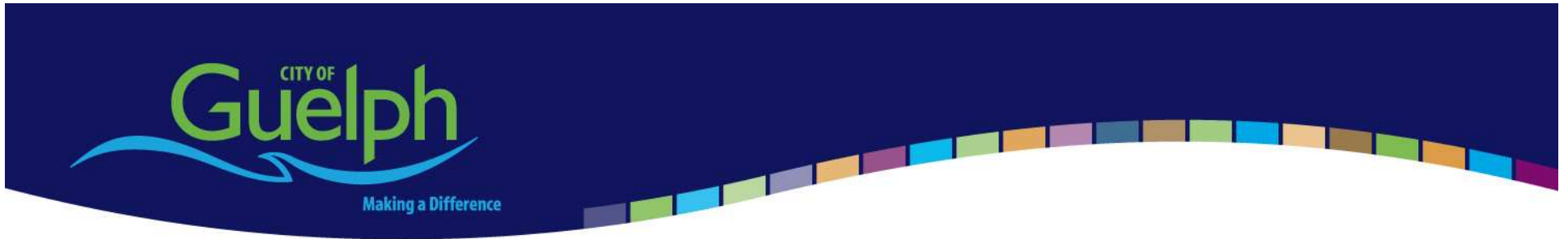
1. That report FIN-14-17 dated April 30, 2014, regarding outstanding motions of the Audit Committee, be received.
2. That the one motion marked as "Completed" be removed from the outstanding motion list, based on reasons provided.

AUD-2014.15 LITIGATION STATUS REPORT

Receive

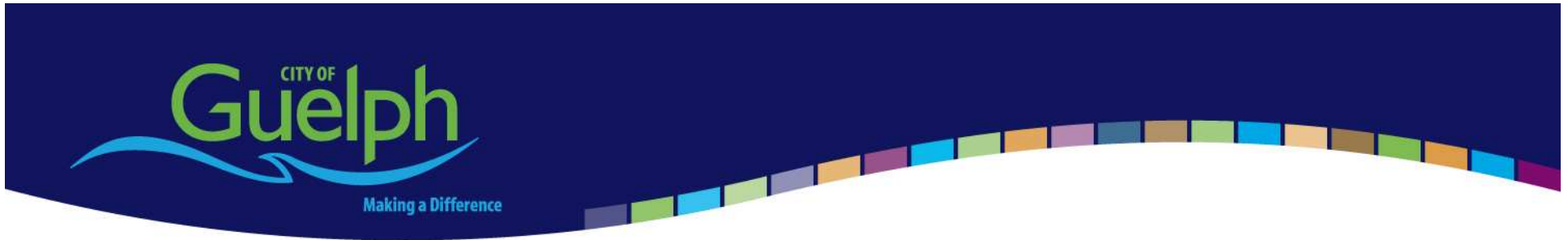
1. That the report of Legal and Realty Services regarding the status of City litigation dated April 30, 2014 be received.

attach.



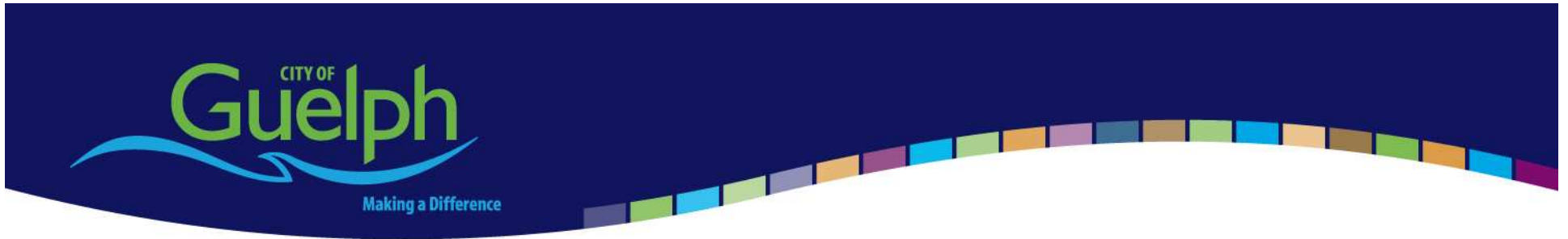
Legal and Realty Services Follow up Audit

Audit Committee April 30, 2014



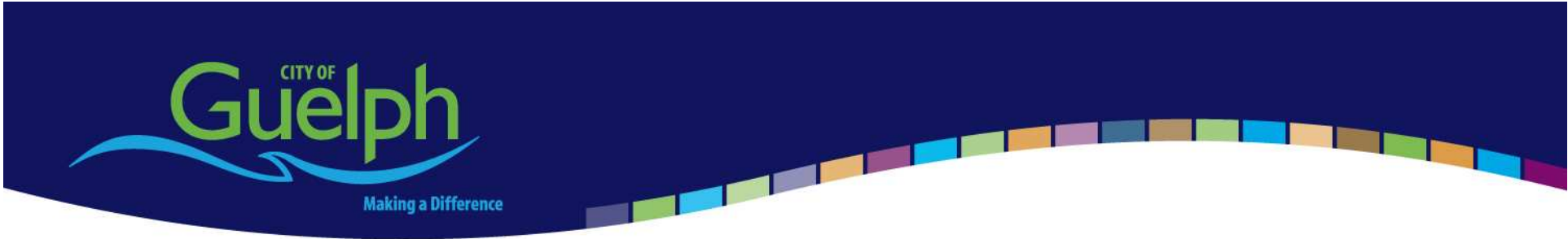
Audit Objectives

- In accordance with professional internal audit standards, a Follow-up Audit has been conducted to evaluate the status of audit recommendations from the original audit completed in October 2012.
- The purpose of all follow up audits is to evaluate the impact of the original audit to determine if anticipated improvements have been realized and also to identify any new or emerging issues.



Audit Scope

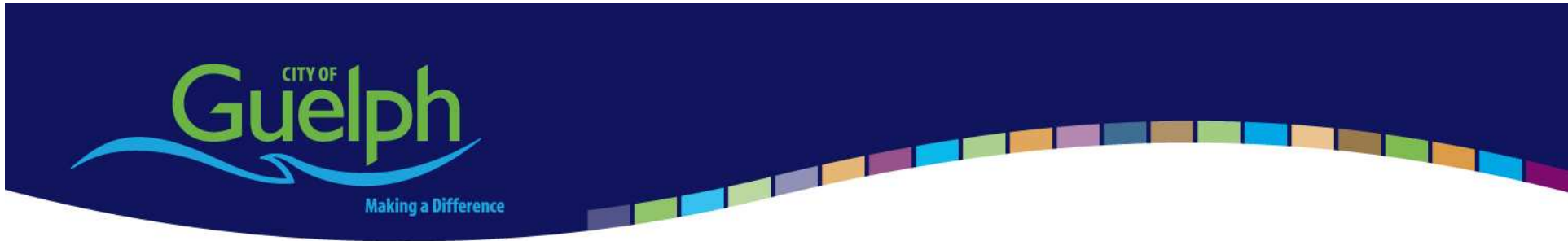
The scope of the follow-up audit is limited to a review of the key findings and recommendations contained in the original audit and the identification of any new or emerging issues within the business unit.



Summary Results of Follow Up Audit

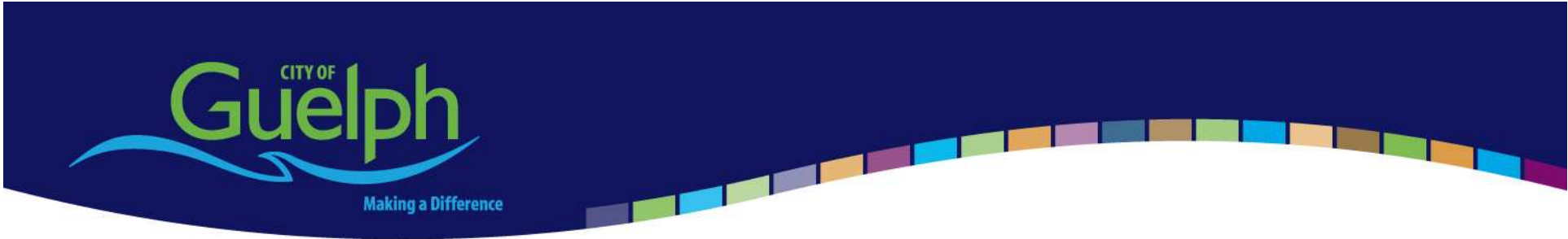
Total Audit Recommendations 10

Completed	5
Partially Completed	2
Not Completed	3



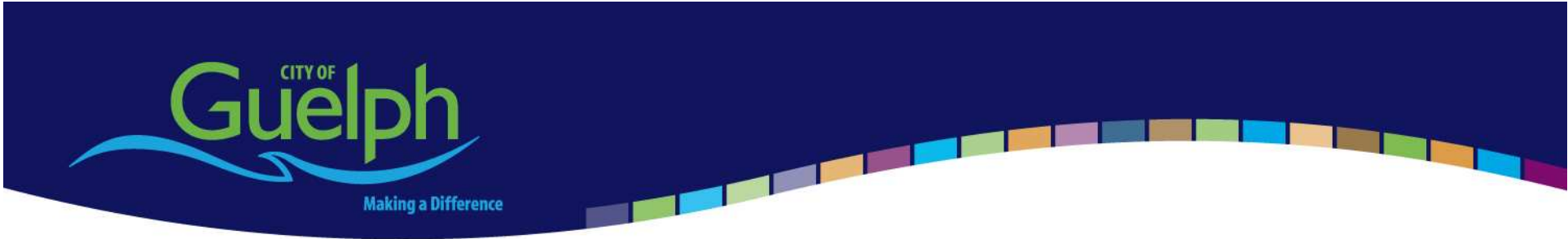
Status of Recommendations

RECOMMENDATION	STATUS
<p>1. Value for money analysis clearly shows that providing legal and realty services in-house provides an average savings of \$387 per hour, compared to outsourcing the same services. Continue to provide the services in-house.</p>	<p>Complete</p> <p>The decision to continue providing legal and realty services in-house was fully accepted by management.</p>



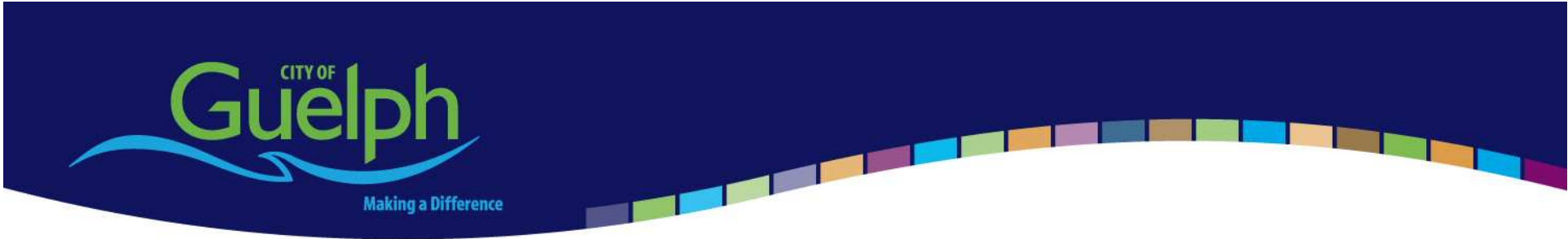
Status of Recommendations

RECOMMENDATION	STATUS
<p>2. Develop a policy and set of guidelines for utilizing external counsel with monitoring to evaluate trends in use. This policy should include an Approved Lawyer List (identifying approved lawyers by expertise and rating).</p>	<p>Complete</p> <p>A policy has been developed and approved by the Executive Team in January 2014. The policy defines the process for decision-making with regard to internal vs. external legal resources and also defines the process for selection of external resources. A list of approved legal firms will be circulated to service areas with the policy.</p>



