

REPORT NO. 25 of the
PUBLIC SAFETY STANDING COMMITTEE
of its meeting held April 18, 2012

Present: **Councillor Jones, Chair**
 Councillor Dilkens
 Councillor Gignac
 Councillor Maghnieh
 Councillor Payne

Referencing: **Report No. 147 of the Windsor Licensing Commission**

That the following recommendation of the Public Safety Standing Committee **BE APPROVED** as follows:

Moved by Councillor Dilkens, seconded by Councillor Gignac
That Business Licensing Bylaw 395-2004, Schedule P2, Section 4 **BE AMENDED** by deleting the following:

- "(c) Proof of insurance as follows:
 - i. public liability in the amount of not less than One Million Dollars (\$2,000,000.00);
 - ii. property damage in the amount of not less than One Million Dollars (\$2,000,000.00)

And replacing it with:

- "(c) Proof of General Liability insurance, including but not limited to bodily injury, property damage, and completed operations coverage, in the amount of not less than Two Million Dollars (\$2,000,000.00)"

Carried.

Clerk's Note: Report No. 147 of the Windsor Licensing Commission is **attached** as background information.

NOTIFICATION:				
Name	Address	Email Address	Telephone	FAX

PUBLIC SAFETY STANDING COMMITTEE

REPORT NO. 147 of the WINDSOR LICENSING COMMISSION

of its meeting held September 21, 2011

Present:
Councillor Ron Jones, Chairperson
Councillor Drew Dilkens
Councillor Al Maghnieh
Councillor Ed Sleiman
Jack Fathers

That the following recommendation of the Windsor Licensing Commission **BE**
APPROVED:

Moved by Councillor Dilkens, Seconded by Councillor Sleirrian,
That Business Licensing Bylaw 395-2004, Schedule P2, Section 4 **BE AMENDED** by
deleting the following:

- "(c) Proof of insurance as follows:
- i. public liability in the amount of not less than One Million Dollars (\$2,000,000.00);
 - ii. property damage in the amount of not less than One Million Dollars (\$2,000,000.00)

And replacing it with:

"(c) Proof of General Liability insurance, including but not limited to bodily injury, property damage, and completed operations coverage, in the amount of not less than Two Million Dollars (\$2,000,000.00)"

Carried.

NOTE: The report of the Supervisor of Licensing /Deputy Licence Commissioner dated August 16, 2011 entitled "Amendment to By-law 395-2004, Schedule P2 - Plumbing Work" is attached.

Livelinek #15490 AB/10951

CHAIRPERSON

SECRETARY

Notification:		
Windsor Licensing Commission		

THE CORPORATION OF THE CITY OF WINDSOR
Office of the City Clerk- Policy, Gaming & Licensing

MISSION STATEMENT:

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

LiveLink FILE#: 15490 AB/10951	Report Date: August 16, 2011
Author's Name: Michael Chantler, Supervisor of Licensing/Deputy Licence Commissioner	Date to Commission: September 21, 2011
Author'-s Phone: 519 255-6100, Ext. 6869	Classification #:
Author's E-mail: mchantler@city.windsor.on.ca	

TO: Windsor Licensing Commission

SUBJECT: Amendment to Bylaw 395-2004, Schedule P2-Plumbing Work

1. RECOMMENDATION: City Wide: Ward(s): ___

That Business Licensing Bylaw #395-2004, Schedule P2, Section 4, **BE AMENDED** by deleting the following:

"(c) Proof of insurance as follows:

- (i) public liability in the amount of not less than One Million Dollars (\$2,000,000.00);
- (ii) property damage in the amount of not less than One Million Dollars (\$2,000,000.00);"

And replacing it with:

"(c) Proof of General Liability Insurance, including but not limited to bodily injury, property damage, and completed operations coverage, in the amount of not less than Two Million Dollars (\$2,000,000.00)"

2. EXECUTIVE SUMMARY: N/A

3. BACKGROUND:

Administration, in reviewing Schedule P2 in Business Licensing Bylaw 395-2004, identified an inconsistency in the bylaw wording in Section 4 (c) that requires a correction.

4. DISCUSSION:

As it currently stands, the wording of the bylaw is inconsistent with respect to the insurance requirements. Administration believes it was the intention of the bylaw to require two (2) million dollars in liability. A minimum of two (2) million dollars in liability insurance is industry standard, is the minimum coverage contemplated in s.35 of the Purchasing By-law, and has been determined by Purchasing & Risk Management to be a reasonable amount of coverage to require based on the type and magnitude of risk to which plumbing work would generally give rise. In our day-to-day business procedures, the Licensing department has always asked for proof of two (2) million dollars in liability insurance and required those applying for a license to provide such proof by way of a Certificate of Insurance.

In revising this portion of the bylaw, it is also fit to edit the requirement for "property damage". A person seeking a license to engage in the business of plumbing requires insurance to respond to claims for damages that could be made by a recipient of the plumbing work, ie. a third party. The third party claim could arise from, including but not limited to, the following:

- a) Bodily Injury- physical injury to a third party arising from the plumber's work;
- b) Property Damage - damage to property of a third party arising from the plumber's work;
- c) Completed operations - injury or damage caused once the plumbing work is complete, or abandoned, due to work improperly performed.

Coverage for these types of claims, including claims for property damage, form part of a standard General Liability policy, unless excluded.

This is to be distinguished from what is commonly referred to as a "property policy", which is in place to cover property damage to one's own property. For instance, a property policy taken out by a plumber could cover items such as the plumber's tools, building/place of business, equipment, etc. It is not the intention of Licensing to dictate how any person seeking a license to perform plumbing work is to protect their own assets.

Having a separate requirement for "property damage" is redundant and confusing.

5. FINANCIAL MATIERS:

There are no financial implications to the Corporation as a result of the recommended amendment.

6". CONSULTATIONS:

Dana Paladino, Risk Management

7. **CONCLUSION:**

∴J, Administration recommends that the bylaw be amended to remove any ambiguity which could result in confusion for applicants in this category of business licensing.

Michael Chantler
Supervisor of Licensing & Deputy Licence

Valerie Critchley _____
City Clerk & Licence Commissioner

| APPENDICES: |

NOTIFICATION:				
Name	Address	Email Address	Telephone	FAX