

COMMITTEE AGENDA



TO **Audit Committee**

DATE August 12, 2014

LOCATION Council Chambers

TIME 4:00 p.m.

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

CLOSED MEETING

THAT the Audit Committee now hold a meeting that is closed to the public with respect to:

AUD-C-2014.3 **CLOSED - EXTERNAL AUDITOR PERFORMANCE REVIEW**
(*Municipal Act, 2001, S. 239 (2) (b) personal matters about an identifiable individual, including municipal or local board employees*)

RISE AND REPORT

OPEN MEETING

CONFIRMATION OF MINUTES – June 3, 2014 open and closed 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-2014.20 Policy for the Implementation of PS 3260 – Liability for Contaminated Sites | | | |
| AUD-2014.21 2014 Audit Committee Interim Work Plan Status Report | | | |
| AUD-2014.22 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

**The Corporation of the City of Guelph
Audit Committee
Tuesday, June 3, 2014 at 4:00 p.m.**

Draft Minutes – subject to confirmation

Attendance

Members: Chair Guthrie Mayor Farbridge
Councillor Burcher (arrived at 4:08 p.m.) Councillor Furfaro
Councillor Kovach (departed at 4:36 p.m.)

Councillors: Councillor Hofland Councillor Van Hellemond

Staff: Mr. A. Horsman, Executive Director, Finance & Enterprise/Chief Financial Officer;
Ms. J. Surgeoner, Acting Manager Financial Reporting & Accounting/ Senior
Financial Analyst, Financial Reporting
Ms. T. Agnello, Deputy Clerk
Ms. G. van den Burg, 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 Mayor Kovach
Seconded by Councillor Furfaro

That the open and closed meeting minutes of the Audit Committee held on April 30, 2014 be confirmed as recorded.

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

VOTING AGAINST: (0)

CARRIED

Authority to Resolve into a Closed Meeting

2. Moved by Councillor Kovach
Seconded by Mayor Farbridge

That the Audit Committee now hold a meeting that is closed to the public with respect to Sec. 239(2)(a) of the *Municipal Act* with respect to security of the property of the municipality related to confidential audit agenda items AUD-C-2014.1 - 2013 Draft

Audited Consolidated Financial Statements and External Post-Audit Report and AUD-C-2014.2 - Letter of Recommendation – 2013 Audit Results.

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

VOTING AGAINST: (0)

CARRIED

Closed Meeting (4:03 p.m.)

The following matters were considered:

AUD-C-2014.2 Letter of Recommendation – 2013 Audit Results
S. 239 (2) (a) Security of the Property of the Municipality

Councillor Burcher arrived at 4:08 p.m.

AUD-C- 2014.1 2013 Draft Audited Consolidated Financial Statements and External Post-Audit
S. 239 (2) (a) Security of the Property of the Municipality

Rise from Closed Meeting (4:13 p.m.)

3. Moved by Councillor Kovach
Seconded by Councillor Furfaro

That the Committee rise from its closed meeting.

CARRIED

Consent Agenda

The following items were extracted:

AUD-2014.16 2013 Draft Audited Consolidated Financial Statements & External Post Audit Report

AUD-2014.17 2013 Consolidated Financial Statements & Financial Highlights

Extracted Consent Items

AUD-2014.16 2013 Draft Audited Consolidated Financial Statements & External Post Audit Report

Al Horsman, Executive Director of Finance & Enterprise/Chief Financial Officer, provided introductions of the Deloitte representatives. Mr. Horseman noted the consolidated statements include the operations of the city, the downtown business association – the Elliott, and the Wellington-Dufferin Public Health Unit, which were all fully or partially consolidated.

The Guelph Municipal Holdings and the Guelph Junction Railway are consolidated on a modified equity basis.

Elaine Read, Audit Partner from Deloitte, presented an overview of the year end communication document. She identified the findings of the audit and highlighted the items that are required for reporting under the General Auditing Standards. Items also addressed included audit scope matters, highlight some audit risks and conclusions, and summary of communication requirements under GAAS.

4. Moved by Councillor Burcher
Seconded by Councillor Furfaro
 1. That Finance & Enterprise report FIN-14-31 - 2013 Draft Audited Consolidated Financial Statements and External Post-Audit Report, as amended, be received for information; and
 2. That the 2013 Draft Audited Consolidated Financial Statements be approved.

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

CARRIED

Councillor Kovach departed at 4:36 p.m.

AUD-2014.17 2013 Unconsolidated Financial Statements & Financial Highlights

Al Horsman, Executive Director of Finance & Enterprise/Chief Financial Officer, provided an introduction to the results of the unconsolidated operations of the municipality. These financial statements are unaudited; however remain the foundation for the consolidated audit and include all disclosures included in the audited statements.

Jade Surgeoner, Acting Manager Financial Reporting & Accounting/ Senior Financial Analyst, Financial Reporting, presented general comments about the unconsolidated financial statements, highlights of the statement of financial position, statement of operations and accumulated surplus.

5. Moved by Councillor Furfaro
Seconded by Councillor Burcher

That Finance & Enterprise report FIN-14-30 – 2013 Unconsolidated Financial Statements & Financial Highlights, be received for information.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Guthrie, Burcher, and Furfaro (4)
VOTING AGAINST: (0)

CARRIED

Staff Remarks:

Al Horsman complimented the City for maintaining a healthy financial position and anticipated continued success particularly in the next credit rating process occurring in July.

Mr. Horsman also commended Ms. Surgeoner on her effective inaugural presentation of the unconsolidated financial statements to Committee.

Adjournment (4:56 p.m.)

6. Moved by Councillor Burcher
Seconded by Councillor Furfaro

That the committee meeting be adjourned.

CARRIED

Tina Agnello – Deputy Clerk

DRAFT

**AUDIT COMMITTEE
CONSENT AGENDA**

August 12, 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.

Reports from Administrative Staff

| REPORT | DIRECTION |
|--|------------------|
| <p>AUD-2014.20 POLICY FOR THE IMPLEMENTATION OF PS 3260 - LIABILITY FOR CONTAMINATED SITES</p> <p>1. That FIN-14-40 Policy for the Implementation of PS 3260 – Liability for Contaminated Sites be received; and</p> <p>2. That the Contaminated Sites Policy, attached as Appendix 1, be approved.</p> | Approve |
| <p>AUD-2014.21 2014 AUDIT COMMITTEE INTERIM WORK PLAN STATUS REPORT</p> <p>That FIN-14-39 2014 Audit Committee Interim Work Plan Status Report, be received.</p> | Receive |
| <p>AUD-2014.22 LITIGATION STATUS REPORT</p> <p>That the report of Legal and Realty Services regarding the status of City litigation dated July 28, 2014, be received.</p> | Receive |

attach.

STAFF REPORT



TO Audit Committee

SERVICE AREA Finance and Enterprise Services

DATE August 12, 2014

SUBJECT Policy for the Implementation of PS 3260 – Liability for Contaminated Sites

REPORT NUMBER FIN-14-40

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To present, for approval, a formal policy that outlines the process for identifying and accounting for contaminated sites under the Public Sector Accounting Standard 3260 – Liability for Contaminated Sites.

