



*Michael Del Grande
Trustee, Ward 7*

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To: Regular Board Meeting, Thursday, September 21, 2017

From: Mike Del Grande Trustee, Ward 7

Subject: Ontario School Boards Insurance Exchange (OSBIE)

MOVED BY: Mike Del Grande, Toronto Catholic District School Board

WHEREAS: From time to time, the Toronto Catholic District School Board (TCDSB) is subject to legal claims, and

WHEREAS: Such claims are forwarded to TCDSB's policy carrier, Ontario School Board Insurance Exchange (OSBIE), and

WHEREAS: the claim becomes the property of OSBIE and can deal with the matter in its sole discretion and

WHEREAS: this could mean legal action against children and their families who may or may not have homeowner or tenant's coverage for Torts, and would be subject to expensive legal fees to receive legal advice and representation, and

WHEREAS: it has never been in the public interest policy to sue minors and/or their parents for schoolyard injuries in the course of play.

THEREFORE BE IT RESOLVED THAT:

TCDSB will advise all parents and guardians that there is a real possibility that they may face legal tort liability and legal costs and, should communicate with their insurance companies to add a "rider protection" in their policies or to obtain insurance if they do not have any.

BACKGROUND:

Two 10 year olds are being cross-sued by OSBIE for a supervised lunch recess incident where a third child was injured. The injured child's parent sued both TCDSB and the

children. TCDSB's insurer OSBIE, in a statement of defense, named the children in a cross suit.

TCDSB, the Ministry of Education, the Ministry of Consumer Services, and the Ontario Catholic School Trustee's Association provided little to no help for these two children and their parents.

From a public policy perspective, this is wrong. All Ontario families are now subject to this change of position from the monopoly position that OSBIE holds for all school boards in Ontario.

The failure of publicly elected officials and institutions to deal with this issue demands that we alert our community to the consequences of the legal tort system in present day Ontario.

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