

Petition to Intact Public Entities (“IPE”) and the Financial Services Regulatory Authority of Ontario

Taxpayers Should Not Bear any Costs of Intentional Misconduct by their Elected Representatives

WHEREAS legal proceedings initiated by *The Current* and its owners against the Township of Madawaska Valley and former members of Council were only limited to allegations of deliberate, wilful, and malicious conduct;

AND WHEREAS approximately three-quarters of a million dollars was paid by IPE under the Township's municipal insurance policy in connection with that litigation;

AND WHEREAS municipal insurance only protects against errors, omissions, negligence, and other unintended conduct, not intentional wrongdoing;

AND WHEREAS IPE had, previously, improperly paid compensation awarded against a member of Council and the Township for acting maliciously so as to breach the Ontario Human Rights code;

AND WHEREAS IPE failed to investigate or adequately investigate facts and circumstances that resulted in the intentional misconduct on the part of the insured;

AND WHEREAS IPE irresponsibly retained as counsel to represent the defendants in the litigation the same lawyer who indisputably triggered the events that formed the basis of *The Current's* claim;

AND WHEREAS IPE deliberately and improperly facilitated a no expense spared campaign (in a Simplified Procedure case) whilst ignoring several invitations to participate in mediation or even settlement negotiations aimed at halting the unnecessary haemorrhaging of payments under the municipal insurance policy;

AND WHEREAS the Financial Services Regulatory Authority of Ontario (FSRA) investigated the insurer's conduct in providing coverage and indemnity for the claim;

AND WHEREAS the FSRA's decision failed to take into account the gravity of IPE's conduct and its implications for residents of other Ontario municipalities;

AND WHEREAS FSRA refused to draw adverse conclusions from IPE's conduct in submitting false information and slurs about *The Current* in its response to the complaint;

AND WHEREAS local taxpayers have ultimately borne the financial consequences through increased insurance premiums, deductibles, and related costs;

WE, THE UNDERSIGNED, CALL UPON INTACT PUBLIC ENTITIES TO:

1. Reverse any premium increases, surcharges, penalties, or adverse underwriting consequences resulting from this claim.
2. Reimburse the Township of Madawaska Valley for additional premiums, deductibles, or related costs arising from the provision of coverage.
3. Provide a transparent public explanation of the basis upon which coverage was extended in this matter.
4. Ensure that taxpayers are not required to fund the consequences of conduct that falls outside the intended scope of municipal insurance coverage.

WE FURTHER CALL UPON FSRA TO:

1. Review whether additional regulatory action is warranted.
2. Ensure that insurers adhere to policy exclusions and applicable insurance law.
3. Protect Ontario taxpayers from bearing costs arising from insurance coverage that is extended contrary to policy terms.

We believe that taxpayers should not be required to pay higher insurance costs for intentional misconduct.

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 **From:** The Madawaska Valley Current from K0J 1B0 Barry's Bay

 **To:** Intact Public Entities ("IPE") and the Financial Services Regulatory Authority of Ontario ("FSRA"), Municipalities in Ontario

 **Subscription period until:** 03/27/2027



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