KEY FINDINGS

The attached policy outlines key components of the accounting standard PS 3260 and highlights the City's methodology for determining the value of the liability to record each year end.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from this report, however, there could be significant financial implications resulting from the adoption of PS3260 depending on the number of contaminated sites identified. When implemented the impact will likely be an increase in the City's liabilities and expenses. The expense will be a non-cash item that will be adjusted outside the operating budget process. A strategy on the City's approach to funding these liabilities will need to be developed to ensure appropriate financial planning relating to contaminated sites.

ACTION REQUIRED

Receipt of report number FIN-14-40 and approval of the Contaminated Sites Policy.

RECOMMENDATION

1. That FIN-14-40 Policy for the Implementation of PS 3260 - Liability for Contaminated Sites be received; and
2. That the Contaminated Sites Policy, attached as Appendix 1, be approved.

STAFF REPORT



BACKGROUND

Effective for fiscal year ending December 31, 2015, the City is required to be compliant with the accounting standard, PS 3260 – Liability for Contaminated Sites. This section establishes a standard for municipalities to account for and report on liabilities associated with the remediation of contaminated sites.

Specifically, PS3260:

- Defines which activities would be included in a liability for remediation;
- Establishes when to recognize and how to measure a liability for remediation;
- Provides the related financial statement presentation and disclosure requirements.

The proposed policy will ensure that there is a process in place related to identification, classification, and estimation of the liability associated with contaminated sites.

REPORT

The proposed policy outlines the key components related to implementation of PS3260-Liability for Contaminated Sites including the following:

- 1) Highlights of the accounting standard PS3260
- 2) Governing policy and legislative background
- 3) Process for the identification and classification of contaminated sites
- 4) Process for the recognition and estimation of the liability
- 5) Financial statement disclosure requirements

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 Planning, Engineering & Environmental Services department have reviewed the policy and provided input.

FINANCIAL IMPLICATIONS

The financial implications for this report are nil. The impact when PS3260 is implemented in 2015 will likely be an increase in liabilities and expenses. The expense will be a non-cash item that will be adjusted outside the operating budget process. A strategy on the City's approach to funding these liabilities will need to be developed to ensure appropriate financial planning relating to contaminated sites.

STAFF REPORT



COMMUNICATIONS

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

ATTACHMENTS

Appendix 1: Proposed Contaminated Sites Policy

Report Author

Kamran Ali
Senior Corporate Analyst, Financial
Reporting and Accounting

Approved By

Jade Surgeoner
Manager,
Financial Reporting & Accounting

Recommended By

Albert Horsman
Executive Director and CFO
519-822-1260 ext. 5606
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| | |
|-----------------|--|
| POLICY | Contaminated Sites Policy & Procedure PSAB-PS3260 |
| CATEGORY | Corporate |
| AUTHORITY | Finance |
| RELATED POLICES | None noted |
| APPROVED BY | Audit Committee |
| EFFECTIVE DATE | August 12, 2014 |
| REVISION DATE | As needed Last updated: August 12, 2014 |

DRAFT

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ATTACHMENT: Appendix A: Decision Tree-Liability for Contaminated Sites

1.0 INTRODUCTION

The Public Sector Accounting Board (PSAB) has issued a new accounting standard related to contaminated sites for all public sector reporting entities across Canada, PS3260 – *Liability for Contaminated Sites*. This standard is effective for year ends beginning on or after April 1, 2014.

1.1 PS3260 Liability for Contaminated Sites

PS3260 *Liability for Contaminated Sites* provides the recognition, measurement, presentation, and disclosure requirements for liabilities associated with the remediation of contaminated sites.

1.2 Contamination and Contaminated Sites

PS3260 defines contamination as the introduction into the air, soil, water or sediment of a chemical, organic or radioactive material or live organism that exceeds an existing environmental standard [Ref. 1].

Under PS3260, a site is considered contaminated if substances occur in concentrations that exceed maximum acceptable levels under an environmental standard. This **does not** include airborne contamination or contaminants in the earth's atmosphere, unless such contaminants have been introduced into soil, water bodies or sediment [Ref. 1].

Soil, ground water, and/or sediment quality can have a direct impact on human and ecological health. In order to minimize risk of health impacts, brownfield and contaminated sites with impacted soils, ground water, and/or sediment can be restricted in terms of the uses that can occur on the lands [Ref. 1].

1.3 Purpose and Scope

This document provides the overview of the City of Guelph's (the City) policies and procedures on how to account for the remediation of the environmental impact, measurement of the liability, and reporting of the liability (expenses) associated with contaminated or potentially contaminated sites.

The policy's intent is to ensure contaminated or potentially contaminated sites within the City are addressed according to the:

- Applicable Provincial statutes and regulations
- Public sector accounting, CICA hand book section PS3260

2.0 PUBLIC SECTOR ACCOUNTING STANDARD 3260

Public Sector Accounting Board (PSAB) issued specific guidance related to environmental liabilities in order to ensure relevant and reliable information is provided and to promote uniformity and consistency of application of existing standards. Below is the summary of the key components of this standard which are outlined in detail throughout the policy.

The Canadian Public Sector Accounting handbook established standards on how to account and report a liability for remediation of contaminated sites PS3260 specifically addresses:

- a) What activities should be included in a liability for remediation;
- b) When to recognize a liability for remediation;
- c) How to measure a liability for remediation; and
- d) Financial statement presentation and disclosure requirements

2.1 Exceptions to PS3260

The PS3260 does not apply to the following:

- a) Costs for acquisition or betterment of tangible capital assets that are within the scope of Section PS3150, to the extent that such costs do not exceed the future economic benefits related to the asset or post-remediation fair value of asset if held for sale.
- b) Liabilities associated with the retirement of a long-lived tangible capital asset resulting from acquisition, construction, development or normal operation of tangible capital asset.
- c) Liabilities associated with the disposal or sale of long-lived tangible capital assets (e.g. privatization of water utility)
- d) Liabilities for closure and post-closure care of a solid waste landfill site.

2.2 Recognition Criteria under PS3260

PS3260 specifies that a liability for contaminated sites must be recognized as at the financial reporting date when all the following criteria are met for a site that is not in active use.

- I. An environmental standard exists
- II. Contamination exceeds the environmental standard
- III. The City is directly responsible or accepts responsibility
- IV. It is expected that future economic benefits will be given up
- V. Reasonable estimate of the amount can be made

These criteria are explained in detail in section 5.0 of this policy.

2.3 Measurement of the Liability under section PS3260

The estimate of a liability should include;

- Costs directly attributable to remediation and mitigation activities.
- Cost for post-remediation and mitigation operation, maintenance and monitoring.
- Costs of tangible capital assets acquired as part of remediation and mitigation activities to the extent those assets have no alternative use.

3.0 ENVIRONMENTAL POLICIES, PLANS, AND LEGISLATIVE BACKGROUND

The following provides a summary of the applicable provincial and municipal policies, plans, and legislation which has guided the development of the City's policy on dealing with brownfields and contaminated or potentially contaminated sites.