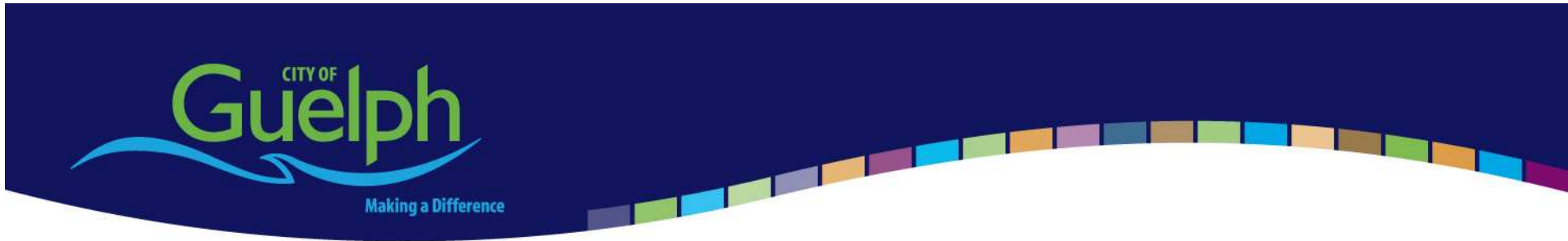
Status of Recommendations

RECOMMENDATION	STATUS
<p>3. External legal costs should be managed through the Legal and Realty Services department's accounts, to ensure a clear picture of the true legal costs and to allow for better analysis.</p> <p>This would require all legal budget items (across the corporation) to be expensed through Legal to ensure accurate reporting providing accountability and transparency.</p>	<p>Partially Complete</p> <p>Financial reporting has not been revised to transfer all legal budgets to Legal Services however, changes to the Corporate and Human Resources/Legal and Realty Services Annual Report have been made such that total legal costs across the Corporation will now be reported. This provides greater transparency in reporting legal costs. The new policy also requires all service areas to submit invoices for external legal services to Legal Services for review and reporting purposes.</p>



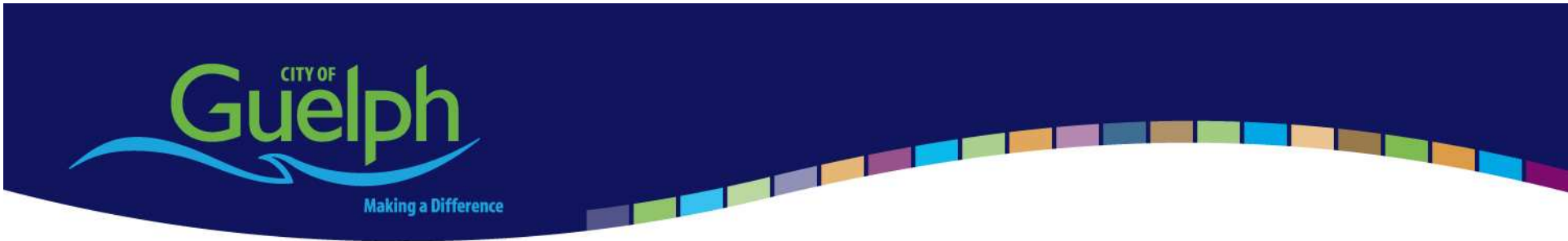
Status of Recommendations

RECOMMENDATION	STATUS
4. Budgeting practices be changed to budget external legal costs based on historical expenditures, utilizing the reserve for complex or large external issues.	<p>Partially Complete</p> <p>The budget for external legal costs, which are primarily OMB related, has been increased by \$200K however the historical costs indicate approximately \$400K is actually spent. Based on budget constraints, management has decided to phase in this recommendation as budgets permit over the next few years.</p>



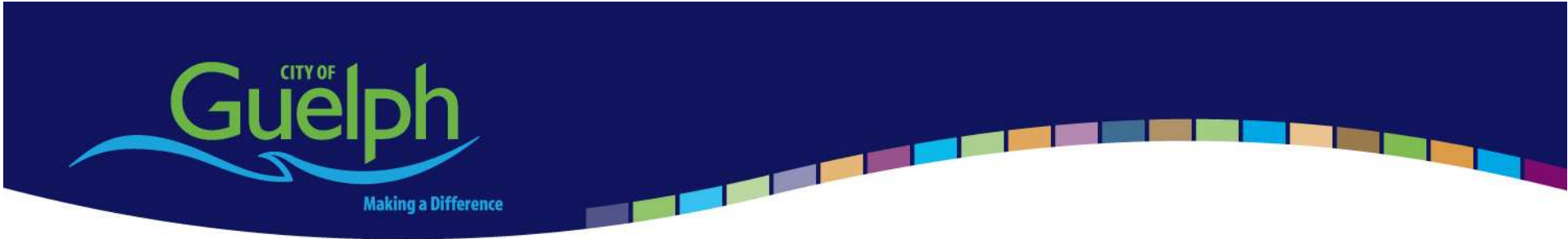
Status of Recommendations

RECOMMENDATION	STATUS
<p>5. Monitor cost of legal work vs. the cost of an on staff lawyer. Analyze this data and report to Committee by the end of 2012 with recommendations regarding continued use of external legal resources or additional in-house legal staff. Provide whichever recommendation is most fiscally responsible, to inform the 2013 and 2014 budget process.</p>	<p>Complete</p> <p>The new Legal and Realty Services policy provides clear direction on the use of external legal resources and guidelines with respect to the decision-making process when determining whether to use internal or external legal counsel.</p>



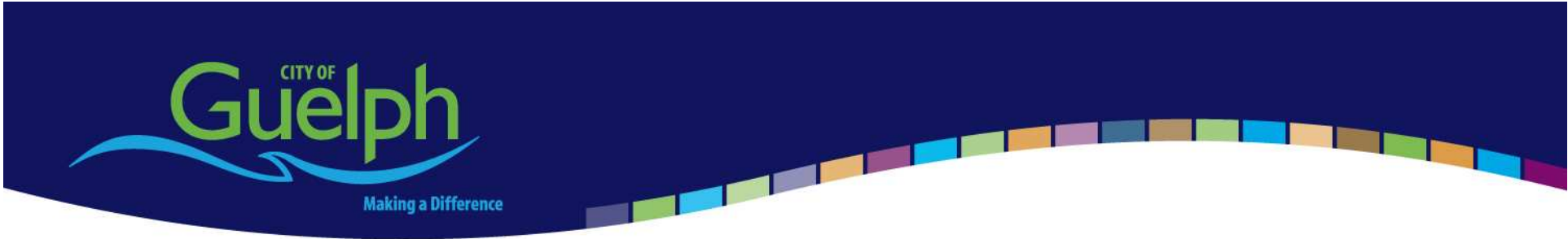
Status of Recommendations

RECOMMENDATION	STATUS
<p>6. Implement simple performance measures such as; Customer Feedback, Workload, Cost Effectiveness</p>	<p>Not Complete</p> <p>Staff have not conducted a customer service survey since the audit. This is planned for April 2014. It is recommended that this be planned annually and established as a KPI for the business unit.</p>



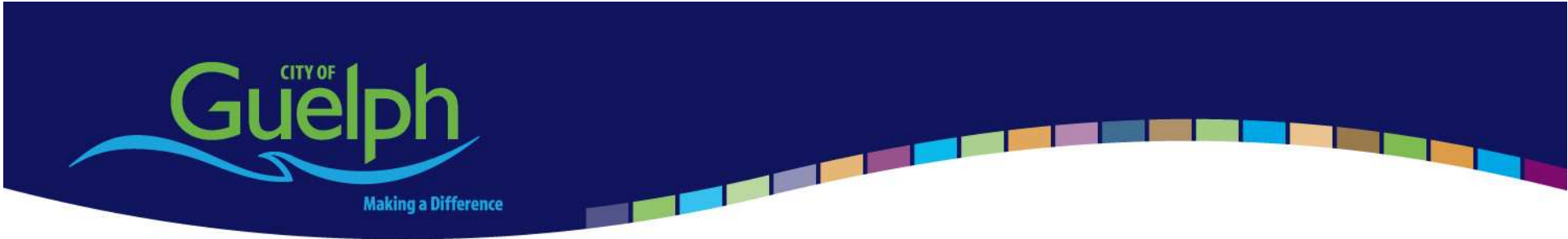
Status of Recommendations

RECOMMENDATION	STATUS
<p>7. Define system and policy for requesting work, assigning work and monitoring it, to ensure potential risks, inconsistencies, unbalanced workloads, etc can be identified and corrected.</p>	<p>Complete</p> <p>The new policy sets out the process for requesting support from Legal Services as well as a service level agreement. Staff now meet regularly to review these service requests and work is assigned based on capacity, expertise, previous knowledge of the file and other criteria.</p>



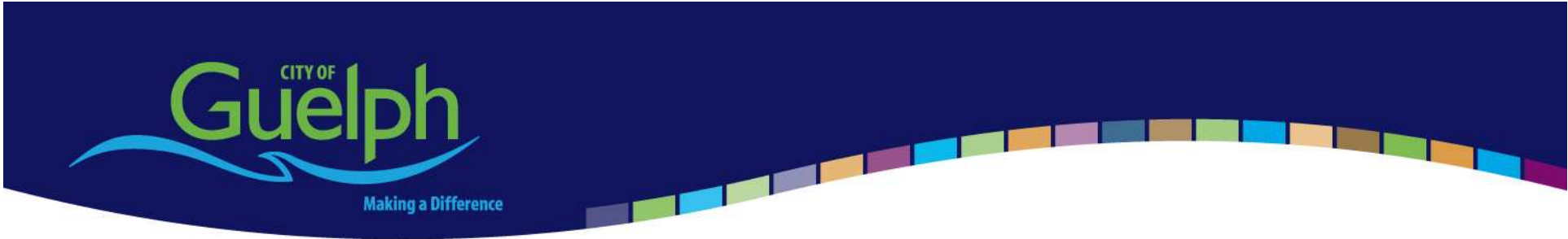
Status of Recommendations

RECOMMENDATION	STATUS
8. Implement a standardized system and policy for document control (EDMS).	<p>Not Complete</p> <p>An Electronic Document Management System (EDMS) has not been implemented. Software has been reviewed and selected (Legal Suite) by a number of stakeholders who could share the costs of implementation. The request was removed from the 2014 budget submission due to funding constraints.</p>



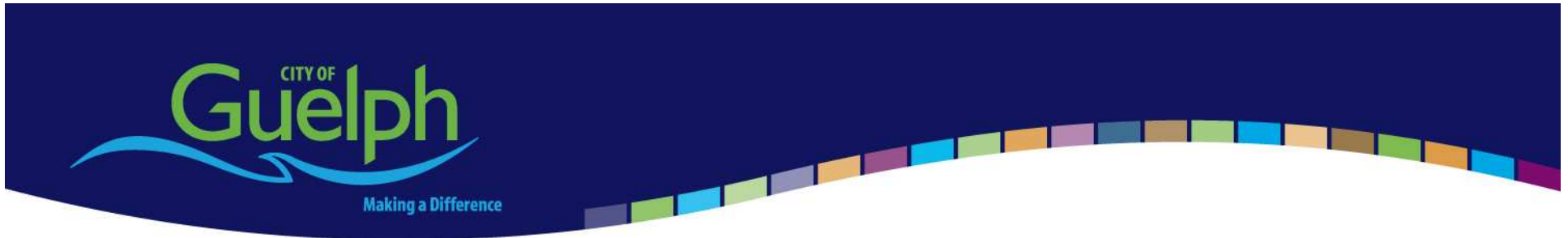
Status of Recommendations

RECOMMENDATION	STATUS
<p>9. Recommend that the time spent conducting administrative tasks be monitored, as part of the monitoring system, to identify areas of efficiency/effectiveness gain. Report back to Committee on these results with recommendations to inform the 2013/2014 budget process.</p>	<p>Not Complete</p> <p>The lack of adequate corporate administrative support was also identified in the Organizational Assessment. Requests for additional administrative support will be considered pending the outcome of the time-keeping review to determine if other efficiencies may be found to support this request.</p>



Status of Recommendations

RECOMMENDATION	STATUS
<p>10. All contracts/agreements should be reviewed and approved by Legal Services, as there is legal liability in every agreement. If standardized templates are utilized the review would be minimal.</p>	<p>Complete</p> <p>The Corporation is generally compliant with this request and the new policy further defines the process for contract review to be completed by Legal Services.</p>



Summary

Legal and Realty Services has made some progress in implementing the audit recommendations and improvements are noted. It is strongly recommended that recommendations # 6 (KPIs and customer survey) and # 8 (EDMS) be implemented without further delay.

