|  |  |
| --- | --- |
| Date: | April 1, 2025 |
| To: | **Mayor and Council.** |
| Name and title: | Kris Dalio, Director of Finance and IT Services |
| Subject: | Quarterly Litigation Summary Report – Q1 2025 |
| Attachment(s): | Litigation Summary Table as of March 31, 2025 |
| Recommendation(s): | | |
| That Council RECEIVES FOR INFORMATION the report dated March 31, 2025, from the Director of Finance and IT Services titled “Quarterly Litigation Summary Report – Q1 2025.” | | |

Purpose:

For Council information.

Strategic Priorities:

Litigation matters listed in the attached summary are legal actions made on behalf of or against the City. Claims against the City may be covered under one or more policies of insurance. Currently, a $50,000 deductible applies to each claim/occurrence made against the City. The **bold text** portions of the attached Litigation Summary Table as of March 31, 2025, represent updates from the previous quarterly report.

Summary and conclusion:

In accordance with Council’s direction, subsequent reports will continue to be provided quarterly.

Respectfully submitted:

Kris Dalio, Director Finance & IT Services

­­­

Prepared by Shawn Smith, Manager, Risk & Procurement

Approved:

Walter Babicz, City Manager

Meeting date: [2025/04/07]

Litigation Summary Table as of March 31, 2025

| eDoc | FILE # | CLAIMANT | DATE OF LOSS / ACTION | CLAIMANT'S LAWYER | CITY'S LAWYER | DESCRIPTION OF CLAIM | STATUS OF CLAIM |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 636670 | 19-049 | McCREADIE, Douglas | 21-Mar-19 | Justin Haines -HSJ Lawyers | Eve Moore (Mark Gyton covering) - Guild Yule LLP | RCMP officer slipped and fell in the  parking lot on his way to work. Discovery  **completed** January 29-30, 2025.  **Awaiting Notice of Intention to**  **Proceed from Plaintiff.** | Open |
| 636699 | VA19-010 | WILLIAMS, Wilfred | 20-Feb-19 | Dick Byl - Dick Byl Law Corporation | ICBC to defend – Nathanael McFadyen HSJ Lawyers | Claim against two City drivers that were  operating equipment to clear snow. One  City loader was involved in the collision  the other was blocking traffic. **Trial**  **dates occurred for 5 days from**  **February 24, 2025. Claim is settled.** | **Closed** |
| 634386 | 20-068 | HAY, Leonard / Class Action | 8-Jul-20 | Dick Byl - Dick Byl Law Corporation | Ryan Darby - Whitelaw Twining | A fire at the Econo Lodge Motel with  several injuries and fatalities. The CPG is  named in the lawsuit due to the issuance  of a business license to the operator and  the completion of fire inspection.  Mediation occurred March 2025 **with**  **plaintiff’s demand at ~$8M and no**  **settlement..** | Open |
| 639735 | 21-041 | Rolling Mix Concrete & Rock n Roll Aggregates | 18-Feb-21 | Roy Stewart - RJS Law Corporation | Jeffrey Locke Stewart McDannold Stuart | Plaintiffs have a permit issued under *The*  *Mines Act* from the Province. City bylaw  requirement is different than provincial  permit. City has conceded issue of  jurisdiction publicly. **Settlement**  **documents signed.** | **Closed** |
| 600176 | 19-057 | 054849 BC Ltd. (Doug Tyers) | Spring 2019 / Fall 2020 | Small Claims Court - Self-Represented | Doug McLaughlan, Wilson King & Co. | Plaintiff alleges that vibration from CPG  Construction caused the floor of his shop  to sink. Adjournment of trial to the fall  was successful by the applicant.  Continuing to hold for plaintiff action. **No**  **recent plaintiff action.** | Hold |
| 600174 | 21-03483 | GREWAL, Tanner | 15-Sep-21 | Morgan Wright. Garth Wright Law | Jeff Locke, Stewart McDannold Stuart | Administrative Claim alleging wrongful  discharge of Fill Covenant. CPG liability  unlikely. CPG taking low-cost passive  approach and awaiting further plaintiff  action. **No recent plaintiff action.** | **Hold** |
| 624683 | 22-03559 | CLARK, Robert | 14-Jan-22 | Brendan Harvey - Yeager & Company Employment Law | Nicole Toye, Harris & Co. LLP | Employee claiming constructive  dismissal due to vaccine mandate policy**.**  **Summary trial occurred February 25,**  **2025, with decision expected in**  **coming months.** | Open |
| 639010 | 22-03608 | City of PG v. HDR  (Chandos) | DOL-  Dec 2020  Filed  Dec 2022 | Chris Hirst, Alexander Holburn (HDR)/  Lyle Brookes.  Chandos Legal Counsel | Sukh Manhas, Young Anderson | Primer used for steel beams faulty, HVAC  also malfunctioning resulting in  significant remediation costs incurred  and more expected. CPG filed a claim  against HDR in November 2024. Chandos  identified as 3rd party by HDR. **No new**  **developments.** | Open |
| 664149 | 23-03690 | Chahal v. RCMP et al. | 21-Aug-2023 | Connor Muldoon | Paige Gibson, Stewart McDannold Stuart | Bodily Injury claim due to alleged RCMP  assault; CPG seeking dismissal of claim.  Repeated letters to claimant counsel  unanswered, diarized to April of 2025.  **No new action; if inactivity continues,**  **we expect to close.** | Hold |
| 682890 | 23-03762 | Grenon v CPG et al | 16-Apr-2023 | Garth Wright | Thomas Haughian, SMS | Plaintiff jumped into Leisure Pool as part  of adult swim lesson and broke bone in  foot and is seeking costs. **Preparation**  **for next steps via retaining expert**  **opinion on City practices; result will**  **set direction for either settlement or**  **summary trial.** | Open |
| 675631 | 23-03747 | Yeulet v. CPG et al. | 4-Oct-20 | Kelley C. Stewart, Collette Parsons Corrin LLP | Ryan Darby, Whitelaw Twining | MVA at Davis Road and Ospika Blvd  causing bodily injury while using  pedestrian crosswalk which had been  recently upgraded with new signage and  lighting. Examination set for March 2025  with trial scheduled for February 2026.  **No new activity.** | **Open** |
| 655626 | 23-03654 | Johnsen v. CPG et al. | 9-Jan-23 | Andrew Kemp,  Andrew Kemp | Emily Dvorak, Guild Yule | Slip and fall occurred at the RCMP  detachment on Victoria Street. All  allegations denied by CPG. Discovery  **completed** January 29-30, 2025 with  liability assessment following. **Plaintiff**  **settlement proposal expected before**  **limitation period expiry on June 14,**  **2025** | Open |
| 688622 | 23-03775 | Sakamoto (Heartbreaker) v. CPG, **CCC & 4-Star** | 22-Aug-23 | Roy Stewart, RJS Law Corp/ | Amelia Staunton, Dolden Wallace Folick LLLP | Plaintiff alleges CPG vicariously liable for  RCMP and Bylaw failure to prevent  explosion at neighboring business.  Document Discovery continuing. **No new**  **activity from Plaintiff in response to**  **continuing document discovery.** | Open |
| 690214 | 23-03778 | Drury v. CPG | 28-Sep-23 | TBD | Sukh Manhas, Young Anderson | Hand injury on sauna door at Canfor Leisure Pool. Claiming lost income and medical costs. Holding for Notice of Civil Claim, not yet received. **No new activity.** | Hold |
|  |  |  |  |  |  |  |  |