2.1 Official Plans and Policies

3.1.1 Provincial Policy Statement (2014)

The Provincial Policy Statement, 2014 (PPS) provides direction for the entire province on matters of provincial interest related to land use planning and development. The following are headings from the PPS which relate to brownfield and contaminated sites [Ref 2]:

- Long-Term Economic Prosperity

Long-term economic prosperity should be supported by promoting the redevelopment of brownfield sites

3.1.2 The City of Guelph- Official Plan (2001)

The City's Official Plan, 2001 (December 2012 Consolidation) references that in order to reduce potential risks associated with the contaminated or potentially contaminated sites, it is important to identify these properties and ensure that they are suitable or have been made suitable for the proposed land use(s) in accordance with provincial legislation, regulations and standards [Ref 3].

The objectives of the contaminated sites policy is to help ensure that development takes place only on properties where the environmental conditions are suitable for the proposed end use of the property.

Objectives

- a) To encourage and facilitate safe redevelopment of contaminated sites.
- b) To establish requirements for the assessment of known and potentially contaminated properties.

- c) To establish requirements for the remediation of known contaminated properties.
- d) To ensure that contaminated properties are remediated to appropriate Provincial generic or risk-based standards allowing development only to take place on properties where the environmental conditions are suitable for the proposed use.
- e) To promote the redevelopment, restoration and revitalization of land and buildings located on potentially contaminated sites.
- f) To identify known and potentially contaminated properties that are eligible for financial assistance for environmental site assessment(s) and remediation through the City's Brownfields Redevelopment Community Improvement Plan (BRCIP).
- g) To protect, improve or restore the quantity and quality of the City's groundwater resources.

3.2 Environmental Legislative Framework

Under Canada's constitution, responsibility for the protection of the environment is divided between the federal and provincial governments. The federal government has an important but relatively limited role, primarily the protection of oceans and inland waterways, the protection of fisheries, the control of the importing and exporting of hazardous products, and regulation of the transportation of dangerous goods between provinces and other countries. The principal federal statutes are:

- Canadian Environmental Protection Act, 1999 (CEPA 1999)
- Canadian Environmental Assessment Act, 2012 (CEAA 2012)
- Canada Shipping Act
- Fisheries Act
- Hazardous Products Act
- Pest Control Products Act
- Species at Risk Act (SARA)
- Transportation of Dangerous Goods Act, 1992

The most critical role in environmental protection is exercised by the provinces, and their key environmental protection statutes. There are a number of statutes in Ontario that directly or indirectly deal with the protection of the environment, which include:

- Clean Water Act (CWA)
- Environmental Bill of Rights (EBR)
- Environmental Protection Act (EPA)
- Environmental Assessment Act (EAA)
- Green Energy Act
- Nutrient Management Act (NMA)
- Ontario Water Resources Act (OWRA)
- Pesticides Act
- Safe Drinking Water Act (SDWA)
- Toxics Reduction Act

Municipalities have a limited role in the protection of the environment. Municipalities can, and often do, take environmental matters into consideration when making land use planning decisions, including imposing a requirement that property meet prescribed standards before development can proceed.

3.2.1 Environmental Protection Act

Although there are several statutes in Ontario to deal with the protection of the environment, the Environmental Protection Act (EPA) is Ontario's key legislation for environmental protection. The act grants the Ontario Ministry of the Environment (MOE) broad powers to deal with the discharge of contaminants which cause negative effects. The act specifically [Ref. 4]:

- Prohibits the discharge of any contaminants into the environment which cause or are likely to cause negative effects - and in the case of some approved contaminants requires that they must not exceed approved and regulated limits;
- Requires that any spills of pollutants be reported and cleaned up in a timely fashion.

The EPA includes, among a number of items, authorization for the MOE to issue a control order where there is an adverse effect to the environment as well as prescribes the requirements for Environmental Compliance Approvals, Waste Management, and Spills. Records of Site Condition (RSC) setting out the requirements for the assessment and cleanup of a property and prohibiting certain changes in the use of a property are detailed in Part XV.1 (RSC - O. Reg. 153/04) of the Environmental Protection Act. Part XV.2 contains special provisions reducing the potential liability from orders for municipalities and others who may need to undertake certain investigative or other actions related to brownfield sites [Ref. 4]

3.2.2 Brownfields Statute Law Amendment Act (2001) and O. Reg. 153/04

In 2001, the Ontario government enacted the Brownfield Statute Law Amendment Act, which amended seven provincial statutes including the EPA, with the objective of encouraging the redevelopment of thousands of brownfield sites in Ontario. To address ongoing concerns related to RSCs and liability, O. Reg. 153/04 was amended again in 2007 and in December 2009, to improve the integrity of RSCs, streamline risk assessments and set quality standards for soil brought to brownfield sites [Ref. 5 & 6].

The MOE also published updated soil and ground water quality standards for approximately 120 chemicals in their technical document entitled Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the EPA. Most of these amendments and the updated quality standards came into force on July 1, 2011 [Ref. 6 & 7].

4.0 ADMINISTRATION

4.1 Site Identification

Management has developed a framework to assess and report the liability for contaminated sites. Every effort will be made by the City to identify potential contaminated sites. A site classification process has also been defined to ensure that all sites are evaluated to determine the type and level of contamination, as well as the associated financial liability for the City.

4.2 Site Classification

The table below summarizes the classification criteria utilized by the City and is based on the National Classification System of the Canadian Council of Ministers of the Environment (CCME) [Ref. 8]:

| Classification Ranking & Action Required | | Circumstances |
|--|----------------------------|--|
| I | High Priority for Action | <ul style="list-style-type: none"> Known contaminated site and/or active site Site with adequate environmental information: completion of Steps A through E, and ready for remedial action and/or RA Has the potential to impact human health and environment |
| II | Medium Priority for Action | <ul style="list-style-type: none"> Known contaminated site Site without ample environmental information: completion of Steps A and/or B; detail environmental investigation(s) still required, not yet ready for remediation and/or RA Impact to human health and environment yet to be completely determined |
| III | Low Priority for Action | <ul style="list-style-type: none"> Suspected and/or potentially contaminated site Site without ample environmental information: completion of Step A only Low possibility of impact based on the results of Step A |
| IV | Not a Priority for Action | <ul style="list-style-type: none"> Suspected contaminated site and/or closed site Step A and B indicates that further remedial activities are not required |

4.3 Steps for Addressing Contaminated or Potentially Contaminated Sites

The following steps should be followed for each contaminated or potentially contaminated site:

- A** Conduct a Phase One Environmental Site Assessment (ESA) - a preliminary assessment of the site to determine whether significant environmental concerns exist and whether a detailed site assessment (e.g., Phase Two ESA) is needed.

- B** Based on results of the Phase One ESA, conduct a Phase Two ESA- a detailed contaminant assessment to confirm and quantify the nature and degree of contamination.
- C** Using results of Phase Two ESAs develop a Remedial Action Plan (RAP) to address the human and environmental health and safety risks. The RAP will also include Risk Assessment (RA) analysis of risk related to recognized threats/hazards to determine remedial action as one of the remedial alternatives.
- D** Conduct necessary on-going maintenance and/or monitoring activities at the site awaiting remediation and/or RA completed, as required.
- E** Obtain the appropriate approvals of the RAP and/or RA from the Ontario Ministry of the Environment (MOE).
- F** Estimate the remedial and/or the RA costs set out in the RAP (this estimate would be updated at each financial reporting date based on information available at that date).