STAFF REPORT

TO **Audit Committee**

SERVICE AREA **CAO - Administration**

DATE **April 8, 2014**

SUBJECT **Internal Audit Report – Legal and Realty Services
Follow up Audit.**

REPORT NUMBER **CAO-A-1406**

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide the Committee with a report on the Follow Up Audit of Legal and Realty Services.

KEY FINDINGS

A number of improvements have been noted since the original audit was completed in October 2012. There has been some progress in implementing the audit recommendations however there are still outstanding recommendations some of which are constrained by budget funding. It is strongly recommended that recommendations # 6 (KPIs and customer survey) and # 8 (EDMS) be implemented without further delay.

Status of Audit Recommendations:

Total Recommendations	10
Completed	5
Partially Completed	2
Not Completed	3

FINANCIAL IMPLICATIONS

N/A

ACTION REQUIRED

Audit Committee to receive the Internal Auditor's report "Appendix A-CAO-A-1406, Legal and Realty Services Follow up Audit".

STAFF REPORT



RECOMMENDATION

1. That the Audit Committee receive the Internal Auditor's report, "Appendix A-CAO-A-1406, Legal and Realty Services Follow up Audit".

BACKGROUND

In accordance with professional internal audit standards, a Follow-up Audit has been conducted to evaluate the status of recommendations from the original audit completed in October 2012.

The purpose of all follow up audits is to evaluate the impact of the original audit to determine if anticipated improvements have been realized and also to identify any new or emerging issues.

The scope of the follow-up audit is limited to a review of the key findings and recommendations contained in the original audit and the identification of any new or emerging issues within the business unit.

REPORT

The full, detailed report is attached in – Appendix A-CAO-A-1406, Internal Audit Report, Legal and Realty Services Follow up Audit

CONCLUSION

In their interviews, staff report that work load issues have been significantly improved since the original audit was conducted. The addition of two new lawyers has enabled a more balanced assignment of work and in particular, the level of acquired expertise has had a positive impact.

The new process for reviewing service requests has been effective in balancing work loads and ensuring that files are assigned to the staff with the most relevant experience.

The development of a new Legal and Realty Services policy establishes a clear process for requesting service and makes commitments to customers with respect to deliverables and timelines. The policy addresses the use of external legal resources and defines how and when this is appropriate. It further defines the method by which external legal costs will be monitored and how these costs will be tracked by Legal Services.

STAFF REPORT

The lack of an EDMS continues to hamper performance and create non-value added manual work for staff. A document management system is still recommended in order to maximize efficiency and improve performance.

The recommendation to implement key performance indicators (KPIs) has not been implemented and therefore we have no benchmark data to determine whether customers are more or less satisfied with the service they receive. This information is essential if Legal and Realty Services intends to keep its commitment to improving customer service and to monitor their performance annually.

Budget constraints have impeded the implementation of several recommendations. Until such time as budgets permit, there will continue to be a variance for the use of external legal resources, particularly with respect to OMB matters.

While the recommendation to move all legal budgets to Legal Services has not been implemented, the effort has been made to make total legal costs transparent in the Annual Report for CHS. This is a partial measure of success provided that these costs are tracked and reported accurately.

The shortage of administrative support continues to create non-value added work by the legal staff and it is anticipated that this will be addressed by the time-keeping review currently underway in Human Resources.

In summary, Legal and Realty Services has made some progress in implementing the audit recommendations and improvements are noted. It is strongly recommended that recommendations # 6 (KPIs and customer survey) and # 8 (EDMS) be implemented without further delay.

CORPORATE STRATEGIC PLAN

1.3 Organizational Excellence – Build robust systems, structures and frameworks aligned to strategy.

2.3 Innovation in Local Government – Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION

Corporate and Human Resources have been consulted in the development of this report.

COMMUNICATIONS

N/A

STAFF REPORT



ATTACHMENTS

Appendix A - CAO-A-1406, Internal Audit Report,
Legal and Realty Services Follow up Audit

A handwritten signature in black ink, appearing to read "Loretta Alonzo".

Report Author

Loretta Alonzo

Internal Auditor

519-822-1260, ext. 2243

loretta.alonzo@guelph.ca



Appendix A - CAO-A-1406

Legal and Realty Services

Follow up Audit

Final Report

March 5, 2014

Prepared by Loretta Alonzo, Internal Auditor

Table of Contents

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Audit Objectives

In accordance with professional internal audit standards, a Follow-up Audit has been conducted to evaluate the status of audit recommendations from the original audit completed in October 2012. The purpose of all follow up audits is to evaluate the impact of the original audit to determine if anticipated improvements have been realized and also to identify any new or emerging issues.

Scope

The scope of the follow-up audit is limited to a review of the key findings and recommendations contained in the original audit and the identification of any new or emerging issues within the business unit.

Methodology

- Staff interviews – City Solicitor, Assistant City Solicitor, Executive Director, Corporate and Human Resources
- Document review

Key Findings and Recommendations

1	FINDING	Is Legal Representation Services a service that should be provided by the City?
	RECOMMENDATION	Value for money analysis clearly shows that providing legal and realty services in-house provides an average savings of \$387 per hour, compared to outsourcing the same services. Continue to provide the services in-house.
	STATUS	Complete. The decision to continue providing legal and realty services in-house was fully accepted by management.
2	FINDING	Use of external counsel, by departments other than the Legal and Realty department, is increasing with an unclear picture of why.
	RECOMMENDATION	Develop a policy and set of guidelines for utilizing external counsel with monitoring to evaluate trends in use. This policy should include an Approved Lawyer List (identifying approved lawyers by expertise and rating).
	STATUS	Complete. A policy has been developed and approved by the Executive Team in January 2014. The policy defines the process for decision-making with regard to internal vs. external legal resources and also defines the process for selection of external resources. A list of approved legal firms will be circulated to service areas with the policy.
3	FINDING	Use of external counsel, by departments other than the Legal and Realty department, is increasing with an unclear picture of why.
	RECOMMENDATION	External legal costs should be managed through the Legal and Realty Services department's accounts, to ensure a clear picture of the true legal costs and to allow for better analysis. This would require all legal budget items (across the corporation) to be expensed through Legal to ensure acute reporting providing accountability and transparency.

	STATUS	Partially Complete. Financial reporting has not been revised to transfer all legal budgets to Legal Services however, changes to the Corporate and Human Resources/Legal and Realty Services Annual Report have been made such that total legal costs across the Corporation will now be reported. This provides greater transparency in reporting legal costs. The new policy also requires all service areas to submit invoices for external legal services to Legal Services for review and reporting purposes.
4	FINDING	The department does not budget for external legal services. These costs are covered by reserve transfers, for a net zero operating budget (for external legal costs). This does not allow for a clear picture of legal costs.
	RECOMMENDATION	It is recommended that budgeting practices be changed to budget external legal costs based on historical expenditures, utilizing the reserve for complex or large external issues.
	STATUS	Partially Complete. The budget for external legal costs, which are primarily OMB related, has been increased by \$200K however the historical costs indicate approximately \$400K is actually spent. Based on budget constraints, management has decided to phase in this recommendation as budgets permit over the next few years.
5	FINDING	The City of Guelph's legal staffing levels are lower than most of the municipalities that participated in the benchmarking activity.
	RECOMMENDATION	Monitor cost of legal work outsourced (where the internal expertise is available in house) vs. the cost of an on staff lawyer, to ensure cost efficiency in service provision. The department should monitor and analyze this (for the last year) data and report to Committee by the end of 2012 with recommendations regarding continued use of external legal resources or additional in-house legal staff. Provide whichever recommendation is most fiscally responsible, to inform the 2013 and 2014 budget process.
	STATUS	Complete. The new Legal and Realty Services policy provides clear direction on the use of external legal resources and guidelines with respect to the decision-making process when determining whether to use internal or external legal counsel.
6	FINDING	Limited performance measurements that identify whether the department is achieving their objectives and identify trends for value added decision making. The department compiled their first annual report which is an excellent starting point, but further improvements are required.
	RECOMMENDATION	Implement simple performance measures such as; <ul style="list-style-type: none"> • Customer feedback; this would provide information regarding perception of service. <i>Can be measured through a per-service feedback loop, this would require a service request and provision policy, and/or a semi-annual/annual basis.</i> ○ Workload; this would highlight trends or areas of concern to allow workload leveling. <i>Could be measured by assigning complexity ratings to tasks when services are assigned.</i> <p>Cost Effectiveness; this will compare the costs of outsourcing legal activity to the cost of an additional lawyer and/or support staff.</p>

	STATUS	Not Complete. Staff have not conducted a customer service survey since the audit. This is planned for April 2014. It is recommended that this be planned annually and established as a KPI for the business unit.
7	FINDING	Lack of policy or structure to requesting and assigning work, as well as monitoring completion.
	RECOMMENDATION	Define system and policy for requesting work, assigning work and monitoring it, to ensure potential risks, inconsistencies, unbalanced workloads, etc can be identified and corrected.
	STATUS	Complete. The new policy sets out the process for requesting support from Legal Services as well as a service level agreement. Staff now meet regularly to review these service requests and work is assigned based on capacity, expertise, previous knowledge of the file and other criteria.
8	FINDING	Inconsistency in document control (logging, identification, etc) causes extended searches (up to 5-10 hours additional work to find documents).
	RECOMMENDATION	Standardized system and policy for document control (EDMS).
	STATUS	Not Complete. An Electronic Document Management System (EDMS) has not been implemented. Software has been reviewed and selected (Legal Suite) by a number of stakeholders who could share the costs of implementation. The proposed software could also service Corporate Building Services for property management matters and Economic Development could also utilize the Contract Management module. The request was removed from the 2014 budget submission due to funding constraints.
9	FINDING	Lack of administrative support to the Solicitors.
	RECOMMENDATION	Recommend that the time spent conducting these tasks be monitored, as part of the monitoring system, to identify areas of efficiency/effectiveness gain. Report back to Committee on these results with recommendations to inform the 2013/2014 budget process.
	STATUS	Not Complete. The lack of adequate corporate administrative support was also identified in the Organizational Assessment. Requests for additional administrative support will be considered pending the outcome of the time-keeping review to determine if other efficiencies may be found to support this request.
10	FINDING	Contract review is not always conducted through Legal Services.
	RECOMMENDATION	All contracts/agreements should be reviewed and approved by Legal Services, as there is legal liability in every agreement. If standardized templates are utilized the review would be minimal.
	STATUS	Complete. The Corporation is generally compliant with this request and the new policy further defines the process for contract review to be completed by Legal Services.

