

Request for Decision City Council



Type of Decision									
Meeting Date	Thursday, May 26, 2005				Report Date	Thursday, May 19, 2005			
Decision Requested	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Priority	<input checked="" type="checkbox"/>	High	<input type="checkbox"/>	Low
	Direction Only				Type of Meeting	<input checked="" type="checkbox"/>	Open	<input type="checkbox"/>	Closed


Report Title

**ENDORSATION - CITY OF NORTH BAY
RESOLUTION 2005-317 - LIABILITY - PUBLIC TRAIL SYSTEMS**


Policy Implication + Budget Impact	
<input type="checkbox"/>	This report and recommendation(s) have been reviewed by the Finance Division and the funding source has been identified.
Policy Implication	
This matter appears on the Agenda at the request of Councillor Kett.	
Councillor Kett is seeking endorsation of City of North Bay Resolution 2005-317.	
Budget Impact	
There is no budget impact associated with this Request for Decision.	
<input checked="" type="checkbox"/>	Background Attached

Recommendation	
<p>THAT Resolution 2005-317 of the Council of the City of North Bay regarding liability charges for any damages arising from the use of public trail systems be endorsed by the City of Greater Sudbury Council;</p> <p>AND THAT the City of North Bay, FONOM, AMO, and all local Members of the Legislative Assembly of Ontario be so advised.</p>	
<input type="checkbox"/>	Recommendation Continued

Recommended by the Department Head


 Caroline Hallsworth
 Executive Director of Administrative Services

Recommended by the C.A.O.


 Mark Mieto
 Chief Administrative Officer

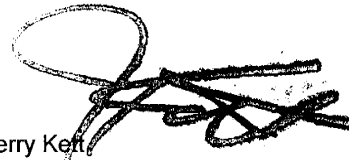
Date: Thursday, May 19, 2005

Report Prepared By



Corrie-Jo Caporale
Council Secretary

Division Review



Councillor Terry Kett
Ward 1

BACKGROUND:

The purpose of this report is to endorse Resolution 2005-317 which was adopted by the Council of North Bay, on Monday, April 25, 2005. No report was associated with the adoption of this resolution.

A copy of a letter dated April 27, 2005 from Ms. Catherine Conrad, City Clerk, City of North Bay, is attached.

Councillor Kett is seeking Council's endorsation of City of North Bay Resolution 2005-317.



**The Corporation of the
City of North Bay**

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27 April 2005

Monique Smith, MPP Nipissing
165 Main Street East
NORTH BAY, ON P1B 1A9

Dear Madam:

This is Resolution No. 2005-317 which was passed by Council at its Regular Meeting held Monday, April 25, 2005.

Resolution No. 2005-317:

“WHEREAS the City of North Bay is forecasting to spend \$363,000 in its Parks/Trail Maintenance and Replacement Program over the next five (5) years;

AND WHEREAS municipalities have invested substantial public funds in the development of trails;

AND WHEREAS the public has made very significant use of trail systems for fitness and recreation to substantially improve their quality of life during all four (4) seasons;

AND WHEREAS those using trail systems have historically done so at their own risk;

AND WHEREAS the cost to maintain and police trail systems would be so prohibitive as to require their closure if made mandatory, whether by case law or statute;

AND WHEREAS various lawsuits have been filed claiming liability against municipalities and other trail owners;


AND WHEREAS the cost of insurance for the use of trail systems has already proven so expensive to be prohibitive;

NOW THEREFORE BE IT RESOLVED THAT Council request through our M.P.P. Monique Smith that the Minister of Municipal Affairs and Housing move to amend the *Occupiers Liability Act* so as to clearly establish that those using trail systems are deemed to do so at their own risk, so that owners and volunteer organizations will not be held liable in any way for any damages arising from the use of trails by the public;

Monique Smith, MPP Nipissing
27 April 2005
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AND FURTHER THAT this resolution be circulated to all other municipalities greater than 50,000 in population, to all municipalities in the Blue Sky Region, to AMO, FONOM, NEOMAG and the North Bay and District Chamber of Commerce with the request that they pass similar resolutions of support.”

Yours truly,


Catherine Conrad,
City Clerk.

CMC/cjc

cc: Association of Municipalities of Ontario
Federation of Northern Ontario Municipalities
Northeastern Ontario Mayor's Action Group
North Bay Chamber of Commerce
Municipalities of 50,000
Municipalities in the Blue Sky Region

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