4.4 Monitoring of Contaminated or Potentially Contaminated Sites

Contaminated or potentially contaminated sites will be monitored by the City as outlined below:

| Nature of Site | Remarks |
|---|--|
| Known City owned Contaminated sites | <ul style="list-style-type: none"> • The City owned properties that are known to have concentrations of contaminants of concern (COC) (such as PHCs, VOCs, Semi-VOCs, PCBs, PAHs, Metal, Inorganics, Acids, Bases & Neutrals etc.) in soil and/or groundwater above the background (normally occurring) levels and pose or are likely to pose an immediate or long-term hazard to human health and/or the environment, and/or exceeding levels specified in the provincial and federal policies and regulations (e.g., O. Reg. 153/04, as amended). • Phase One and Two should confirm the exceedances of COCs above the applicable MOE (O. Reg. 153/04, as amended) Table (Tables 1 through 9) site condition standards (SCS) |
| City Owned Sites Potentially Contaminated | <ul style="list-style-type: none"> • The City owned properties that are potentially contaminated based on the historical and/or current usage, but would require further environmental studies/investigations to determine the degree and nature of COCs. • Phase One and Two should confirm the exceedances of COCs above under the applicable MOE (O. Reg. 153/04, as amended) Table (Tables 1 through 9) site condition standards (SCS). |

| | |
|--|--|
| <p>City owned Historical Landfills</p> | <ul style="list-style-type: none"> • Inactive waste disposal or dump sites that are not engineered (unlined and without synthetic containment barrier in place) and where waste and/or fill could have been disposed of indiscriminately, and potentially contaminated. • Phase One and Two should confirm the exceedances of COCs above the applicable MOE SCS or other provincial guidelines (ODWS, PDWQS etc.). |
|--|--|

4.5 Suspected Sites

The current liability reported on the financial statements (under PS3260) is limited to sites that have been confirmed as being contaminated and in need of future action. The notes to financial statements make users aware of sites yet to be assessed but are likely contaminated which may need future remediation work.

5.0 REPORTING LIABILITY

Unlike liabilities related to goods and services which are determined based upon contract terms and confirmed receipts of the goods or services, the contaminated sites liability is an estimate of the costs required to remediate contaminated sites.

Current cost estimation procedures and their inherent uncertainty associated with estimating remediation costs will result in significant annual fluctuations in the reported contaminated sites liability. If the site is likely contaminated, a liability should be recognized only if the amount can be reasonably estimated.

The basic standard for recognition criteria for reporting contaminated sites liability are as follows:

- I. An environmental standard exists
- II. Contamination exceeds the environmental standards
- III. The City is directly responsible or accepts responsibility
- IV. It is expected that future economic benefits will be given up
- V. Reasonable estimate of the amount can be made.

An obligation for the remediation of a contaminated site cannot be accrued as a liability unless **all** criteria above are satisfied.

5.1 The City is directly responsible or accepts responsibility (What Creates Liability for the City)

The liability for the City is created if one of the following scenarios is met:

- A City Owns the Land
- B City is directly responsible
- C City accepts responsibility

A City owns the Land:

The city owns the land, and all other recognition criteria have been satisfied, a liability for remediation should be recorded. If the city is not responsible for the contamination, and a recovery from the responsible party is likely, the recovery receivable should be recorded against the liability.

B City is Directly Responsible

In some cases, the City is directly responsible for remediation because of its own past activities, or the activities on city owned land or on land that the municipality has since acquired and a responsible party cannot be identified.

A legal obligation establishes a clear duty or responsibility to another party that justifies recognition of a liability. A legal obligation can result from the following:

- Agreements or contracts;
- Another government's own legislation (Federal & Provincial); and/or
- City/municipality's own by-laws

C City Accepts Responsibility

City may voluntarily assume responsibility for remediation of contaminated sites through its own actions or promises. However, only those assumed obligations for remediation that meet the definition of a liability at the financial statement date can be recognized.

Most liabilities for remediation arise from legal obligations which can be enforced by a court of law. It is possible, in the absence of a legally enforceable agreement that the City through its own actions or promises, may have created a valid expectation among others that it will remediate a contaminate site (e.g. promissory estoppels). The City may have little or no discretion but to take action and a liability may need to be recorded. A legal opinion may be required in these cases [REF. 1].

5.2 Future Economic Benefits

Liability is created only if there is reasonable evidence of expected loss in future economic benefit.

5.3 Measurement of Liability

The estimate of a liability should include costs directly attributable to remediation and mitigation activities. Costs would include post-remediation and mitigation operation, maintenance and monitoring. The estimate would include costs of tangible capital assets acquired as part of remediation and mitigation activities to the extent those assets have no alternative use.

Below are the cost principles that management will use in determining the liability:

- The cost estimate is based on a minimum of a phase II Environmental Site Assessment (ESA).
- A liability for remediation is estimated based on information that is available at the financial statement date. When changes have occurred and the effect of the change is significant a new estimate will be recognized. Any revision to the amount previously recognized by the government will be accounted for in the period in which the revisions are made.
- Cost is based on existing environmental standards and technology expected to be used in the remediation activities.
- Professional judgment, management’s best estimate at the time, and any previous experience the government has had in a similar situation would be used in estimating the liability.
- Management will accrue the liability based on their best estimate, which will be the amount the government will reasonably pay to settle or otherwise extinguish the liability at the financial statement date.
- When the cash flows expected to settle / extinguish the liability occur over extended future periods, a present value technique will be used.
- The liability for remediation of contaminated sites will be reduced by any expected net recoveries if the recognition criteria outlined in paragraphs .54-.56 of Section PS 1000, Financial Statement Concepts, are met.

5.4 Financial Statement Disclosure

The financial statement should disclose information about:

- a. The nature and source of the liability;
- b. The basis for the estimate of the liability;
- c. When a net present value technique is used, the estimated total undiscounted expenditures and discount rate;
- d. The reasons for not recognizing a liability; and
- e. The estimated recoveries

| Future Event | City Responsible | Amount can be Estimated | Action |
|---------------------|-------------------------|--------------------------------|---|
| Likely | Yes | No | Disclose in the notes to Financial Statements |
| Likely | Yes | Yes | Accrue the estimated amount |
| Unlikely | Yes | No | Disclose in the notes to Financial Statements |
| Unlikely | No | No | No disclosure is required |

5.5 Timeline

The PSAB's PS3260, Liability for Contaminated Sites came in effect on April 1, 2014. The first reporting under Section 3260 will be **December 31, 2015**.

6.0 ESTIMATION UNCERTAINTY

Given the inherent difficulty in estimating the liability for contaminated sites, and the predominant use of estimates, it is not unreasonable to expect significant swings in year-to-year liability amounts, at least until all sites have been assessed and are being actively remediated. This information will be provided to the users of financial statements.

7.0 CITY DEPARTMENTAL ROLE

The following service areas are key players in establishing, maintaining, and monitoring the policy to ensure that the City is in compliance with PS3260.