Status of Recommendations Summary

Total Audit Recommendations 10

Completed	5
Partially Completed	2
Not Completed	3

Conclusion

In their interviews, staff report that work load issues have been significantly improved since the original audit was conducted. The addition of two new lawyers has enabled a more balanced assignment of work and in particular, the level of acquired expertise has had a positive impact.

The new process for reviewing service requests has been effective in balancing work loads and ensuring that files are assigned to the staff with the most relevant experience.

The development of a new Legal and Realty Services policy establishes a clear process for requesting service and makes commitments to customers with respect to deliverables and timelines. The policy addresses the use of external legal resources and defines how and when this is appropriate. It further defines the method by which external legal costs will be monitored and how these costs will be tracked by Legal Services.

The lack of an EDMS continues to hamper performance and create non-value added manual work for staff. A document management system is still recommended in order to maximize efficiency and improve performance.

The recommendation to implement key performance indicators (KPIs) has not been implemented and therefore we have no benchmark data to determine whether customers are more or less satisfied with the service they receive. This information is essential if Legal and Realty Services intends to keep its commitment to improving customer service and to monitor their performance annually.

Budget constraints have impeded the implementation of several recommendations. Until such time as budgets permit, there will continue to be a variance for the use of external legal resources, particularly with respect to OMB matters.

While the recommendation to move all legal budgets to Legal Services has not been implemented, the effort has been made to make total legal costs transparent in the Annual Report for CHS. This is a partial measure of success provided that these costs are tracked and reported accurately.

The shortage of administrative support continues to create non-value added work by the legal staff and it is anticipated that this will be addressed by the time-keeping review currently underway in Human Resources.

In summary, Legal and Realty Services has made some progress in implementing the audit recommendations and improvements are noted. It is strongly recommended that recommendations # 6 (KPIs and customer survey) and # 8 (EDMS) be implemented without further delay.

STAFF REPORT



TO **Audit Committee**

SERVICE AREA CAO - Administration

DATE April 30, 2014

SUBJECT Status of Audit Recommendations – First Quarter

REPORT NUMBER CAO-A-1404

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide the Committee with the first quarterly report on the status of all internal audit recommendations to date.

KEY FINDINGS

Standard 2500 of the Professional Practice of Internal Auditing sets out expectation of professional auditors to ensure that proposed management action plans have been effectively implemented. This applies in all cases except where "senior management has accepted the risk of not taking action".

As part of the Internal Auditor's due diligence a quarterly report on the status of audit recommendations will be presented to the Audit Committee.

The report will provide the resolution rate of all outstanding audit recommendations and will identify items outstanding for more than 6 months. It is intended to be a statistical report only and will not provide the details of each recommendation.

All audit recommendations will be reviewed in detail when the formal "Follow Up Audit" occurs approximately one year following the original audit.

FINANCIAL IMPLICATIONS

N/A

ACTION REQUIRED

Audit Committee to receive CAO-A-1404, Status of Audit Recommendations-Q1, 2014.

STAFF REPORT



RECOMMENDATION

1. That the Audit Committee receive report CAO-A-1404, Status of Audit Recommendations-Q1, 2014.

BACKGROUND

Standard 2500 of the Professional Practice of Internal Auditing sets out expectation of professional auditors to ensure that proposed management action plans have been effectively implemented. This applies in all cases except where "senior management has accepted the risk of not taking action".

REPORT

Standard 2500 of the Professional Practice of Internal Auditing sets out expectation of professional auditors to ensure that proposed management action plans have been effectively implemented. This applies in all cases except where "senior management has accepted the risk of not taking action".

As part of the Internal Auditor's due diligence a quarterly report on the status of audit recommendations will be presented to the Audit Committee.

The report will provide the resolution rate of all outstanding audit recommendations and will identify items outstanding for more than 6 months. It is intended to be a statistical report only and will not provide the details of each recommendation.

All audit recommendations will be reviewed in detail when the formal "Follow Up Audit" occurs approximately one year following the original audit.

2014 First Quarter Report – Status of Audit Recommendations

AUDITEE	AUDIT DATE	COMPLETED	OUTSTANDING	RESOLUTION RATE
Legal & Realty Services **Follow up audit completed. Full report presented to Audit Committee April 30, 2014.	Sep 2012	6	4 <i>Over 6 months</i>	60%
CVOR **Follow up audit in progress. Full report will be presented to Audit Committee June 3, 2014.	Mar 2013	22	2 <i>Over 6 months</i>	92%

STAFF REPORT

AUDITEE	AUDIT DATE	COMPLETED	OUTSTANDING	RESOLUTION RATE
Procurement	Jun 2013	1	1	50%
Overtime	Oct 2013	12	27	31%
Service Guelph	Dec 2013	2	8	20%
Cash Controls	Dec 2013	0	1	0%

Summary

There has been progress in implementation of audit recommendations and the majority of targets are being met.

CORPORATE STRATEGIC PLAN

1.3 Organizational Excellence – Build robust systems, structures and frameworks aligned to strategy.

2.3 Innovation in Local Government – Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION

All departments with outstanding audit recommendations have been consulted in the development of this report.

COMMUNICATIONS

N/A

ATTACHMENTS

N/A



Report Author

Loretta Alonzo

Internal Auditor

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STAFF REPORT



TO Audit Committee

SERVICE AREA Finance and Enterprise Services

DATE April 30, 2014

SUBJECT Policy for the Selection and Appointment of the External Auditor

REPORT NUMBER FIN-14-19

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To present, for approval, a formal policy that outlines the process for the selection and appointment of the external auditor.

KEY FINDINGS

The policy outlines key components of the request for proposal process and selection process.

FINANCIAL IMPLICATIONS

There are no direct financial implications resulting from this report.

ACTION REQUIRED

Receipt of report number FIN-14-19 and approval of the Policy for the Selection and Appointment of the External Auditor.

RECOMMENDATION

1. That FIN-14-19 Policy for the Selection and Appointment of the External Auditor be received; and
2. That the Policy for the Selection and Appointment of the External Auditor, attached as Appendix 1, be approved.

BACKGROUND

The Municipal Act (Section 296) promotes accountability and transparency through the requirement that the City's financial statement be audited annually by an external auditor.

Best practices dictate that the City should have a formal policy to guide the selection and appointment of the external auditor. This policy will ensure that the

STAFF REPORT



auditor is independent and has appropriate expertise and experience to provide audit services to the City.

REPORT

The proposed policy outlines the key components related to the selection and appointment of the external auditor including the following:

- 1) Request for Proposal process
- 2) The composition of the Evaluation Committee
- 3) Suggested evaluation criteria
- 4) Independence considerations
- 5) Content of the RFP
- 6) Appointment of the External Auditor
- 7) Annual Evaluation

CORPORATE STRATEGIC PLAN

- 1.3 Build robust systems, structures and frameworks aligned to strategy.
- 2.3 Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION

Members of the purchasing department have reviewed the policy and provided input.

FINANCIAL IMPLICATIONS

There are no direct financial implications resulting from this report.

COMMUNICATIONS

The policy will be included with other policies approved by Council.

ATTACHMENTS

Appendix 1: Proposed Policy for the Selection and Appointment of the External Auditor

Report Author

Jade Surgeoner
Senior Corporate Analyst, Financial
Reporting and Accounting

STAFF REPORT



Original Signed by:

Original Signed by:

Approved By

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GM, Finance
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Recommended By

Albert Horsman
Executive Director and CFO
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Selection and Appointment of the External Auditor

POLICY	
CATEGORY	Corporate
AUTHORITY	Audit Committee
RELATED POLICES	Purchasing Policy
APPROVED BY	Audit Committee
EFFECTIVE DATE	April 30, 2014
REVISION DATE	

POLICY STATEMENT

It is the policy of the City of Guelph ('the City') and its Audit Committee to appoint external auditors who clearly demonstrate quality and independence. The performance of the external auditor is reviewed annually and applications for tender of external audit services are requested as deemed appropriate.

PURPOSE

The purpose of this document is to outline the selection process for the appointment of the external auditors to conduct the audit of the financial statements of the City and its related entities. This selection method ensures that the auditor is independent and has appropriate expertise and experience to provide audit services to the City.

PROCESS

- The City of Guelph will appoint its auditor through a Request for Proposal ("RFP") process. The RFP document will be issued publically for all potential proponents to provide a response. The RFP document will include appropriate information concerning the City and its related entities to enable potential proponents to provide a formal submission.
- The Evaluation Committee will ensure that the City provides potential proponents with detailed information concerning its operations, group structures and financial statements so that an appropriate proposal and fee estimate can be presented. The RFP will require the auditor to provide details of its capabilities and experience.
- The selection process is to be objective and based on merit. The selection criteria will be clearly set out in advance of the RFP being evaluated.

-
- The Evaluation Committee will evaluate the submissions received and make a recommendation to the Audit Committee. The Audit Committee will have ultimate authority to approve all audit engagement fees and terms.
 - The City will execute a formal letter of engagement with the auditor before any audit work begins.

EVALUATION COMMITTEE

- The Evaluation Committee will consist of two members of the Audit Committee and two members of City staff.
- The members appointed to the Evaluation Committee shall be approved by the Audit Committee prior to the initiation of the RFP process.

EVALUATION CRITERIA

- The evaluation criteria are the standards and measures used to determine if a proposal has addressed the requirements identified in the RFP. Once basic evaluation criteria are identified, criteria that is mandatory vs. weighted/ranked are identified if required.
- Mandatory evaluation criteria identify the minimum requirements that are essential to the successful completion of work. These requirements are evaluated on a pass/fail basis. Bids that fail to meet the requirements are given no further consideration. Mandatory evaluation criteria must be designed so that a "meets" or "does not meet" response is easy to determine.
- Weighted/ranked criteria are used to determine the relative technical merit of each proposal and the best overall value to the City. Weighted/ranked criteria identify value-added factors and provide a means to assess and distinguish one proposal from another.

Suggested selection criteria (suggested weighting):

- Firm profile, experience and qualifications (30%)
 - Audit teams technical expertise and knowledge (20%)
 - Proposed audit strategy and methodology (20%)
 - References (10%)
 - Cost (20%)
- Although the fee proposal is a relevant factor, it will not be the determining factor in selecting the auditor. The determining factor will always be the ability of the auditor to provide an appropriate audit to the level and depth the Evaluation Committee requests.

-
- The City seeks fees that are competitive but understands that the fee must be sufficient to undertake the audit in the appropriate manner. The City expects that qualified auditors with an appropriate level of experience, skill and knowledge will undertake the audit and associated work. Fees will be sufficient to ensure that the task can be properly fulfilled and to cover reasonable risk arising from the task.
 - In an RFP process the highest ranked proponent based on the published criteria is awarded the contract.

INDEPENDENCE

- Auditors must be objective and independent of the City. The Evaluation Committee and the Audit Committee will consider the actual and perceived independence in selecting the external auditor.
- The external auditor will not provide services that impact on the independence of the audit role.

THE RFP

- The RFP will be requested and evaluated based on the following, but not limited to:
 - capacity to perform the work in a timely fashion;
 - history of similar work performed;
 - knowledge and experience within the municipal sector;
 - factors which may impact on actual and perceived independence;
 - potential conflicts of interest;
 - outline of the proposed audit programme and methodology;
 - details of the firm's organizational structure including a list of key personnel;
 - qualifications and experience of personnel to be assigned to the City's audit;
 - other relevant information in support of the proposal;
 - references;
 - fee and fee structuring for the audit spanning all years being tendered;
 - detailed schedule of rates for each key person and for each category of support staff;
 - detailed schedule of rates for ancillary costs and disbursements including travel expenses, photocopying, faxes, telephone and miscellaneous costs;
 - other relevant information

RFP EVALUATION AND AWARD

- Potential proponents will be given the opportunity of requesting additional information relevant to the RFP process. Any information requested will be provided to all parties through an addendum.
- Potential proponents may be requested to make a presentation to the Evaluation Committee
- The highest ranked proponent will be recommended to the Audit Committee using the criteria determined by the Evaluation Committee, including the criteria set out in this policy.
- No contract will exist or be deemed to exist until a consulting agreement has been executed.
- Auditors will be appointed for a fixed term as determined by the request for proposal.

