



EAST END - MEMORANDUM JUNE 4 12

For those who have suffered property and other damages as a result of their homes being damaged by the flooding and sewer backup in May of 2012, the following is a list of issues and directions that we hope you will find helpful.

IF YOUR HOME WAS INSURED

If your home was insured at the time it was damaged and whether or not the insurance company is denying coverage, you should do the following:

1. Report your claim to your insurance company. That means not only reporting it to your insurer but to your insurance agent.
2. Keep a copy of every correspondence (letters, e-mails etc.) your insurance company sends or gives to you.
3. Notify your employer, family and other relevant parties that your home was damaged by flooding.
4. Record the names and contact information of all individuals that you come in contact with as a result of your property damage.
5. Keep receipts for all flood related expenses. Your family, friends and contractors and other parties who assist you in dealing with your property damage should do so as well.
6. Start keeping a log or diary setting out how your property damage has affected you and your family, including setting out your emotional state, your financial circumstances and how it has affected your ability to work.
7. Keep detailed notes of all conversations that you have with relevant parties, including your insurance agent, your adjuster and your insurance company. You can record such conversations if you wish, but it is best to advise the other party that you are recording your conversation with them.
8. Be careful what you say to third parties. What you say to third parties can be used against you at subsequent legal proceedings.
9. Ask your insurance company to put all of their decisions to you in writing. Ask them to explain how they came to certain conclusions concerning your coverage.
10. Take as many pictures as you can of your property damage.
11. Look for pictures of your premises before it was damaged and make sure that those are kept intact.
12. Do not remove, repair, clean up or reconstruct any of your premises without keeping detailed pictures and information about what your premises was like before you did any of the aforementioned work.



13. Do not throw out any of your personal possessions that were damaged in the flood without taking pictures of them and keeping notes as to their condition, age and value at the time that they were damaged.
14. Be careful in filling out a *Proof of Loss*. Make sure it is accurate in all respects. Do not exaggerate the *Proof of Loss* or put items on it that you did not own or were not damaged in the flood.
15. Read your insurance policy carefully. Do not rely on your insurance adjuster, broker or insurance company to tell you what is in your policy. Seek third party advice as to the exact coverage you have.
16. Think back to determine if your insurance agent advised that you should have a particular type of coverage that may have protected you from this loss. Specifically, did your insurance adjuster tell you that you should have sewer backup insurance because you live in an area that is prone to sustain such damage?
17. Locate your real estate documents when you purchased your home. Did the previous owners advise you that your home was prone to sustain this type of damage?
18. Look for old insurance policies. Did those insurance policies have coverage contained in them that may have protected you from this loss that your existing policy does not?
19. Look for any and all information that you have from your insurance company that might describe in a brochure or some other document as to what kind of coverage you had at the time that your home was damaged.
20. If your insurance company denies coverage, ask your insurance company to have someone else within your insurance company review that decision.
21. Try and determine if you had "*replacement cost*" insurance coverage or "*actual cash value*" insurance coverage. That will determine if you can replace your damaged property or only receive its actual cash value. If you have replacement cost insurance for your damaged property, advise your insurance company what you are purchasing and make sure you pay a reasonable price for those items. You just should typically try to obtain 3 quotations or estimates before replacing any damaged property.
22. If you decide to repair or reconstruct your home, ensure that you hire a reputable contractor who guarantees their work. Keep your insurance company advised who you are hiring, what work they are doing and how much you are paying them. Get three (3) estimates before hiring a contractor to do any work on your home, unless your insurance company retains someone to effect remedial measures.
23. You can only replace damaged property with new items that are of "like kind". That means they have to be similar in nature and function.
24. Sit down with your insurance agent and/or their adjuster and review your policy to determine exactly what kind of coverage you have.



25. Be honest and forthright with your insurance company in all respects. Ask your insurance company how much time you have to complete certain tasks. For instance, there are time limits for submitting a *Proof of Loss*.
26. Contact your insurance company regularly for updates as to how their investigation of your loss is proceeding.
27. Obtain your own independent opinions as to the extent of the damage to your premises.
28. Contact Government agencies, like Ministry of the Environment, to examine your home to determine if it is still habitable. Another example would be to contact a reputable contractor to determine if your home is still structurally sound and habitable.
29. Make sure you comply with all the STATUTORY CONDITIONS in your insurance policy. Check the exclusions in your policy. Does your policy exclude water damage caused by sewer backup and flooding? If it does, check what coverage you do have so that you can see if there is still coverage for such losses elsewhere in your policy.
30. Try and determine what actually caused the damage to your home. Was it a result of sewer backup or water damage caused by the excessive rains?
31. Contact your legal advisor to ensure that you do not miss any limitation or notice periods that must be adhered to if you decide to initiate legal proceedings as against any third party as a result of your property damage.
32. Was the water entering your premises clear or did it contain sewage?

IF YOU RECENTLY PURCHASED YOUR HOME

1. Locate your real estate documents when you purchased your home. Did the previous owners advise you that your home was prone to sustain this type of damage?
2. Ask your real estate agent what she/he was advised by the vendors real estate agent about the home being prone to sustain water damage or sewage backup damage.
3. Ask others in your neighbourhood if the home you recently purchased had, to their knowledge, sustained water or sewage backup damage in the years prior to you purchasing it. Ask individuals if their homes had ever sustained such damage in the years before you purchased your home.

IN DEALING WITH THE CITY OF THUNDER BAY

1. Attend any Town Hall Meetings that are held discussing any related issues.

2. Ask your Councillor to advise you as soon as possible when the City of Thunder Bay (CTB) determines why the Atlantic Avenue Sewage Treatment Plant failed to operate properly.
3. Ask any CTB representatives as to whether the problems at the Atlantic Avenue Sewage Treatment Plant caused or contributed to your water damage.
4. Ask any CTB representatives you speak to or correspond with to provide you with any and all information and documentation they can which explains why and how your home was damaged and what they are doing to assist you.
5. Prepare petitions, letters, correspondence and emails to the various City or Provincial/Federal representatives and ask them to explain why and how your home was damaged and what they are doing to assist you.
6. Form an association consisting of individuals who sustained similar property damages that can speak on your behalf.

OTHER THINGS YOU SHOULD BE DOING

1. Submit applications for any Disaster Relief or any other form of financial assistance that you can obtain.
2. Contact your Provincial MP to ask them what they are doing to assist you.
3. Contact your Federal MP to ask them what they are doing to assist you.
4. Contact any and all local relief agencies to determine what kind of assistance they can provide to you.
5. Retain a third party to express an opinion as to how and why your property was damaged.
6. Ensure that your bank and financial institutions are aware that your home has been damaged.
7. Call around and get references for any contractors you hire to assist you in effecting remedial measures to your property.
8. You should get whatever medical attention you need to deal with any medical or psychological issues arising out of what you have gone through.
9. Try and determine if your property damage may have been caused by any faulty workmanship by any third party.

We trust the above information is helpful to you.



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