- Planning & Building Services
- Engineering Services
- Environmental Services
- Legal and Realty Services
- Finance

8.0 DEFINITIONS AND ACRONYMS

- **Active Site**- known contaminated sites that are not in productive use and remedial action is or may be required.
- **Productive use** is defined as any use of site that meets the minimum environmental standards for that site use and hence would not meet the definition of contaminated sites under PS3260.04
- **Brownfield Site** - abandoned or underutilized properties where development or activities have led to the presence or potential for environmental contamination. Brownfields are usually former industrial or industrial/commercial lands (e.g., closed factories, processing plants, gas stations).
- **Closed Site**- Sites where no further action is required
- **Contaminated Site** - an area of land in which the soil or underlying ground water or sediment contains a hazardous waste or substance in an amount or concentration that exceeds provincial environmental quality standards. A site is contaminated if it is unsuitable for specific uses of land, water and sediment.

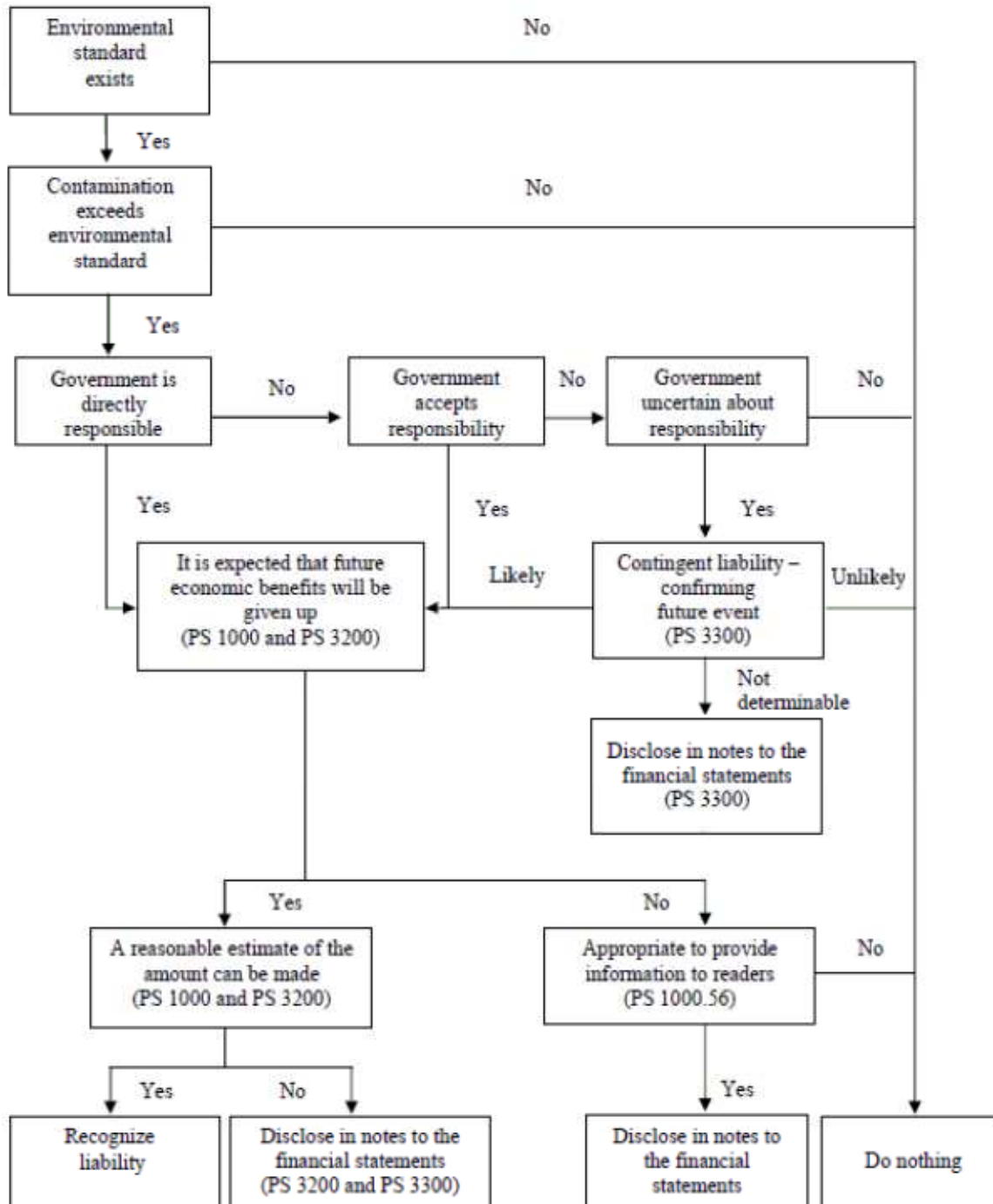
- **MOE Soil, Ground water, and Sediment Standards** – Ontario Ministry of the Environment Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act (April 15, 2011)
- **Remediation** – refers to the cleanup and management of contaminated soil, ground water and sediment so that the site will be suitable for its future intended use.
- **Risk Assessment** – is the scientific process used to describe and estimate the likelihood of adverse effects to human health and the environment resulting from exposure to contaminants. The purpose of a risk assessment is to develop standards that will protect the people and organisms expected at a property that is being used for a given purpose.
- **Suspected Site**- Site that requires further assessment work to confirm whether the site is considered a "contaminated site" or not
- **ESA** – Environmental Site Assessment
- **MOE** – Ontario Ministry of the Environment
- **PSAB**- Public Sector Accounting Board
- **BRCIP**- Brownfield Community Improvement Plan

9.0 REFERENCES

1. CICA Handbook- Public Sector Accounting-Section 3260
2. 2014 Provincial Policy Statement, Under the *Planning Act*, Ministry of Municipal Affairs and Housing, Provincial Planning Policy Branch (2014)
3. Official Plan 2001, The City of Guelph, December 2012 Consolidation
4. Environmental Protection Act, R.S.O. 1990 c. E 19-e-Laws, Last Amendment: 2010 c. 16, Sched. 7, s. 2
5. Ontario Ministry of the Environment, Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act, April 2011
6. Ontario Ministry of the Environment, Records of Site Condition – A Guide on Site Assessment, the Cleanup of Brownfield Sites and the Filing of Records of Site Condition, October 2004
7. Ontario Ministry of the Environment, Guideline for Use at Contaminated Sites in Ontario, June 1996, Revised February 1997
8. Canadian Council of Ministers of the Environment (CCME), Last updated May 10, 2012

APPENDIX A

DECISION TREE — LIABILITY FOR CONTAMINATED SITES



[Ref. 1] CICA Handbook-Section PS3260

STAFF REPORT



TO Audit Committee

SERVICE AREA Finance and Enterprise

DATE August 12, 2014

SUBJECT 2014 Audit Committee Interim Work Plan Status Report

REPORT NUMBER FIN-14-39

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide Council with a mid-year update on the work completed by Audit Committee as of June 30, 2014.

KEY FINDINGS

The Audit Committee is tracking as expected against the 2014 work plan.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from this report.

ACTION REQUIRED

That FIN-14-39 2014 Audit Committee Interim Work Plan Status Report be received.

RECOMMENDATION

That FIN-14-39 2014 Audit Committee Interim Work Plan Status Report be received.

BACKGROUND

Audit Committee approved a 2014 Annual Work Plan at the February 4, 2014 meeting in report FIN-14-05. This current report is a mid-year status update on the work completed by Audit Committee through June 30, 2014 with respect to this work plan.