ANNUAL EVALUATION

- The performance of the external auditor will be assessed annually by the Audit Committee. The external auditor will be informed of the evaluation results from the Chair of the Audit Committee.

STAFF REPORT



TO Audit Committee

SERVICE AREA Finance & Enterprise Services

DATE April 30, 2014

SUBJECT Outstanding Motions of the Audit Committee

REPORT NUMBER FIN-14-17

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To advise the Audit Committee of the status of all outstanding Committee resolutions and to advise the Committee if there are any outstanding resolutions that may no longer be of community and Council interest.

KEY FINDINGS

Staff have reviewed all outstanding motions and are recommending that 1 outstanding motion be eliminated from the outstanding motion list as it has been addressed during the period. A further 5 items will remain on the outstanding motion list and continue to be resourced in accordance with the approved annual budget. The status of all outstanding motions is provided.

FINANCIAL IMPLICATIONS

There are no direct financial implications for the resolutions presented here.

ACTION REQUIRED

That report FIN-14-17 dated April 30, 2014, regarding outstanding motions of the Audit Committee, be received; and

That the 1 motion marked as "Completed" be removed from the outstanding motion list, based on reasons provided.

RECOMMENDATION

That report FIN-14-17 dated April 30, 2014, regarding outstanding motions of the Audit Committee, be received; and

THAT the 1 motion marked as "Completed" be removed from the outstanding motion list, based on reasons provided.

BACKGROUND

For some time, with input from the Clerk's Department, a record of outstanding motions of Committee has been maintained. The Executive Team has decided to bring to each Committee of Council an update of all outstanding motions. The

STAFF REPORT



biannual report may include recommendations, where appropriate, to eliminate from the list any outstanding motions that may no longer be of priority to the Committee.

REPORT

Please find attached for information the outstanding motion list for the Audit Committee, including the status of the work and the timing, where available, for when the work may be completed.

It is recommended that the resolution marked as "Completed" be taken off the list for future reporting. Those resolutions marked as "On Hold" and "In Progress" are recommended to remain on the listing for future reporting and on-going status updates until they are completed.

Based on the attached schedule, staff consider 1 resolution to be completed and therefore should be taken off future reporting. Staff will continue working towards clearing the remaining 5 resolutions in future periods.

CORPORATE STRATEGIC PLAN

Innovation in Local Government

2.3 Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION

CAO's Office, Internal Auditor

Corporate & Human Resources –Clerks department

COMMUNICATIONS

N/A

ATTACHMENTS

Attachment A: Audit Committee Outstanding Resolutions

Report Author

Tara Baker

Manager, Financial Reporting
and Reporting

Original Signed by:

Original Signed by:

Approved By

Katrina Power

GM Finance / Deputy Treasurer

Recommended By

Al Horsman

Executive Director Finance & Enterprise /CFO

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AUDIT COMMITTEE OUTSTANDING ITEMS

Date	Resolution	Contact/Dept	Status
FINANCE AND ENTERPRISE SERVICES			
Nov.4 2013	<p>No Report refers to this Resolution – was a motion put forward by Audit Committee:</p> <p>That the Chief Financial Officer report back to the Audit Committee with a policy to formalize the Audit Committee’s practice with respect to the annual engagement of the external auditor.</p>	Finance	<p>In Progress:</p> <p>This resolution was passed to ensure a formal process was put into place that would ensure the Audit Committee agenda includes a closed session component each time the external auditor is slated to delegate to Committee in order to discuss matters related to the security of City property. This is a standard practice of the relationship between an audit committee and the external auditor.</p> <p>Staff from clerks and finance have met to operationalize a solution to address this issue prior to a formal amendment of the Committee Terms of Reference being made. Staff have agreed that all draft audit committee agendas will include a standing closed session item to be confirmed if necessary at the preview meeting.</p> <p>Staff will work to incorporate this standard practice into Schedule 5 of the Standing Committee Terms of Reference via a formal amendment. This will be coordinated with the clerks office at the same time other amendments to that document are being brought forward to Council.</p>
April 11, 2012 FIN-12-04 refers	<p>THAT Report FIN-12-04 dated April 11, 2012, entitled “Preliminary Overview – PSAB 3260 – Liability for Contaminated Sites” be received;</p> <p>AND THAT staff proceed with the phased approach for implementation of PSAB 3260 as presented in FIN-12-04 and that a preliminary listing of contaminated sites be presented to Audit Committee in 2012;</p> <p>AND THAT staff provide an annual status report to Audit Committee on the implementation of accounting standard PSAB 3260 - Liability for Contaminated Sites.</p>	Finance	<p>In Progress:</p> <p>Staff brought forward a status report for Audit Committee in November 2013 to update the Committee on progress to date with this project. As this accounting standard is not being adopted until 2016 there is an implementation plan that spans the years of 2014 – 2015.</p> <p>Finance is planning to bring forward a policy for Audit Committee approval in August 2014 relating to the accounting and internal controls for implementation of this accounting standard.</p>
March 7, 2011	<p>That staff be directed to provide an update at the next meeting on the internal audit activities including the cash process review and the purchasing/tendering by-law process review</p>	Finance / CHR	<p>In Progress:</p> <p>An update on the cash process review was provided to Audit Committee on June 7, 2011 where it was noted that the results of the review would be presented to the executive team. To date these results have not been shared with the executive team. Finance expects to be able to present the results to Sr. Management in mid-2014, including a priority matrix and implementation strategy. In order to mitigate any risk associated with the delay in this reporting, the Internal Auditor completed a “Cash Holdings, Control and Compliance Audit” which went forward to Committee on March 6, 2014.</p> <p>The Purchasing Policy and by-law are currently under review</p>

AUDIT COMMITTEE OUTSTANDING ITEMS

Date	Resolution	Contact/Dept	Status
			through a joint initiative between the legal and finance departments. It is expected that an updated policy and by-law will be coming forward to Council in 2014. A draft version of the purchasing By-Law was distributed to the DRLT in December 2013, feedback on the draft has been received from the service areas and is currently being considered by the review team.
September 13, 2010	That the debt management policy be amended to provide stronger direction regarding debt proceeds issued in advance of completion of a project.	Finance	On Hold: This resolution will be addressed upon a wholesome review of the debt management policy which is expected in late 2014 or early 2015.
July 5, 2010 FIN-10-20 refers	THAT the report of the Director of Finance dated July 5, 2010 and entitled 'Audit RFP', be received for information; AND THAT staff be directed to develop a policy to be considered by the Audit Committee with respect to an RFP process for the appointment of auditors.	Finance	Completed: Finance has brought forward a policy to Audit Committee for approval at the April 2014 meeting. The external audit contract is planned to go to tender in 2015 for the fiscal year ended 2015 Financial Statement audit.
CORPORATE AND HUMAN RESOURCES			
July 20, 2009	That the Director of Information Services/City Clerk be directed to report back to the Governance Committee on an amendment to the Procedural By-law on a process on moving forward to Council, matters that were unable to be resolved by the Standing Committees.	City Clerk	On Hold: Although there is a defined process in place to address this situation, it has not been included as part of the procedural by-law. Staff will review and consider if amending the by-law is required.

STAFF REPORT



TO Audit Committee

SERVICE AREA Legal and Realty Services
Corporate and Human Resources

DATE April 30, 2014

SUBJECT Litigation Status Report

REPORT NUMBER CHR-2014-20

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide information regarding the current status of litigation involving the City.

KEY FINDINGS

The amount of litigation, excluding Planning and insured matters, that the City is involved in has remained static more or less throughout 2013 and into 2014. The number of matters, excluding insured matters, being handled by external legal counsel has remained the same throughout 2013 and into 2014.

FINANCIAL IMPLICATIONS

N/A

ACTION REQUIRED

Receive

RECOMMENDATION

That the report of Legal and Realty Services regarding the status of City litigation dated April 30, 2014 be received.

BACKGROUND

Legal and Realty Services reports on the status of the litigation involving the City on a semi-annual basis.

REPORT

The attached chart sets out the details of the litigation the City is involved in and the resolutions which have occurred since the last report in September, 2013.

STAFF REPORT



There continues to be a significant amount of OMB work, in all areas - policy, development applications and Committee of Adjustment.

LRS continues to seek resolution of the litigation and OMB matters in a timely fashion and has been successful in resolving a number of matters in the last six months.

CORPORATE STRATEGIC PLAN

2.3 Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION

N/A

COMMUNICATIONS

N/A

FINANCIAL IMPLICATIONS

N/A

ATTACHMENTS

Litigation Status Report as of April 14, 2014

Original Signed by:

Original Signed by:

Prepared By

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Submitted By

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LITIGATION STATUS REPORT
As of April 14, 2014

COURT ACTIONS

Matter	Description	History	Current Status	Counsel
<p>Urbacon Buildings Group Corp. v. City of Guelph Ontario Superior Court of Justice Court File No. 866/08 (main action)</p>	<ul style="list-style-type: none"> • On September 19, 2008, the City terminated the contract of Urbacon for the construction of City Hall and the POA Court. • Urbacon commenced a claim against the City seeking damages in the amount of \$12,164,181.71 (this being the amount of the construction lien registered against the new City Hall property on September 26, 2008) and damages for alleged delay, loss of revenue and profits, unjust enrichment, punitive and other damages of \$7,000,000.00. • City served a Statement of Defence and Counterclaim seeking \$5,000,000 in damages for breach of contract. 	<ul style="list-style-type: none"> • October 9, 2008 – Served with Statement of Claim • October 29, 2008 – City's Statement of Defence and Counterclaim served on Urbacon • October 8, 2010 to January 25, 2012 –Case Management Supervision meetings held approximately every six months • August, 2011 – Final examinations for Discovery completed • May 28, 2012 – case supervision meeting held • September 20 and 21, 2012 – mediation held • November 20, 2012 – case supervision meeting held • Trial on the issue of liability commenced January 22, 2013 for 5 weeks and resumed March 11, 2013 for 3 weeks. • Trial Management Conference held October 7, 2013 • November 15, 2013 - Final submissions due 	<ul style="list-style-type: none"> • March 31, 2014 – Decision received • City was unsuccessful • Awaiting reasons for decision 	<p>Simpson Wigle</p>
<p>Subcontractors Construction Lien Claims</p>	<ul style="list-style-type: none"> • Subcontractors to Urbacon who were not paid registered liens against City land and commenced actions to recover the money owed. • These claims were reviewed by a vetting committee. • The court ordered the City pay into court \$3.2 million representing the minimum holdback amount the City is required to have. 	<ul style="list-style-type: none"> • July 19, 2010 – Order for the partial distribution of holdback money to subcontractors. • January 3, 2012 – Order for payment of holdback money to Swan 	<ul style="list-style-type: none"> • Case managed along with the main action 	<p>Simpson Wigle</p>
<p>City of Guelph v. Urbacon Buildings Group Corp. Ontario Superior Court of Justice Court File No. 705/09</p>	<ul style="list-style-type: none"> • Subsequent to the termination of Urbacon's contract, the City directly paid 19 subcontractors money they were owed by Urbacon, for a total amount of \$4,825,807.92. • On August 21, 2009, the City commenced an action against Urbacon to recover this and other 	<ul style="list-style-type: none"> • Urbacon has defended this proceeding. 	<ul style="list-style-type: none"> • Case managed and tried along with the main action 	<p>Simpson Wigle</p>

