

## Will the local government be responsible for my damages?

Should you decide to make a claim against the local government, provide written notice to the local government as soon as possible.

Subsection 736 (1) of the *Local Government Act* states:

*“A municipality or regional district 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 municipality or regional district, as applicable **within 2 months** from the date on which the damage was sustained.”*

Your information should describe what was damaged, how it happened, who was involved, where it happened and the date and time of the occurrence. Any photographs you take can be included with your letter or provided at a later date. Remember to include your name, home address and all telephone numbers where you can be reached.



The circumstances surrounding how your property was damaged will determine whether the local government is liable for the damages. Each scenario will be reviewed on its own set of facts. If there is evidence that the local government is responsible, your claim will be given serious consideration.

## Submit a Claim

The Corporate Services department investigates and adjusts all claims that citizens or businesses file for damage or injury which may be a result of an act or omission by Osoyoos or our employees.



If you feel that Osoyoos is responsible for any damage or injury, you may wish to file a claim.

You must do this in **writing within two months** of the date of the loss or damage.

Please include supporting documentation and photos (if applicable) when submitting your claim.

Claims should be submitted to:

Town of Osoyoos  
Corporate Services  
Box 3010, 8707 Main Street  
Osoyoos BC V0H 1V0  
(T) 250.495.6515  
(F) 250.495.2400  
(E) [info@osoyoos.ca](mailto:info@osoyoos.ca)

## Contact Information

**Fortis BC**  
**Natural Gas** Emergencies  
24 Hours **1.800.663.9911**  
**Electrical** Emergencies or Power Outages  
24 Hours **1.866.436.7847**

**Town Operational Services**  
Monday - Friday excluding Statutory Holidays  
8:00am – 3:30pm  
(T) 250.495.6213



**After Hours Emergencies**  
(T) **250.498.7676**

## Property Damage from Trees



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March 2020

Town of Osoyoos  
8707 Main Street, Box 3010  
Osoyoos BC V0H 1V0  
(T) 250.495.6515  
(TF) 1.888.495.6515  
(E) [info@osoyoos.ca](mailto:info@osoyoos.ca)  
(W) [www.osoyoos.ca](http://www.osoyoos.ca)

*This brochure has been prepared to provide information only. It is not a legal document. If any contradiction exists between this document and the relevant Town Bylaw, the text of the Bylaw is the legal authority.*

**Did you know that trees are one of your local government's most valuable assets?**

Trees improve the quality of urban life and contribute to a sense of community. Trees provide vital environmental benefits. They clean the air, buffer noise, provide drainage for rain water and provide shade. They can also enhance property values.



*Cottonwood Park  
Photo Courtesy of Debbie Gagne*

These aesthetic, environmental and economic considerations reflect the critical need to retain and enhance your local government's urban or rural forest. Unfortunately, under certain circumstances, property damage can result from trees.

**My property has been damaged by a 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.

Contact your insurance company promptly and report the damage to them, especially if it is severe and you require immediate assistance.

**My property has been damaged by a tree, what should I do? (Cont'd)**

If the damage is as a result of a wide-scale storm, the local government will be receiving many calls from the public that may delay their ability to attend to your loss location.

**Who is responsible for damage caused by the tree?**

Responsibility depends in part on whose property the tree was located and whether or not the property owner knew, or should have known, that the tree was likely to fail.

You should inform the property owner, whether it be a private person or entity or a local government, who will report the damage to their insurer and assess responsibility.

If the tree is located on private property, it is highly unlikely that the local government will be liable for the damage.

**How do I make a claim against the local government?**

Submit the details of when, including the date and time, and how the damage occurred in writing to the local government.

Describe, as best you can, the location of the tree relative to your property.

Include details of your loss, including any supporting documents such as photographs or receipts.



**Is there a deadline for making a claim?**



You should report any claim you have in writing to the local government within two months from the date the damage occurred. Subsection 736 (1) of the *Local Government Act* states:

*A local government will not be liable for damages unless notice in writing, setting out the time, place and manner in which the damage has been sustained, is delivered **within 2 months** from the date on which the damage was sustained.*

**Will I be reimbursed?**

The local government will first assess whether or not it is responsible for your loss based on the circumstances surrounding how your property was damaged.

The fact that the tree is located on local government property does not, in and of itself, mean that the local government is responsible for your loss.

Each situation will be reviewed on its own set of facts. If there is evidence that the local government is responsible, then you may be reimbursed for your damages.