REPORT

Attached to this report in Appendix 1 is the 2014 Interim Work Plan Status Report to provide Council with information on the work Audit Committee has completed during 2014.

STAFF REPORT



Highlights since February 4, 2014 include:

- The Committee has approved a 2014 work plan.
- The Committee received a presentation from Deloitte that outlined the external audit results of the 2013 Consolidated Financial Statement Audit and had the opportunity to meet with the auditor in a closed session without the presence of management.
- The Committee approved the policy for the selection and appointment of the external auditor.
- The Committee reviewed the City of Guelph's financial statements including those of the consolidated entities and recommended the 2013 consolidated financial statements to Council for approval.

CORPORATE STRATEGIC PLAN

2.3 Ensure accountability, transparency and engagement

DEPARTMENTAL CONSULTATION

Internal Audit was consulted in the preparation of this report.

COMMUNICATIONS

None noted

ATTACHMENTS

ATT-1 Attachment 1 2014 Audit Committee Interim Work Plan Status Report

Report Author:

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Reviewed By:

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REPORT FIN-14-39

ATTACHMENT 1

2014 Interim Work Plan Status Report

| External Audit | Frequency | | | Comments |
|---|-----------|------|------|---|
| | Annual | Term | Need | |
| Review the external auditors' proposed audit scope and approach, including coordination of audit effort with City staff | • | | | Completed in November 2013 for the 2013 year end audit and expected to be completed in early 2015 for the 2014 audit. |
| Review with management and the external auditors the result of the audit including any difficulties encountered and all other matters required to be communicated to the Committee under Generally Accepted Auditing standards | • | | | Completed June 3, 2014 |
| Resolve any disagreements between management and the external auditors regarding financial reporting | | | • | Will be addressed if the need arises. None noted to date. |
| At the conclusion of the audit, consult with the external auditors, without the presence of management, regarding internal financial controls, compliance and the fullness and accuracy of the City's financial statements | • | | | Completed June 3, 2014 |
| Ensure the timely presentation of the external auditor's annual audit report to Council | • | | | Completed June 3, 2014 |
| Financial Statements | | | | |
| | Annual | Term | Need | Comments |
| Review significant accounting and reporting issues, including complex or unusual transactions, highly judgmental areas and recent professional and regulatory pronouncements and understand their impact on the financial statements | • | | | Completed June 3, 2014 |
| Review the representation letter provided by management to the external auditors | • | | | Completed June 3, 2014 |
| Prior to the presentation of the annual financial statements to Council, review the financial statements and consider whether they are complete, consistent with information known to committee members and reflect appropriate accounting principles | • | | | Completed June 3, 2014 |
| Recommend to Council the approval and distribution of the annual financial statements | • | | | Completed June 3, 2014 and expected to be approved by Council on June 23, 2014. |
| External Auditor Performance and Review | | | | |
| | Annual | Term | Need | Comments |
| Review and confirm the independence of the external auditors by obtaining statements from the auditors on relationships between the auditors and the city, including non-audit services, and discussing the relationships with the auditors | • | | | Completed June 3, 2014 |
| Direct and review the performance evaluation process for the external auditor | • | | | Report to be presented to Audit Committee on July 9, 2014 |
| Recommend changes to the external auditor's compensation for Council approval | | | • | Not required in 2014 - Previous RFP has established Deloitte for term from 2010 - 2014 |
| Periodically determine whether a RFP should be issued to select an external auditing firm. As per the Ontario Municipal Act 2001 section 296(3), the external auditor shall not be appointed for a term exceeding five years | | | • | Not required in 2014 - Previous RFP has established Deloitte for term from 2010 - 2014 |
| Participate in the selection of an external auditing firm by reviewing the RFPs and bids received, interviewing potential auditing firms and recommending the external auditor for final approval to the Council | | | • | Not required in 2014 - Previous RFP has established Deloitte for term from 2010 - 2014. Methodology and evaluation process for evaluating the RFP applicants was presented to Audit Committee in April 2014 |

| Compliance | Annual | Term | Need | Comments |
|---|---------------|-------------|-------------|--|
| Obtain regular updates from management and others (legal counsel, external auditors) regarding compliance with laws and regulations having a material impact on the financial statements including: tax and financial reporting, legal withholding requirements & environmental protection laws and regulations | ● | | | Ongoing throughout the year. No issues noted to date regarding non compliance. |
| Review by-laws and policies specifically regulating the conduct of members of council, staff and suppliers | | | ● | Will be addressed if the need arises. No issues noted to date. |
| Review the findings of any examinations by regulatory agencies and any auditor observations | | | ● | Will be addressed if the need arises. No issues noted to date. |
| Discuss with the City Solicitor, any significant legal, compliance, or regulatory matters that may have a material effect on the financial statements or the business of the City, or on the compliance policies of the City. | | | ● | Consistent with most large organizations, it is common to have ongoing regulatory reviews throughout the year. Any significant findings will/would have been brought to Council's attention as soon as staff is aware of a situation. |
| Review the results of management's investigation and follow-up for any instances of non-compliance | | | ● | Will be addressed if the need arises. No issues noted to date. |
| Review the effectiveness of the system established to ensure compliance | | | ● | Will be addressed if the need arises. No issues noted to date. |
| Risk Management & Internal Control | Annual | Term | Need | Comments |
| Understand the scope of the external auditor's review of internal financial control over financial reporting and obtain reports on significant findings and recommendations, together with management's responses and the timing of the disposition of significant findings. | ● | | | Completed June 3, 2014 |
| Through the use of a risk management framework, assess the financial risks to be managed by the City and any change in significant financial risks. | ● | | | In the Fall of 2012, Audit Committee members attended a Council workshop on developing an enterprise risk management (ERM) framework for the City. Phase 1 of the ERM was approved in Oct 2012 and implementation occurred during 2013. Phase 2 will be implemented in 2014. Further, the audit committee assesses changes in significant financial risks of the corporation through the external financial statement audit process. |
| Consider the effectiveness of the City's internal control system for the safeguarding of assets, including information technology security and control and the adequacy of policies and procedures | | | ● | Completed June 3, 2014 |
| Review management and program performance regarding efficiency, effectiveness and economy in the use of resources | | | ● | Addressed through internal audit reviews and on an as needed basis. |
| Review the effectiveness of management reporting systems regarding administrative and program performance. | | | ● | Will be addressed if the need arises. No issues noted to date. |
| Direct other risk management and internal control projects as identified and referred by Council | | | ● | Will be addressed if the need arises. No issues noted to date. |

