

Municipal Liability for Winter Road Safety

All Municipalities in Ontario are responsible for clearing snow and attempting to de-ice roadways and bridges in their jurisdictions.

There is a complicated MTO chart of maintenance policies that deal with the character (type) of roadway, the number of vehicles that use that roadway per day, the timing of the ploughing, and the volume and timing of salt/product application. Generally, the more busy the roadway, the higher the standards of care for same.

There are also patrol and inspection requirements.

However, even the seldom used roads of Bruce County have guidelines and policy requirements that must be complied with or the Municipality will face liability for accidents and injuries.

For years our Courts have found Municipalities and their employees negligent and responsible for huge civil damage awards. These arise when persons are injured on Municipal roadways when as a result of either Municipal policy or the negligence of their employees, they have failed to take reasonable steps based on the above, to properly maintain the roadways during and after snow/ice storms.

Not surprisingly the Municipalities and their insurers have come together to try to limit their exposure by lowering the standards.

They have been working away at creating new policies, called Minimum Maintenance Standards and Maintenance Best Standards, which simply reduce the requirements of the Municipalities and leave injured parties with no way to recover their losses.

It will remain to be seen whether our Provincial government will buckle to this group as it has and does each and every time the insurers of this Province demand reductions in coverages or threaten to increase everyone's insurance premiums.

However, at the moment It is clear that if you have been injured in an accident and you believe that the roadway/bridge played a part in causing the accident, you still may have a claim against the Municipality.

This article is not legal advice.