

NOTICE OF CLAIM

Generally it is a brief letter containing a short statement about the nature of the claim and the plaintiff's intention to seek compensation for damages caused by the defendant's "school board" alleged negligence. When an individual is making a claim against a school or school board for injury or damage to their property, notification of the claim can be presented in many ways:

- Oral notice of claim and/or request for compensation by an individual.
- Informal written letter (including email) requesting compensation.
- A letter from a lawyer containing a short statement about the nature of the claim and the plaintiff's intention to see compensation for damages caused by the school board's alleged negligence. The letter requests that the insurance carrier (OSBIE) be notified.
- **Notice of Claim:** A legal document showing the name of the plaintiff and defendants notifying the defendant (school board) of plaintiff's intention of issuing a statement of claim
- **Small Claims Court Action:** A typed or hand written form identifying the plaintiff (person seeking compensation), defendant (board plus potentially other parties), amount of compensation seeking, and details of the claim.
- **Statement of Claim:** A legal document outlining the amount of money they are seeking, the facts of the case, and allegations against the board or other named defendants.

A Statement of Claim is issued by the court in the jurisdiction where the action is to be tried.

There is a court file number in the upper right hand corner.

The first page clearly indicates the name of the plaintiff and the defendant and the document is clearly marked STATEMENT OF CLAIM.

Statements of Claim are time sensitive.

The defendant (school board) must within twenty days of the date the Statement of Claim is served, respond to plaintiff's counsel either by serving the Statement of Defence or request a waiver from plaintiff counsel for filing the Statement of Defence after the prescribed twenty days.

Failure to reply to a Statement of Claim may result in significant consequences in defending the claim. This includes the defendant (school board) having a default judgment made against them. Basically, this is a decision made by the court without the defendant having an opportunity to contest the issues and allegations made by the plaintiff.

What to do:

In all cases the school or school board should immediately forward any type of Notice of Claim to the OSBIE's claims department (teresad@osbie.on.ca) for immediate attention and determination of coverage under the CGL Policy.