| Internal Audit | Annual | Term | Need | Comments |
|--|---------------|-------------|-------------|---|
| Establish and review regularly the Internal Auditor Charter | ● | | | Expected to be completed in early 2015. |
| Review and approve the internal auditor annual work plan | ● | | | Completed February 4, 2014 |
| Monitor progress of the approved internal audit work plan | ● | | | Expected to be monitored throughout 2014 as audits are completed. |
| Reporting | | | | |
| Reporting | Annual | Term | Need | Comments |
| Ensure the creation of semi-annual information report to Council on progress achieved by the Committee and any concerns or issues that have been identified. The report shall be prepared by the Committee Chair with input from staff. | ● | | | Committee received final report for 2013 in February 2014. Mid-year reporting for 2014 included in this report. |
| Provide an open avenue of communication between the external auditors and City Council | ● | | | Completed June 3, 2014 |
| Adequacy of the City's Resources | | | | |
| Adequacy of the City's Resources | Annual | Term | Need | Comments |
| Review the nature of evolving or developing businesses managed by the City, including those changes occasioned by business or process redesign | ● | | | Will be addressed as the need arises. |
| As new businesses and ventures are embarked on by the City, gain comfort that all appropriate processes have been put in place to evaluate feasibility of the new business and to ensure proper resources, both human and financial, have been provided. | | | ● | Will be addressed as the need arises. |
| Other | | | | |
| Other | Annual | Term | Need | Comments |
| In conjunction with management and the external auditors, develop an annual work plan for the Committee that identifies priorities, objectives and timelines for key deliverables. | ● | | | Completed February 4, 2014. |
| With Council approval, retain independent counsel, accountants, or others to advise the Committee or assist in the conduct of a review. | | | ● | Will be addressed as the need arises. No issues noted to date. |
| After consultation with the Chief Financial Officer/Treasurer and the external auditors, gain a reasonable assurance, at least annually, of the quality and sufficiency of the City's accounting and financial personnel and other resources. | ● | | | Completed June 3, 2014 |
| It is recognized that from time to time, other issues will be referred to the Committee for review and input. These items will be addressed on an as needed basis. | | | ● | Will be addressed as the need arises. No issues noted to date. |
| Review mandate and make recommendations for change if any | | ● | | Expected to be completed in early 2015. |
| Financial literacy and training | ● | | | As the need arises given the reduced number of meetings in 2014. No issues noted to date. |
| <p>Legend:</p> <p>Annual - Audit Committee to review each fiscal year</p> <p>Term - Audit Committee to review each term of Council</p> <p>Need - Audit Committee to review when the need arises</p> | | | | |

STAFF REPORT



TO Audit Committee

SERVICE AREA Legal and Realty Services
Corporate and Human Resources

DATE August 12, 2014

SUBJECT Litigation Status Report

REPORT NUMBER CHR-2014-52

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 July 28, 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 April, 2014.

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 July 28, 2014

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LITIGATION STATUS REPORT
As of July 28, 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 • March 31, 2014 – Decision received, City unsuccessful • June 17, 2014 – Reasons for decision received | <ul style="list-style-type: none"> • October 14, 2014 – trial on damages to commence | <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</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 | <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 • City's counterclaim | <p>Simpson Wigle</p> |

LITIGATION STATUS REPORT
As of July 28, 2014

| COURT ACTIONS | | | | |
|---|--|---|--|----------------|
| Matter | Description | History | Current Status | Counsel |
| Court File No. 705/09 | <p>Urbacon, for a total amount of \$4,825.807.92.</p> <ul style="list-style-type: none"> On August 21, 2009, the City commenced an action against Urbacon to recover this and other expenses | | <p>against Urbacon was dismissed with the court's decision in favour of Urbacon in the main action.</p> | |
| <p>City of Guelph v. Aviva Insurance Company of Canada City of Guelph v. Aviva Ontario Superior Court of Justice Court File No. 1002/08</p> | <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. This action was peremptorily dismissed with the court's decision in favour of Urbacon in the main action. | Simpson Wigle |
| <p>City of Guelph v. Moriyama & Teshima Architects Ontario Superior Court of Justice Court File No. 09-14746</p> | <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 |
| <p>Wm. J. Gies Construction Limited v. City of Guelph Ontario Superior Court of Justice Court File No. 1234/99</p> | <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) | <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 Awaiting dismissal order from the court | Legal Services |
| <p>Wyndham Corporate Centre Inc. v. City of Guelph Ontario Superior Court of Justice Court File No. CV 09 09638600</p> | <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 City requested court to issue a Status Notice on this action on July 7, 2014 | Legal Services |
| <p>1266304 et al. v. City of Guelph Ontario Superior Court of Justice Court File No. 90/10</p> | <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 enrichment and breach of trust relating to allegations of "additional" development charges being improperly imposed for | <ul style="list-style-type: none"> February 8, 2010 – City served with Statement of Claim March 10, 2010 – City's Statement of Defence served November 8, 2010 – Summary Judgment motion brought by the City heard – not | <ul style="list-style-type: none"> Trial sittings – likely fall , 2014 Motion for determination of an issue before trial argued on June 23, 2014 – awaiting court decision on the motion | Aird & Berlis |

**LITIGATION STATUS REPORT
As of July 28, 2014**

| COURT ACTIONS | | | | |
|---|--|---|---|----------------|
| Matter | Description | History | Current Status | Counsel |
| | "hard" services. | <ul style="list-style-type: none"> 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 • April 28, 2014 – Assignment Court | | |
| 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 • May 8, 2014 – Settlement conference held | <ul style="list-style-type: none"> • November 20, 2014 – Trial 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 |
| Westminister Woods v. City of Guelph Superior Court of | <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 • November 12, 2013 - City | <ul style="list-style-type: none"> • March 2014 – Discovery agreement prepared | Legal Services |

**LITIGATION STATUS REPORT
As of July 28, 2014**

| COURT ACTIONS | | | | |
|---|--|---|--|------------------|
| Matter | Description | History | Current Status | Counsel |
| Justice Court File No. 707/13 | | <ul style="list-style-type: none"> filed Statement of Defence November 25, 2013 – Reply served on City | <ul style="list-style-type: none"> City filed Affidavit of Documents on May 30, 2014 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 May 9, 2014 – settlement conference held | <ul style="list-style-type: none"> Parties currently working towards dismissal | 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"> October 24, 2014 – Trial scheduled | 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 |

| COURT ACTIONS RESOLVED SINCE April 14, 2014 | | | | |
|---|---|---|---|----------------|
| Matter | Description | History | Current Status | 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 April 4, 2014 – Notice of discontinuance served on City | <ul style="list-style-type: none"> This matter is complete | Legal Services |
| Louws v. Guelph Court of Appeal | <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 June 12, 2014 – Court of Appeal order issued dismissing appeal as abandoned | <ul style="list-style-type: none"> This matter is complete | Legal Services |
| 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 | <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"> This matter is complete | Legal Services |

LITIGATION STATUS REPORT
As of July 28, 2014

COURT ACTIONS RESOLVED SINCE April 14, 2014

| Matter | Description | History | Current Status | Counsel |
|---------------|--------------------|---|-----------------------|----------------|
| | development. | <ul style="list-style-type: none"> • June 24, 2014 – Order issued and entered dismissing application without costs | | |

