

PROPERTY DAMAGE FROM TREES



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Did you know that trees are one of your municipality's most valuable assets?

Municipal trees improve the quality of urban life and contribute to a sense of community. Trees provide vital environmental benefits. They clean the air (urban trees are 15 times more effective at reducing carbon dioxide than rural trees), buffer noise, provide drainage for rain water and provide shade. They can also enhance property values. These aesthetic, environmental and economic considerations reflect the critical need to retain and enhance your municipality's urban forest. Unfortunately, under certain circumstances, property damage can result from municipal trees.

My property has been damaged by a municipal tree, what should I do?

If the tree is resting on utility wires, contact the local fire department or utility company for assistance. Do not attempt to dislodge or remove the tree on your own.



Should I report the damage to my insurance company?

It is always advisable to contact your insurance company promptly and report the damage to them, especially if it is severe and you require immediate assistance. If the damage is as a result of a wide scale storm, the municipality will be receiving many calls from the public that may delay their ability to attend to your loss location.

I feel that the municipality is responsible for my loss, how do I make a claim against the municipality?

The municipality will need to know the details of when and how the damage occurred; be sure to include the date and time. For ease of follow up by the municipality, try to establish the location of the offending tree relative to your property. The details of your loss, including any supporting documents such as photographs or receipts should be sent to the municipality.

Is there a deadline for filing a claim with the municipality?

Subsection 286 (1) of the Local Government Act states:

*“A municipality 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 municipal clerk **within 2 months** from the date on which the damage was sustained.”*

Will I be reimbursed?

The circumstances of how your property became damaged will determine if there is any liability on behalf of the municipality. The fact that the tree is located on municipal property does not in and of itself impose liability on the municipality. Each scenario will be reviewed on its own set of facts and if there is evidence that the municipality is responsible by either an act or omission on their behalf, then consideration may be given to your claim.