

# 2023 OAAS Convention: Risk Management

Lawsuits on the rise in Ontario

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# Background: Why now?

**Lawsuits have become commonplace in today's world, and more and more we're seeing larger awarded sums than ever before...**

**The rise of the personal injury legal firm in Ontario and the:**

***"No money down, and we only get paid when you get paid..."***

**30-35% is the normal lawyer comp.....and it is big business**

**HELP: Bill 118 in Ontario has amended to 60/10 days for ice/snow slip and falls.**



# “Everyone Must Pay....”

**Current legislation places liability on all defendants, regardless of the degree to which they were responsible for a particular incident.**

**If one defendant is unable to pay, the other can be held wholly responsible for the settlement.**

**You can be 1 percent responsible yet paying 100 percent of the bill if the other party doesn't have the ability to pay**

**Insurance companies have lots of money....what does it matter? Remember your Brand.....**

# The Rise of Fraud/Suspicious Claims

Suspicious Theft

Staged Auto Accidents

Social Media: Inciting

Staged Slip and Falls

Defamation: Libel and Slander

Staged Injury Accidents

# The Increasing Stats and Concern

## COMMON SETTLEMENTS AND COMPENSATION AWARDED

Settlements are more common than jury-awarded compensation. In fact, 97% of cases do not go to trial and settle before their hearing date.

### Ontario

<b>2019:</b>	<b>Total Initiated New Cases</b>	<b>207,656</b>
	<b>Total Active Cases</b>	<b>419,750</b>
<b>2022</b>	<b>Coming out of the Pandemic</b>	<b>??????</b>



At the End of  
Day.....



# 2022 Ontario Fair Claims in Review

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Number of Served Claims

32



# What were they?

Slip and Falls

Vendors and 3<sup>rd</sup> Party Companies: Multiple (Midway,  
Contractors etc)

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Rentals: Off Season accidents, by non-insured groups

Walking into tent poles

Jumping off bleachers...multiple

Suspicious disappearance of tools and contents and money

Defamation

Directors

Social Media: Copyright

Animals





Interesting

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There were no:

Alcohol Related Claims



# E-Transfer Fraud

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5 cases in 2022 non-Fair related.

Fake email sent to vendors and exhibitors requesting money.

Used previous online list and contacts

Best Practice: look at own domain name.

Manager@CanadaFair.ca    President@CanadaFair.com



# What can we do to protect our Fair?

Strong Policy and Procedures, and a documented Risk Management Plan

Follow your Constitution and Bylaws.

1 Board Member is Media and Public spokesperson

Proper Financial Reporting and strong board meeting documentation

Daily Grounds Inspection reports and documented



# What can we do to protect our Fair?

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## **Vendor and Rental Contracts: COI's, hold-harmless clause**

Hired Security

Volunteer and Director training: Accountability

Education sessions on our changing agricultural environment and legal environment

Camera's







# Risk management is a key and important thing...but

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With increased risk management brings what we call the “**liability chill.**”

Signage and Headlines around :

No Trespassing

Dogs must be on a leash.....or No Dogs

No Skating

these are a direct correlation to claims being received

Remember:  
It Never  
goes Away



Everything  
you say



Everything  
you write



Every Action  
is on video

# Seek Professional advice

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Contracts, Waivers, registration forms:

The Internet is a great place but be careful..... Same as seeking medical advice

Work with your Board: it is full of professionals

Work with local professionals, City resources, OAAS, etc

Insurance Company

ASK for Help.....Don't make it up



# QUESTIONS

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