

Will the local government be responsible for my damages?

Not necessarily. Local governments have a number of unique defences including the policy defence and statutory immunity to nuisance claims for flooding caused by the breakdown or malfunction of a water, sewer or drainage system (*Local Government Act*, s. 744).

Should you decide to make a claim against the local government, provide written notice to the local government as soon as possible. Subsection 736 (1) of the *Local Government Act* states:

*“A municipality or regional district is in no case liable for damages unless notice in writing, setting out the time, place and manner in which the damage has been sustained, is delivered to the municipality or regional district, as applicable **within 2 months** from the date on which the damage was sustained.”*

Your information should describe what was damaged, how it happened, who was involved, where it happened and the date and time of the occurrence. Any photographs you take can be included with your letter or provided at a later date. Remember to include your name, home address and all telephone numbers where you can be reached.

The circumstances surrounding how your property was damaged will determine whether the local government is liable for the damages. Each scenario will be reviewed on its own set of facts. If there is evidence that the local government is responsible, your claim will be given serious consideration.

HOW DO I MAKE A CLAIM?

Claims can be submitted

By mail/ in person:

455 Wallace Street,
Nanaimo, BC
V9R 5J6

By Email: Legislative Services Department
legislative.servicesoffice@nanaimo.ca

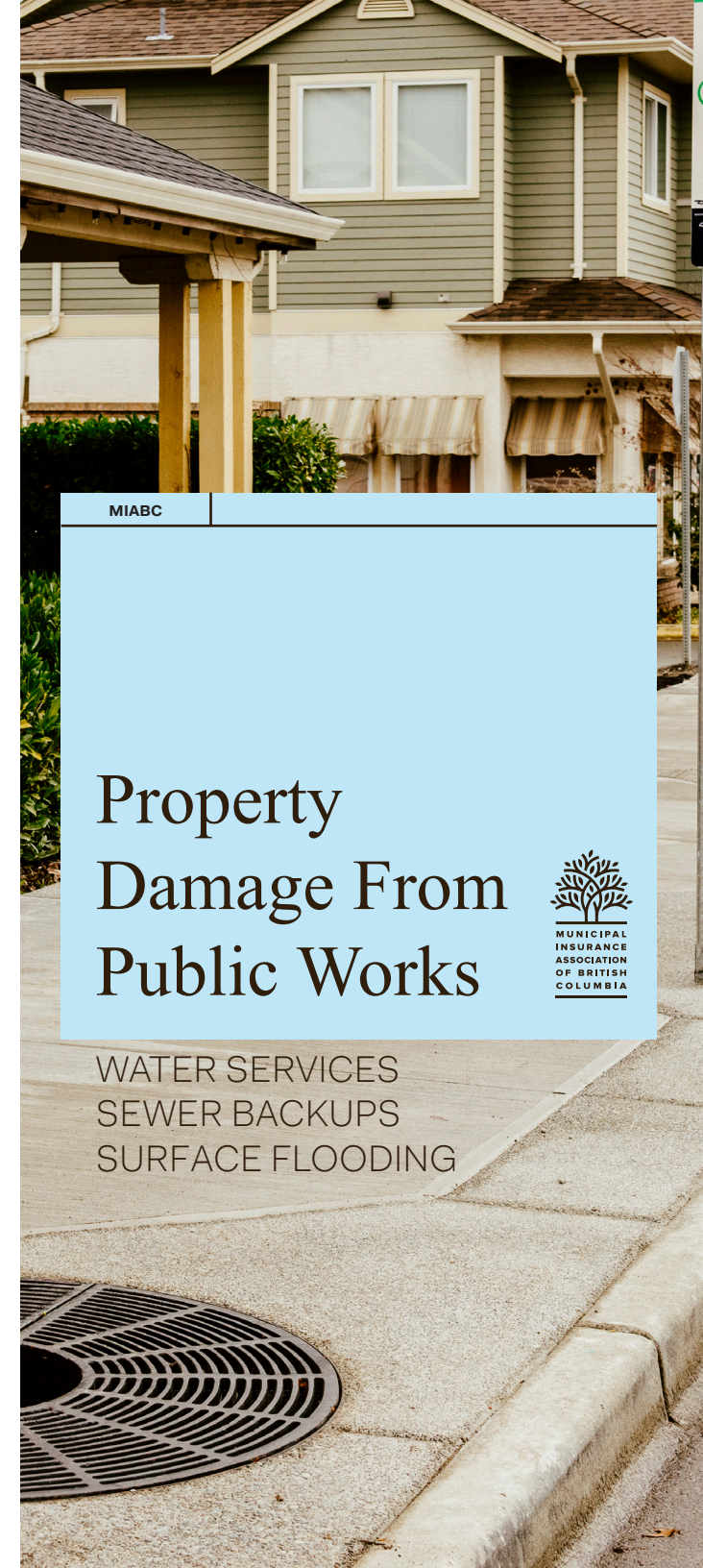
By Fax: 250-755-4435

CONTACT INFORMATION

Public Works & Engineering
After Hours Emergencies
(Except Police & Fire)
250-758-5222



Legislative Services
455 Wallace Street,
Nanaimo, BC
V9R 5J6
250-755-4405

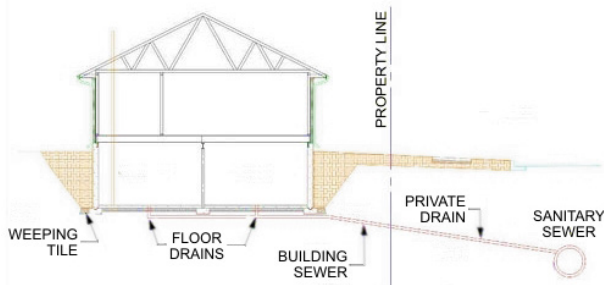


MIABC

Property Damage From Public Works



WATER SERVICES
SEWER BACKUPS
SURFACE FLOODING



WATER SERVICES

What is water service?

A water service is an underground pipe which brings water from the water service box shut-off valve to your building. Generally speaking, the property owner is responsible for maintaining the section of pipe from the building to the shut off valve at the property line. The local government is responsible for maintaining the section of pipe between the shut-off valve and water main.

What is a water main?