LITIGATION STATUS REPORT
As of April 14, 2014

COURT ACTIONS				
Matter	Description	History	Current Status	Counsel
City of Guelph v. Aviva Insurance Company of Canada City of Guelph v. Aviva Ontario Superior Court of Justice Court File No. 1002/08	expenses <ul style="list-style-type: none"> Following the termination of Urbacon, the City made a claim against the performance bond issued by Aviva. Aviva refused to acknowledge its obligations 	<ul style="list-style-type: none"> November 20, 2008 – City served Statement of Claim on Aviva January 13, 2009 – Statement of Defence of Aviva was received 	<ul style="list-style-type: none"> Case managed along with the main action. 	Simpson Wigle
City of Guelph v. Moriyama & Teshima Architects Ontario Superior Court of Justice Court File No. 09-14746	<ul style="list-style-type: none"> On September 21, 2009, the City commenced a \$2 million claim against the architects involved as consultants on the Urbacon project alleging negligence in their project management and seeking contribution 	<ul style="list-style-type: none"> June 30, 2011 – Statement of Claim served on Defendants September 14, 2011 – Statement of Defence of MTA received 	<ul style="list-style-type: none"> Case managed along with the main action 	Simpson Wigle
Wm. J. Gies Construction Limited v. City of Guelph Ontario Superior Court of Justice Court File No. 342/99	<ul style="list-style-type: none"> Application for a declaration that Gies, the owner of the land at the southwest corner of Downey Road and the Hanlon Parkway, has prescriptive easements or rights-of-way over adjacent City owned lands. Related to an Ontario Municipal Board appeal on a zoning matter in which Gies is seeking approval for a 288 unit apartment development. 	<ul style="list-style-type: none"> April 27, 1999 – Application commenced by Gies May 12, 1999 – City responded January 26, 2006 – Cross-examination of City witnesses January 24, 2008 – Cross-examination of Gies witnesses 	<ul style="list-style-type: none"> No further steps taken by Applicant since January 24, 2008. City is taking steps to have the matter discontinued 	Legal Services
Wm. J. Gies Construction Limited v. City of Guelph Ontario Superior Court of Justice Court File No. 1234/99	<ul style="list-style-type: none"> Application under section 298 of the former Municipal Act (the provision was repealed by Bill 130) which provided that a road closing by-law may not be passed if it would deprive a person access to the person's land. Relate to By-law (1971)-7810 a by-law to close parts of Kortright Road (now Downey Road) Same property as above 	<ul style="list-style-type: none"> October 25, 1999 – Notice of Application by Gies October 27, 2000 – Notice of Appearance by City 	<ul style="list-style-type: none"> No further steps taken by Applicant City is taking steps to have the matter discontinued 	Legal Services
Wyndham Corporate Centre Inc. v. City of Guelph Ontario Superior Court of Justice Court File No. CV 09 09638600	<ul style="list-style-type: none"> The Plaintiff commenced an action seeking damages from the City in the amount of \$225,000 and aggravated damages in the amount of \$150,000 relating to the alleged failure of the City to remove carpets from the property at 2 Wyndham Street following expiration of the lease. 	<ul style="list-style-type: none"> September 29, 2009 – City served with Statement of Claim October 15, 2010 - City served Statement of Defence Plaintiff has hired new lawyer as of October 2013 	<ul style="list-style-type: none"> Plaintiff appointed new counsel in October 2013 and City is working with him toward resolution 	Legal Services
1266304 et al. v. City of Guelph Ontario Superior Court of Justice Court File No. 90/10	<ul style="list-style-type: none"> Action commenced by 14 builders/developers for damages in the amount of \$2,000,000 for breach of contract (subdivision agreements), negligent misrepresentation, unjust 	<ul style="list-style-type: none"> February 8, 2010 – City served with Statement of Claim March 10, 2010 – City's Statement of Defence 	<ul style="list-style-type: none"> January 6, 2014 - Motion re statutory interpretation April 28, 2014 - Assignment Court 	Aird & Berlis

LITIGATION STATUS REPORT
As of April 14, 2014

COURT ACTIONS				
Matter	Description	History	Current Status	Counsel
	enrichment and breach of trust relating to allegations of "additional" development charges being improperly imposed for "hard" services.	<ul style="list-style-type: none"> • served • November 8, 2010 – Summary Judgment motion brought by the City heard – not successful • January 17, 2011 – City Motion for leave to Appeal heard - not successful • July 6, 2012 – mediation • January 23, 2013 – examination of City witness • City's undertakings being completed 	<ul style="list-style-type: none"> • Trial sittings – likely fall , 2014 	
Galatianos v. City of Guelph and R. Reynen Ontario Superior Court of Justice Court File No. 464/11	<ul style="list-style-type: none"> • Action commenced by Galatianos for general damages, misfeasance in public office and an injunction restraining the City from entering his property without 24 hours notice • Based on Galatianos failing to comply with a notice to clean up his property under the Yard Maintenance Bylaw and the City undertaking the clean up. 	<ul style="list-style-type: none"> • June 21, 2011 – Statement of Claim served on City • July 19, 2011 – City served and filed its Statement of Defence • December 6, 2011 – Amended Statement of Claim served on City • Examinations for Discovery held June 28, 2012 • City's discovery undertakings complete as of August 1, 2012 • Plaintiff's undertakings complete as of August 30, 2012 • January 23, 2014 – matter transferred to Small Claims Court 	<ul style="list-style-type: none"> • May 8, 2014 - Settlement Conference scheduled 	Legal Services
Davis v. City of Guelph Small Claims Court Court File No. 13-600	<ul style="list-style-type: none"> • Property Damage - June, 2013 	<ul style="list-style-type: none"> • August 9, 2013 – Plaintiff's Claim received by City • Amended Claim received August 20, 2013 • August 23, 2013 – City served and filed Amended Defence • December 18, 2013 - Settlement conference held • January 6, 2014 – Motion held, Plaintiff abandoned portion of claim 	<ul style="list-style-type: none"> • August 15, 2014 – Trial scheduled 	Legal Services
Westminster Woods v. City of Guelph	<ul style="list-style-type: none"> • Claim re Stage III Services pursuant to Subdivision Agreement 	<ul style="list-style-type: none"> • October 4, 2013 – Statement of Claim served on City 	<ul style="list-style-type: none"> • March 2014 – Discovery agreement 	Legal Services

**LITIGATION STATUS REPORT
As of April 14, 2014**

COURT ACTIONS				
Matter	Description	History	Current Status	Counsel
Superior Court of Justice Court File No. 707/13		<ul style="list-style-type: none"> November 12, 2013 - City filed Statement of Defence November 25, 2013 – Reply served on City 	<ul style="list-style-type: none"> prepared Awaiting Plaintiff's affidavit of documents 	
La v. City of Guelph et al Small Claims Court Court File No. 13-404	<ul style="list-style-type: none"> Property Damage – June 9, 2011 	<ul style="list-style-type: none"> October 31, 2013 – Plaintiff's Claim served on City November 22, 2013 - City filed Defence 	<ul style="list-style-type: none"> May 9, 2014 - Settlement Conference scheduled 	Legal Services
Mahoney v. City of Guelph Small Claims Court Court File No. 14-020	<ul style="list-style-type: none"> Slip and Fall – January 27, 2012 	<ul style="list-style-type: none"> January 14, 2014 – Plaintiff's Claim served on City February 3, 2014 – City filed Defence 	<ul style="list-style-type: none"> April 25, 2014 – Settlement Conference scheduled 	Legal Services
Louws v. Guelph Court of Appeal Court File No.	<ul style="list-style-type: none"> Appeal of court order dated December 20, 2013 	<ul style="list-style-type: none"> January 17, 2014 – Notice of Appeal filed February 14, 2014 – Notice of Abandonment of appeal served 	<ul style="list-style-type: none"> Plaintiff has abandoned the appeal – awaiting final notice from Court of Appeal 	Legal Services
Richardson v. Guelph Superior Court of Justice Court File No. 14-46131	<ul style="list-style-type: none"> Wrongful Dismissal 	<ul style="list-style-type: none"> March 14, 2014 – Statement of Claim served on City 	<ul style="list-style-type: none"> External counsel to be appointed 	External Counsel
Baker v. Guelph Superior Court of Justice Court File No. 193/14	<ul style="list-style-type: none"> Claim for damages, an order to quash an order of the City of Guelph Building Department and an order to quash the charges laid as a result of failure to comply with the order of the Building Department 	<ul style="list-style-type: none"> March 17, 2014 – Statement of Claim served on City 	<ul style="list-style-type: none"> Plaintiff has advised that the action will be discontinued and the claim will be withdrawn 	Legal Services

COURT ACTIONS RESOLVED SINCE SEPTEMBER 18, 2013				
Matter	Description	History	Current Status	Counsel
Stewart v. City of Guelph Ontario Superior Court of Justice Court File No. 350/13	<ul style="list-style-type: none"> Application commenced by Stewart for an injunction to prevent the City from doing any work on his land 	<ul style="list-style-type: none"> May 6, 2013 – Notice of Application and Application Record served on City May 27, 2013 – City's responding materials served and filed June 18, 2013 – Application heard; Judge denied the application for an injunction (City was successful) June 27, 2013 – City served with Notice of Appeal 	<ul style="list-style-type: none"> October 2013 – Stewart abandoned the appeal This matter is complete 	Legal Services
City of Guelph v. Terra-Alta Construction Ltd. &	<ul style="list-style-type: none"> Action commenced by the City against Terra-Alta and Braun for damages in the amount of 	<ul style="list-style-type: none"> April 21, 2011 – City issued Statement of Claim 	<ul style="list-style-type: none"> November 4, 2013 - settlement offer approved by 	Legal Services

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COURT ACTIONS RESOLVED SINCE SEPTEMBER 18, 2013

Matter	Description	History	Current Status	Counsel
Braun Consulting Engineers Ltd.	<p>\$150,000 relating to deficiencies in the construction of the water and wastewater services in the Pine Meadows subdivision.</p> <ul style="list-style-type: none"> • Further issues with other locations were discovered after the commencement of the action, which caused the City to increase its claim for damages to \$500,000. 	<ul style="list-style-type: none"> • November 1, 2011 – Pleadings complete. Braun and Terra-Alta cross-claimed against each other. Braun and Terra-Alta each issued a Third Party Claim against Naylor Engineering. • March 5, 2012 – City issued Amended Statement of Claim • June 21, 2012 – Amended Statement of Defence and Crossclaim of Terra Alta served on city • December 21, 2012 – Terra-Alta filed for Bankruptcy • February 1, 2013 - City's Proof of Claim filed with the Trustee • August 9, 2013 – Timetable established 	<p>Council</p> <ul style="list-style-type: none"> • This matter is complete 	
City v. Louws Ontario Superior Court of Justice Court File No. 485/13	<ul style="list-style-type: none"> • Application to quash an order declaring a mistrial at Provincial Offences Court 	<ul style="list-style-type: none"> • July 2, 2013 – City filed Notice of Application • August 9, 2013 – City served Application materials • August 26, 2013 – City received responding materials • October 21, 2013 – Application heard • Decision received in favour of City – December 20, 2013 	<ul style="list-style-type: none"> • This matter is complete 	Legal Services
Volaine v. City of Guelph Small Claims Court Court File No. 13-528	<ul style="list-style-type: none"> • Slip and Fall – August 19, 2012 	<ul style="list-style-type: none"> • July 18, 2013 – Plaintiff's claim served on City • November 22, 2013 – Settlement reached • December 10, 2013 – claim discontinued 	<ul style="list-style-type: none"> • This matter is complete 	Legal Services
Personal Insurance Co. v. City of Guelph Small Claims Court Court File No. 13-423	<ul style="list-style-type: none"> • Property Damage – July, 2011 	<ul style="list-style-type: none"> • June 14, 2013 – Plaintiff's claim served on City • June 28, 2013 – City filed Defence • September 25, 2013 – settlement conference held • January 24, 2014 – Executed Terms of Settlement filed with the Court 	<ul style="list-style-type: none"> • March 7, 2014 – Settlement endorsed by the court • This matter is complete 	Legal Services

