



HAMPSTEAD

If you believe that you have suffered damages due to the fault or negligence of the Town, don't take a chance: follow the procedure described hereinafter since the *Cities and Towns Act* provides a special procedure to follow and by failing to do so, you could forfeit your right to claim.

Claims procedure

- A letter or notice similar to the attached model must be filed within fifteen (15) days of the event, failing which the municipality is not required to pay damages;
- The letter or notice must include the date, the circumstances of the event, the type of damage and the claimant's contact information;

Recourse

- Subsequently, you have a period of six (6) months from the date of the letter or notice to initiate a lawsuit against the Town, if need be;

TOWN'S INVESTIGATION

Following the reception of your notice of claim, the investigation to be conducted by the Town or its representatives can, in no way, be construed as an acknowledgement of responsibility by the Municipality, or an agreement to pay the amount claimed.

The investigation's purpose is to determine whether or not the Town is liable for damages and, if so, if the amount claimed is justified.

BODILY INJURY

In virtue of article 2930 of Civil Code of Québec, in case of bodily injury, you have three (3) years to sue the Town. The Civil Code does not require the issuance of a claims notice within fifteen (15) days following the event.

However, you must act quickly to allow the Town to conduct an investigation on the causes and circumstances of the incident and the seriousness of the bodily injuries. The longer it takes to file the claims notice, the more difficult it will be to prove the negligence or the fault of the Town.

RESPONSIBILITY WITH RESPECT TO ROADS

Under the *Cities and Towns Act*, the municipality is not liable for damage caused by the presence of an object on the roadway, whether or not the object comes from a motor vehicle or is projected by a motor vehicle.

Neither is the municipality liable for damage caused by the state of the roadway to the tires or to the suspension system of a motor vehicle.

Article 604.1 of the *Cities and Towns Act*, L.R.Q. c. C-19

Address where you should send the procedure:

Me Pierre Tapp, Town Clerk
TOWN OF HAMPSTEAD
5569, Queen-Mary Road
Hampstead (Québec) H3X 1W5

Phone: (514) 369-8210
Fax: (514) 369-8229

Note:

This document does not constitute a legal opinion. Rather, it has been prepared as a guide of general interest. Any specific question should be discussed with a legal consultant.