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 Case No. PL110278 | <ul style="list-style-type: none"> • 16 appeals relating to various aspects of Official Plan Amendment No. 42 (Natural Heritage Strategy) • 15 appeals have been withdrawn or settled as of August 29, 2013 • 1 appeal outstanding | <ul style="list-style-type: none"> • January 21, 2014 – further prehearing held for Phase 2 and Phase 2 hearing dates scheduled for September 29-October 17, 2014 • 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 • April 15, 2014 – Settlement hearings held for 2007 Victoria Road and 132 Clair Road, and approved by Board (completes Phase 1 appeals) • June 4, 2014 – revised OPA 42 approved by Board (except for 115 Watson and 0 Paisley) • July 10, 2014 – settlement of 115 Watson approved. | <ul style="list-style-type: none"> • OPA 42 now in effect except for 0 Paisley • October 6-17, 2014 – remaining appeal for 0 Paisley Road (site specific) scheduled to be heard. | Legal Services Garrod Pickfield |
| 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 | <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 | <ul style="list-style-type: none"> • Awaiting new hearing date | Legal Services |

**LITIGATION STATUS REPORT
As of July 28, 2014**

| OMB MATTERS | | | | |
|--|---|---|--|--|
| Matter | Description | History | Current Status | Counsel |
| | 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"> 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 • Hearing scheduled to commence June 23, 2014 - adjourned | | |
| 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 • June 16, 2014 – hearing held by teleconference | <ul style="list-style-type: none"> • April 27, 2015 – hearing scheduled for five days | 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 • March 12, 2013 – hearing scheduled - adjourned | <ul style="list-style-type: none"> • August 25, 2014 – hearing scheduled | 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 • May 20, 2014 – hearing scheduled – adjourned | <ul style="list-style-type: none"> • July 29, 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 • July 8, 2014 – hearing scheduled - adjourned | <ul style="list-style-type: none"> • Awaiting new hearing date | 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 – pre-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 – pre-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 | <ul style="list-style-type: none"> • October 20, 2014 – pre-hearing scheduled | Legal Services |

LITIGATION STATUS REPORT
As of July 28, 2014

| OMB MATTERS | | | | |
|---|---|--|--|------------------|
| Matter | Description | History | Current Status | Counsel |
| | | Affairs and Housing. | | |
| 297 Eramosa Road Case No. PL140526 | <ul style="list-style-type: none"> • Appeal by Loblaw Properties Limited | <ul style="list-style-type: none"> • June 2, 2014 – Appeal received | <ul style="list-style-type: none"> • October 21, 2014 – hearing scheduled | City not a party |
| 635 Woodlawn Road Case No. PL140628, PL140629, PL140630 | <ul style="list-style-type: none"> • 3 Appeals by Terra View Custom Homes | <ul style="list-style-type: none"> • June 13, 2014 – Appeals received | <ul style="list-style-type: none"> • No hearings have been scheduled at this time | Legal Services |
| OPA 54 (9 Appeals) Case No. PL140648 | <ul style="list-style-type: none"> • 9 Appeals received relating to Official Plan Amendment 54 (Guelph Innovation District Secondary Plan) | <ul style="list-style-type: none"> • Jun 16-18, 2014 – Appeals received | <ul style="list-style-type: none"> • City to submit appeal package to OMB | Legal Services |

| OMB MATTERS RESOLVED SINCE April 14, 2014 | | | | |
|--|--|---|---|----------------|
| Matter | Description | History | Current Status | Counsel |
| 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 • May 22, 2014 – hearing held • July 2, 2014 – written decision received, variance refused | <ul style="list-style-type: none"> • This matter is complete | Legal Services |
| 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 • May 22, 2014 – hearing held • July 2, 2014 – written decision received, variance refused | <ul style="list-style-type: none"> • This matter is complete | Legal Services |

| 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 • May 2, 2014 – Leave to Appeal to ERT granted • City filed Appeal | <ul style="list-style-type: none"> • Mediation in Fall 2014 • November 4, 2014 - Status Update with ERT | Garrod Pickfield Legal Services |
| 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 |
| HRTO File No. 2014-17002-I | <ul style="list-style-type: none"> • Application received by the Human Rights Tribunal of Ontario March 3, 2014 | <ul style="list-style-type: none"> • July 8, 2014 – notice of application received by City | <ul style="list-style-type: none"> • July 14, 2014 – Parties to make representations regarding consolidation of this matter with HRTO 2013-14912-I | Legal Services |

LITIGATION STATUS REPORT
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| OTHER MATTERS RESOLVED SINCE April 14, 2014 | | | | |
|--|---|---|---|----------------|
| Matter | Description | History | Current Status | Counsel |
| HRTO File No. 2014-17519-I | <ul style="list-style-type: none"> Application received by the Human Rights Tribunal of Ontario April 28, 2014 | <ul style="list-style-type: none"> June 4, 2014 – application withdrawn | <ul style="list-style-type: none"> This matter is complete | Legal Services |
| Sinkovicz , operating as Guelph Aromatherapy Studio | <ul style="list-style-type: none"> Appeal refusal to renew business license | <ul style="list-style-type: none"> May 6, 2014 – Notice of Appeal received. June 4, 2014 – settlement finalized | <ul style="list-style-type: none"> This matter is complete | Legal Services |

| 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 |
| 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 |
| 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 | <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 | <ul style="list-style-type: none"> Ongoing | Insurers' legal counsel |

LITIGATION STATUS REPORT
As of July 28, 2014

| MATTERS BEING HANDLED BY INSURERS' LEGAL COUNSEL * | | | | |
|--|--|---|---|-------------------------|
| Matter | Description | History | Current Status | Counsel |
| No. 512/12 | | Defence and Crossclaim | | |
| 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 |
| 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 | <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 |

**LITIGATION STATUS REPORT
As of July 28, 2014**

| MATTERS BEING HANDLED BY INSURERS' LEGAL COUNSEL * | | | | |
|--|--|--|---|-------------------------|
| Matter | Description | History | Current Status | Counsel |
| of Justice Court File No. 1679-13 | | | | |
| 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 |
| Zaki v. City of Guelph et al Ontario Superior Court of Justice Court File No. 335/14 | <ul style="list-style-type: none"> Transit Accident – December 9, 2011 | <ul style="list-style-type: none"> May 9, 2014 – City served with Statement of Claim | <ul style="list-style-type: none"> Ongoing | Insurer's legal counsel |
| Cara Operations Limited v. City of Guelph Ontario Superior Court of Justice Court File No. 868/13 | <ul style="list-style-type: none"> Property contamination – October, 2012 | <ul style="list-style-type: none"> May 26, 2014 – City served with Statement of Claim | <ul style="list-style-type: none"> Ongoing | Insurer's legal counsel |
| Sharratt v. City of Guelph Ontario Superior Court of Justice Court File No. 490/14 | <ul style="list-style-type: none"> Slip and fall – March 1, 2013 | <ul style="list-style-type: none"> June 23, 2014 – City served with Statement of Claim | <ul style="list-style-type: none"> Ongoing | Insurer's legal counsel |
| Dome v. City of Guelph Ontario Superior Court of Justice Court File No. 532/14 | <ul style="list-style-type: none"> Slip and fall – March 1, 2013 | <ul style="list-style-type: none"> July 14, 2014 – Statement of Claim served on City | <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)

LITIGATION STATUS REPORT
As of July 28, 2014

INSURED MATTERS COMPLETE SINCE April 14, 2014

| 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 June 11, 2014 - Order dismissing the Action | <ul style="list-style-type: none"> This matter is complete | 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 Dismissed without costs | <ul style="list-style-type: none"> This matter is complete | Insurers' legal counsel |