

City Of London Blames Increased Crash Claims on Legal System - A Biased London Free Press Article

Posting Date: 01 Apr 2011

The London Free Press has authored a rather biased article in its April 1st, 2011 edition suggesting that Ontario's legal system is to blame for the City of London being named in several law suits relating to the City's inadequate maintenance of its road system. The article claims that the City of London "...was hit with nine lawsuits between November and March, seeking a total of \$4.9 million from defendants, including city hall".

With respect to two of the claims involving vehicle crashes the London Free Press noted: "In statements of claim obtained by The Free Press, both cases claim road conditions contributed to the crashes and plaintiff injuries..."

The London Free Press article attempts to inform its readers that "The lawsuits - essentially against London taxpayers - illustrate a growing legal burden carried by municipalities and underscore a movement by Ontario cities urging insurance reforms".

In an unprecedented lack of research the London Free Press has failed to mention that, with the re-writing of the Municipal Act in 2001 by the Mike Harris government, Ontario cities became "the only Sheriff in Town", by taking away the Province's controls that forced cities to adhere to standardized levels of roadway maintenance. Thus each city became its own judge and jury with respect to whether they were maintaining their roads to a reasonable standard. The only remaining control of a city's behaviour has been left to taking them to court and this is what is raising the frequency and cost of claims.

One only needed to listen to the Director of Roads and Transportation, Mr. David Leckie, who has stated the figures a number of times about how much his department has been underfunded leaving numerous roads in the London area with immediate needs that are not being attended to. This is not a problem that has occurred in London alone but, due to cities becoming their own policemen, almost all have opted to underfund their roadway maintenance departments while the public has maintained its ears plugged and its eyes blindfolded with apathy.

There are numerous examples that I have shown in the past but here is one case in point. Over a year ago I wrote an article on the development of depressions in the paved surface of Sunningdale Road, between Highbury Ave and Clarke Road, on the north-eastern outskirts of the City. At that time I showed you some of the photos such as the one below which was taken on March 5, 2010.



I informed Mr. Leckie of this problem back in the Spring of 2010. Nothing was done to correct the problem. Fast forward to this winter and here are some of the problems.



In the above photo you can see that the road surface has now ruptured leaving a crevice along the lane with a 3 inch difference in height between one part of the lane and the other. Try running over this when it is covered by snow and you are not aware of it. If you or your relative became quadriplegic would you sue the City if they were aware for over a year that this problem existed?

What about the photo below?



The carpenter's level is spanning one of numerous depressions in the pavement and the shadow of the level indicates the extent of the depression. And what about the photo below?



Look at the "wavy" appearance of the centre line in the above photo. Is this a photo of some waves on some Florida beach? This photo was taken on March 8th, 2011 or less than a month ago.

What the public is not aware of is that these depressions in the road recur every winter starting in early January due to the freezing of the base beneath the surface and then in the middle of March the surface suddenly flattens out again as the warmer temperatures arrive. So when someone complains of a problem the City can simply come out in warmer weather and show anyone that no problems exist.

This is just one of numerous examples, not just in the City of London, but throughout our area and throughout Ontario where hidden roadway problems exist and are not being dealt with. When roadway inspectors are the employees of the City, and the City is the one who might be sued over a roadway problem, what likelihood is there that the roadway inspector is going to note that a problem exists when the City's roads department does not have the funds to correct the problem? Is the road inspector going to subject his boss to a 3 million dollar civil suit? How naive can we be? But when this was a provincially held responsibility everyone played by the same rules and everyone was forced to follow the rules that were established through road safety research over the past numerous decades. Now suddenly those rules are not important but tax payers are told that preventing law suits should be the way to go. That is fine until you or your family are the unlucky ones who, through no fault of your own, are left to look after the expenses of a permanently disabled cripple.

Thanks London Free Press for being so objective.