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OMB MATTERS				
Matter	Description	History	Current Status	Counsel
580 Paisley Road – Armel Corporation Case No. MM080050	<ul style="list-style-type: none"> • Appeal by the owner, Armel Corporation, of a decision not to approve a site plan application for a proposed gas bar, car wash and kiosk. The main issue relates to site access. 	<ul style="list-style-type: none"> • October 1, 2008 – Appeal received 	<ul style="list-style-type: none"> • Matter in abeyance pending the completion of the Environmental Assessment of Silvercreek Parkway South 	Legal Services
OPA 42 (5 Appeals) Case No. PL110278	<ul style="list-style-type: none"> • 15 appeals relating to various aspects of Official Plan Amendment No. 42 (Natural Heritage Strategy) • 3 additional parties added by the Board • 11 appeals have been withdrawn or settled as of August 29, 2013 • 5 appeals outstanding 	<ul style="list-style-type: none"> • July 6 & November 18, 2011, April 27 & November 13 & 14, 2012 – Pre hearing conferences held • April 13, 2012 – settlement hearing held • June 7, 2012 – motion by Garibaldi Holdings Ltd. for party status – granted by decision issued June 26, 2012 • March 18-20 & July 22, 2013 – prehearing conference and settlement hearings held • Phase 1 Issues are now finalized and filed, subject to one contested issue • December 17, 2013 – OMB facilitated mediation held for 2007 Victoria Rd • January 21, 2014 – further prehearing held for Phase 2 and Phase 2 hearing dates scheduled for September 29-October 17, 2014 • January 21, 2014 – settlement hearing for 0 Clair Road scheduled - Dr. Whiteley brought a motion to convert from participant to party status to object to the proposed settlement; the motion was refused and Dr. Whiteley maintains participant status; the settlement hearing was rescheduled to February 25, 2014 as a tcc with written submissions to be made by the parties/participants 	<ul style="list-style-type: none"> • March 24-April 17 and June 2-6 – Phase 1 hearing scheduled • Hearing dates of March 24-April 4 not required • Phase 1 matters settled - settlement hearings to be arranged 	Legal Services Garrod Pickfield

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OMB MATTERS				
Matter	Description	History	Current Status	Counsel
		<ul style="list-style-type: none"> • February 25, 2014 – settlement hearing for 0 Clair Road held by tcc – the Board has requested final written submissions to be provided by March 5, 2014 • March 13, 2014 – decision received approving settlement for 0 Clair Road 		
OPA 43 (5 Appeals) 84-96 Wellington Street and 110 Wellington Street Case No. PL120723	<ul style="list-style-type: none"> • 6 appeals were originally received relating to various aspects of Official Plan Amendment No. 43 (Downtown Secondary Plan) • NOTE: The matter has been split into two sets of appeals – the first dealing exclusively with the appeal re property at 45 Yarmouth (now complete) and the second dealing with the remaining appeals by 5 owners and tenants at 84-96 Wellington Street and 110 Wellington Street 	<ul style="list-style-type: none"> • June 20, 2012 – Appeals received • January 30, 2013 - Prehearing held • April 18, 2013 – teleconference held to address Issues List for Riverfront Appeals • May 2, 2013 - Revised issues list circulated to the parties as directed by the Board • June 18, 2013 – pre-hearing conference held and Board decision indicating that the portions of OPA 43 not under appeal are in effect • Procedural Order and Issues List finalized by Board Order dated November 4, 2013 	<ul style="list-style-type: none"> • Hearing scheduled for 10 days commencing June 23, 2014. 	Legal Services
1159 Victoria Road South Case No. PL121406	<ul style="list-style-type: none"> • Appeals by Victoria Park Village Ltd. regarding failure to make a decision with the prescribed time 	<ul style="list-style-type: none"> • November 29, 2012 – Appeal received • May 14, 2013 – Prehearing held • June 28, 2013 – Prehearing held • September 18, 2013 – prehearing conference held • November 15, 2013 – hearing held 	<ul style="list-style-type: none"> • June 16, 2014 – hearing scheduled to resolve outstanding issues 	Garrod Pickfield Legal Services
12 Wyndham St N Case No. PL 131130	<ul style="list-style-type: none"> • Appeal by 2073977 Ontario Ltd. 	<ul style="list-style-type: none"> • October 17, 2013 – Appeal received 	<ul style="list-style-type: none"> • March 12, 2013 – hearing scheduled - adjourned • New date to be determined 	Legal Services
185-187 Bristol Street Case No. PL 131232	<ul style="list-style-type: none"> • Appeal by John Baker of the passing of a Zoning by-law 	<ul style="list-style-type: none"> • October 23, 2013 – Appeal received 	<ul style="list-style-type: none"> • May 20, 2014 – hearing scheduled 	Legal Services
92 Harvard Road Case No. PL 131198	<ul style="list-style-type: none"> • Appeal by David Neill – minor variance 	<ul style="list-style-type: none"> • October 23, 2013 – Appeal received 	<ul style="list-style-type: none"> • May 22, 2014 – hearing scheduled 	Legal Services

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OMB MATTERS				
Matter	Description	History	Current Status	Counsel
16 Whispering Ridge Drive Case No. PL 131199	<ul style="list-style-type: none"> • Appeal by David Neill – minor variance 	<ul style="list-style-type: none"> • October 23, 2013 – Appeal received 	<ul style="list-style-type: none"> • May 22, 2014 – hearing scheduled 	Legal Services
8 Terrace Lane Case No. PL 131204	<ul style="list-style-type: none"> • Appeal by Erica Davis – minor variance 	<ul style="list-style-type: none"> • October 28, 2013 – Appeal received 	<ul style="list-style-type: none"> • July 8, 2014 – hearing scheduled 	Legal Services
331 Clair Road E Case No. PL140028	<ul style="list-style-type: none"> • Appeal by Reid's Heritage Homes – Official Plan amendment 	<ul style="list-style-type: none"> • January 3, 2014 – Appeal received 	<ul style="list-style-type: none"> • August 19, 2014 – hearing scheduled 	Legal Services
331 Clair Road E Case No. PL140029	<ul style="list-style-type: none"> • Appeal by Reid's Heritage Homes – Zoning By-law 	<ul style="list-style-type: none"> • January 3, 2014 – Appeal Received 	<ul style="list-style-type: none"> • August 19, 2014 – hearing scheduled 	Legal Services
OPA 48 (7 Appeals) Case No. PL 140042	<ul style="list-style-type: none"> • 7 Appeals received relating to Official Plan Amendment 48 (Envision Guelph) as approved by the Minister of Municipal Affairs and Housing. 	<ul style="list-style-type: none"> • December, 2013 – OPA 48 Approved by Minister of Municipal Affairs and Housing • December, 2013 – Appeals received by the Ministry of Municipal Affairs and Housing. 	<ul style="list-style-type: none"> • Awaiting hearing date 	Legal Services

OMB MATTERS RESOLVED SINCE September 18, 2013				
Matter	Description	History	Current Status	Counsel
716 Gordon Street Case No. PL111340	<ul style="list-style-type: none"> • Appeal by Adobe Varsity Living re applications for OP amendment and zoning by-law amendment to permit development of apartment building designed for students 	<ul style="list-style-type: none"> • December 12, 2011 – Appeals received • April 19, 2012 – Prehearing held • July 13, 2012 – continuation of prehearing • September 10, 2012 – hearing commenced (3 weeks) • October 3, 2012 – hearing concluded • Decision received April 24, 2013 • August 29-30, 2013 – hearing scheduled and subsequently cancelled • Board order received 	<ul style="list-style-type: none"> • This matter is complete 	Legal Services Garrod Pickfield
7 Crawford Case No. PL130736	<ul style="list-style-type: none"> • Appeal by G. Fava et al of a Committee of Adjustment decision for a minor variance 	<ul style="list-style-type: none"> • June 28, 2013 – Appeal received • September 9, 2013 – Council directed that the City not be a party to the hearing scheduled for October 11, 2013 	<ul style="list-style-type: none"> • This matter is complete 	City not a party
OPA 48 Case No. PL130464	<ul style="list-style-type: none"> • Appeal by Abode Varsity Living from failure of the Minister of Municipal Affairs and Housing to issue a notice of decision approving the City of Guelph's Official Plan Amendment 48 within 180 days 	<ul style="list-style-type: none"> • April 26, 2013 – Appeal received • December 2, 2013 – pre hearing scheduled - cancelled • October 23, 2013 – appeal withdrawn • OPA 48 has been 	<ul style="list-style-type: none"> • This matter is complete 	Garrod Pickfield Legal Services

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OMB MATTERS RESOLVED SINCE September 18, 2013

Matter	Description	History	Current Status	Counsel
		referred back to the Minister of Municipal Affairs and Housing for final approval.		
OPA 43 45 Yarmouth Street Case No. PL120723	<ul style="list-style-type: none"> 6 appeals were originally received relating to various aspects of Official Plan Amendment No. 43 (Downtown Secondary Plan) NOTE: The matter has been split into two sets of appeals – the first dealing exclusively with the appeal re property at 45 Yarmouth and the second dealing with the remaining appeals by 5 owners and tenants at 84-96 Wellington Street and 110 Wellington Street 	<ul style="list-style-type: none"> June 20, 2012 – Appeals received January 30, 2013 - Prehearing held February 21, 2013 – hearing by teleconference held Parties have established a list of issues and procedural order for this appeal October 31, 2013 – settlement conference held November 6, 2013 – Decision and Order of the Board allowing the appeal in part, remainder of appeal withdrawn 	<ul style="list-style-type: none"> This matter is complete 	Legal Services
553 Edinburgh Road Case No. PL120169	<ul style="list-style-type: none"> Appeal by Narain Sambhwani of a Committee of Adjustment decision for minor variances, including variance from the Interim Control By-law (ICB) and depth of required parking spaces, to allow accessory apartment 	<ul style="list-style-type: none"> January 30, 2012 – Appeal received Hearing scheduled for September 13, 2013 – adjourned January 16, 2014 – appeal withdrawn 	<ul style="list-style-type: none"> This matter is complete 	Legal Services
28 Rodgers Road Case No. PL130644	<ul style="list-style-type: none"> Appeal by Z. Pawelec of a decision of the Committee of Adjustment for a minor variance 	<ul style="list-style-type: none"> June 3, 2013 – Appeal received September 24, 2013 – hearing scheduled - adjourned March 13, 2014 – hearing held and appeal withdrawn 	<ul style="list-style-type: none"> This matter is complete 	Legal Services
211 Arthur Street Case No. PL131250	<ul style="list-style-type: none"> Appeal by Susan Hubner – minor variance 	<ul style="list-style-type: none"> October 28, 2013 – Appeal received March 19, 2014 – hearing held 	<ul style="list-style-type: none"> This matter is complete 	City not a party