The water main normally runs underneath the roadway and provides water to the property. Breaks may occur due to age, wear or natural causes such as freezing in unusually cold weather.

SEWER BACKUPS

Private drains connect each property from the building to the local government sewer line. Property owners are fully responsible for maintaining both the building sewer and private drain all the way to the main sanitary sewer under the street. You are responsible for cleaning your sewer service. The local government is responsible only to maintain the sewer main line.

If there is any chance of electrical circuits causing a hazard, contact BC Hydro at 1 888 POWERON (1 888 769 3766) or *HYDRO (*49376) on your cell phone.

When Something Goes Wrong...

Most sewer backups occur when a sewer service is plugged or deteriorating. Pipes can deteriorate and clog over time. Blockages can be caused by roots, grease, a broken pipe, fishing line, vegetation, rocks and other debris. The main sanitary sewer may also become blocked. Sanitary sewer blockages that cannot be resolved by a drainage contractor should be referred to the local government immediately.

SURFACE FLOODING

The local government often responds to incidents of flooding from storm drains and water mains. If flooding is the result of a blocked sanitary (or storm) main sewer, the local government will investigate and, if necessary, clear the blockage. The local government works hard to implement a system of inspection and maintenance to prevent its systems from failing. There are also procedures to enable crews to respond promptly to system failures, which are often the result of unexpected or extreme weather events.

HELPFUL INFORMATION

What About My Belongings?

If you have suffered a flood, be sure to make a written list of all property that is damaged and take photographs if possible. Advise your insurance broker promptly. Many insurance policies cover sewage backup and the cost of repairing or replacing damaged property.

Will the local government repair or cleanup my property?

No. Repairs and cleanup are the property owner's responsibility. Contact your insurance broker or insurance company to investigate and determine whether or not the loss is covered under your insurance policy. If the loss is covered, they can deal directly with you on your claim. This may be the quickest way for you to recover your costs and have your repairs and cleanup completed. Your insurance company can pursue any party they believe to be responsible for the damages.