OTHER MATTERS

Matter	Description	History	Current Status	Counsel
Corporation of the City of Guelph v. Director, Ministry of the Environment Case No. 13-013	<ul style="list-style-type: none"> City is appealing to the Environmental Review Tribunal the issuance of Permit to Take Water number 5080-8TAKK2 to River Valley Developments Inc. 	<ul style="list-style-type: none"> February 12, 2013 – City filed an application for Leave to Appeal with the ERT 	<ul style="list-style-type: none"> Tribunal to render it decision within 30 days of the application being filed Parties agreed to an adjournment of the Leave 	Garrod Pickfield Legal Services

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OTHER MATTERS				
Matter	Description	History	Current Status	Counsel
			proceedings to discuss whether the various issues can be resolved on a global basis.	
Rizzo v. City of Guelph HRTO File No. 2013-14912-I	<ul style="list-style-type: none"> Application received by the Human Rights Tribunal of Ontario September 11, 2013 	<ul style="list-style-type: none"> March 13, 2014 – Case Assessment Direction of the Tribunal received by the City 	<ul style="list-style-type: none"> Tribunal to set a summary hearing 	Legal Services

OTHER MATTERS RESOLVED SINCE SEPTEMBER 18, 2013				
Matter	Description	History	Current Status	Counsel
	•	•	•	

MATTERS BEING HANDLED BY INSURERS' LEGAL COUNSEL *				
Matter	Description	History	Current Status	Counsel
Kempt v. City of Guelph Ontario Superior Court of Justice Court File No. 11398/09	<ul style="list-style-type: none"> Slip and Fall accident – September 17, 2007 	<ul style="list-style-type: none"> June 4, 2009 – Statement of Claim served on City 	<ul style="list-style-type: none"> Ongoing 	Insurers' legal counsel
Sharma v. City of Guelph et al Ontario Superior Court of Justice Court File No. 332/10	<ul style="list-style-type: none"> Motor Vehicle accident – May 7, 2008 	<ul style="list-style-type: none"> May 4, 2010 – Statement of Claim served on City 	<ul style="list-style-type: none"> Ongoing 	Insurers' legal counsel
Mitchell v. City of Guelph et al Ontario Superior Court of Justice Court File No. C-628-10	<ul style="list-style-type: none"> Motor Vehicle accident – June 16, 2009 	<ul style="list-style-type: none"> July 9, 2010 – Statement of Claim served on City 	<ul style="list-style-type: none"> Ongoing 	Insurers' legal counsel
Mcfadden v. City of Guelph et al Ontario Superior Court of Justice Court File No. 10-23820	<ul style="list-style-type: none"> Motor Vehicle accident – November 19, 2008 	<ul style="list-style-type: none"> November 16, 2010 – Statement of Claim served on City 	<ul style="list-style-type: none"> Ongoing 	Insurers' legal counsel
Linseman and Loewen v. City of Guelph and Guelph Transit Ontario Superior Court of Justice Court File No. CV-10-414425	<ul style="list-style-type: none"> Slip and Fall accident – December 11, 2008 	<ul style="list-style-type: none"> January 31, 2011 - Statement of Claim served on City 	<ul style="list-style-type: none"> Ongoing 	Insurers' legal counsel
Smith v. City of Guelph Ontario Superior Court of Justice Court File No. 94/12	<ul style="list-style-type: none"> Slip and Fall accident – March 15, 2011 	<ul style="list-style-type: none"> February 1, 2012 – Statement of Claim served on City March 13, 2012 – City served Statement of Defence May 2, 2013 – Examination for Discovery scheduled 	<ul style="list-style-type: none"> Ongoing 	Insurers' legal counsel

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MATTERS BEING HANDLED BY INSURERS' LEGAL COUNSEL *				
Matter	Description	History	Current Status	Counsel
Marshall v. City of Guelph and Drexler Construction Limited Ontario Superior Court of Justice CV-12-00455098	<ul style="list-style-type: none"> Property damage – July – October, 2010 	<ul style="list-style-type: none"> July 13, 2012 – Statement of Claim served on City August 16, 2012 – City served Statement of Defence and Crossclaim 	<ul style="list-style-type: none"> Defence of this matter has been assumed by Drexler 	Insurers' legal counsel
Fitkowski et al v. City of Guelph and E&E Seegmiller Limited Ontario Superior Court of Justice Court File No. 663/12	<ul style="list-style-type: none"> Accident – September 24, 2010 	<ul style="list-style-type: none"> September 10, 2012 – Statement of Claim served on City. September 13, 2012 – City served Notice of Intent to Defend 	<ul style="list-style-type: none"> Ongoing City is being defended and indemnified by Seegmiller 	Insurers' legal counsel
Celi v. Leonforde, Moylan, Culliton, Luna, Weersink and City of Guelph Ontario Superior Court of Justice Court File No. 512/12	<ul style="list-style-type: none"> Slip and fall – March 14, 2011 	<ul style="list-style-type: none"> November 27, 2012 – City added as a party and served with the Amended Statement of Claim December 7, 2012 – City served Statement of Defence and Crossclaim 	<ul style="list-style-type: none"> Ongoing 	Insurers' legal counsel
Jassal v. Hilcox and City of Guelph Ontario Superior Court of Justice Court File No. CV 10 2468	<ul style="list-style-type: none"> Accident – July 11, 2008 	<ul style="list-style-type: none"> November 27, 2012 – Motion to amend the Statement of Claim and add City as a party December 17, 2012 – City served with Amended Statement of Claim 	<ul style="list-style-type: none"> Ongoing 	Insurers' legal counsel
Perrie v. City of Guelph, Guelph Transit, J. Dixon and N. Anderson Ontario Superior Court of Justice Court File No. 921/12	<ul style="list-style-type: none"> Transit accident – June 1, 2012 	<ul style="list-style-type: none"> December 12, 2012 – Plaintiff's Claim served on City 	<ul style="list-style-type: none"> Ongoing 	Insurers' legal counsel
Nash v. City of Guelph, Guelph Transit, J. Dixon and N. Anderson Ontario Superior Court of Justice Court File No. 920/12	<ul style="list-style-type: none"> Transit accident – June 1, 2012 	<ul style="list-style-type: none"> December 12, 2012 – Plaintiff's Claim served on City 	<ul style="list-style-type: none"> Ongoing 	Insurers' legal counsel
Perozzo v. City of Guelph Ontario Superior Court of Justice Court File No. 924/12	<ul style="list-style-type: none"> Slip and fall accident - February 24, 2011 	<ul style="list-style-type: none"> December 14, 2012 – City served with Statement of Claim 	<ul style="list-style-type: none"> Ongoing 	Insurers' legal counsel
Angelone v. City of Guelph Ontario Superior Court of Justice Court File No. 150/13	<ul style="list-style-type: none"> Slip and fall accident – February 24, 2011 	<ul style="list-style-type: none"> February 21, 2013 – City served with Statement of Claim February 28, 2013 – City served Notice of Intent to Defend 	<ul style="list-style-type: none"> Ongoing 	Insurers' legal counsel

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MATTERS BEING HANDLED BY INSURERS' LEGAL COUNSEL *				
Matter	Description	History	Current Status	Counsel
Mercer v. City of Guelph et al Ontario Superior Court of Justice Court File No. CV 13 474008	<ul style="list-style-type: none"> Slip and fall accident February 26, 2011 and MVA April 1, 2011 	<ul style="list-style-type: none"> March 12, 2013 – City served with Statement of Claim 	<ul style="list-style-type: none"> Ongoing 	Insurers' legal counsel
Koeslag v. City of Guelph et al Ontario Superior Court of Justice Court File No. C-695-13	<ul style="list-style-type: none"> Accident – August 18, 2011 	<ul style="list-style-type: none"> August 15, 2013 – City served with Statement of Claim 	<ul style="list-style-type: none"> Ongoing 	Insurer's legal counsel
Shank v. City of Guelph Small Claims Court Court File No. 13-565	<ul style="list-style-type: none"> Transit Accident – November 26, 2011 	<ul style="list-style-type: none"> August 21, 2013 – Plaintiff's Claim received by the City 	<ul style="list-style-type: none"> Ongoing 	Insurer's legal counsel
Watson v. City of Guelph and Traugott Building Contractors Inc. Ontario Superior Court of Justice Court File No. 1679-13	<ul style="list-style-type: none"> Accident – September 10, 2011 	<ul style="list-style-type: none"> September 25, 2013 – City served with Statement of Claim 	<ul style="list-style-type: none"> Ongoing 	Insurer's legal counsel
Goudie v. City of Guelph et al Ontario Superior Court of Justice Court File No. 895-13	<ul style="list-style-type: none"> Slip and fall – October 23, 2011 	<ul style="list-style-type: none"> October 21, 2013 – City served with Statement of Claim 	<ul style="list-style-type: none"> Ongoing 	Insurer's legal counsel
Gebreselassie v. City of Guelph et al Ontario Superior Court of Justice Court File No. 920/13	<ul style="list-style-type: none"> Transit Accident – January 3, 2012 	<ul style="list-style-type: none"> December 20, 2013 – City served with Statement of Claim 	<ul style="list-style-type: none"> Ongoing 	Insurer's legal counsel
Dunkley v. Hunt, City of Guelph & Legacy Leasing Ontario Superior Court of Justice Court File No. CV-13-495196	<ul style="list-style-type: none"> Accident – January 11, 2012 	<ul style="list-style-type: none"> December 24, 2013 – City served with Statement of Claim Police Services Matter 	<ul style="list-style-type: none"> Ongoing 	Insurer's legal counsel
Johal v. County of Wellington & City of Guelph Ontario Superior Court of Justice Court File No. 107/14	<ul style="list-style-type: none"> Accident – February 12, 2012 	<ul style="list-style-type: none"> February 10, 2014 – City served with Statement of Claim This is a Wellington County matter where the City has been named out of an abundance of caution – counsel will attempt to have City removed 	<ul style="list-style-type: none"> Ongoing 	Insurer's legal counsel

* Does not include claims solely against Guelph Police Services (i.e. City not named as a party)

INSURED MATTERS COMPLETE SINCE SEPTEMBER 18, 2013				
Matter	Description	History	Current Status	Counsel
Buzbuzian v. City of Guelph Ontario Superior Court of Justice	<ul style="list-style-type: none"> Plaintiff purchased property based on it being zoned commercial, alleges the City misrepresented the correct 	<ul style="list-style-type: none"> October 7, 2002 – Statement of Claim served on City December 3, 2002 – City 	<ul style="list-style-type: none"> This matter is complete 	Insurers' legal counsel

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INSURED MATTERS COMPLETE SINCE SEPTEMBER 18, 2013				
Matter	Description	History	Current Status	Counsel
Court File No. 3813/02	zoning	<ul style="list-style-type: none"> filed Statement of Defence • June 3, 2008 – Status Hearing held • August 27, 2012 – assignment court • December 7, 2012 – meeting with counsel scheduled • September 26, 2013 – Order issued dismissing action without costs 		
Fruetel et al v. City of Guelph et al Ontario Superior Court of Justice Court File No. CV11-649	<ul style="list-style-type: none"> • Accident – September 8, 2009 	<ul style="list-style-type: none"> • September 12, 2011 – Statement of Claim served on City • January 31, 2012 – City served Statement of Defence and Crossclaim • October 16, 2013 – Order issued dismissing action without costs 	<ul style="list-style-type: none"> • This matter is complete 	Insurers' legal counsel
Debono et al v. City of Guelph et al Ontario Superior Court of Justice Court File No. 749/10	<ul style="list-style-type: none"> • Accident – June 16, 2009 	<ul style="list-style-type: none"> • January 31, 2011 – Statement of Claim served on City • Matter settled at mediation 	<ul style="list-style-type: none"> • This matter is complete 	Insurers' legal counsel