TO: Chair and Members  
Audit & Administration Committee  

WARD(S) AFFECTED: CITY WIDE  

COMMITTEE DATE: October 6, 2010  

SUBJECT/REPORT NO:  
Ontario Disaster Relief Assistance Program Guidelines Review & Recommendations (FCS06007(e)) (City Wide) (Outstanding Business List Item D)  

SUBMITTED BY:  
Roberto Rossini, General Manager  
Finance & Corporate Services  

PREPARED BY:  
Adam Smith (905) 546-2424 Ext. 1434  

RECOMMENDATION:  

(a) That the Provincial Ombudsman be requested to review the Ontario Disaster Relief Assistance Program (ODRAP) with regards to the following:  

(i) That specific or defined criteria be introduced to determine eligibility of the program;  

(ii) That the authority for the determination of program eligibility be reviewed, specifically the appropriateness of a single elected official as the sole determiner;  

(iii) That municipal assistance programs such as the City of Hamilton’s Compassionate Grant Program not impair the municipality’s ability to meet the program eligibility;  

(iv) That the fundraising requirement for the private damages component be removed;
(v) That ODRAP be expanded to cover the entire funding for private non-essential expenses (e.g., recreation room furniture) in cases where no insurance is available, or no insurance at a reasonable premium rate is available;

(vi) That the financial capacity of the affected individuals and community not be considered as eligibility criteria for the program.

(b) That copies of report FCS06007(e) be forwarded to the Association of Municipalities of Ontario (AMO) and other municipalities known to have had their applications for assistance through ODRAP denied, in order to request their support;

(c) That copies of report FCS06007(e) be forwarded to the Provincial Ombudsman's Office, the Ministry of Municipal Affairs and Housing and local MPPs;

(d) That Item D respecting Ontario Disaster Relief Assistance Program be considered complete and removed from the Audit and Administration Committee Outstanding Business List.

EXECUTIVE SUMMARY

On September 25, 2009, the City was informed by the Ministry of Municipal Affairs and Housing (MMAH) (refer to Appendix “A” of FCS06007(e)) that its application for funding, through ODRAP, in relation to a severe storm which saw rainfall amounts exceed 100-year levels, causing wide-spread flooding across several areas of the City, had been denied on the basis that some of the areas had been subject to floods in previous years. The Minister felt that the extent of the damages caused by the flood did not exceed the financial resources of the affected individuals, municipality and the community-at-large.

Following the denial of the City’s application, the Audit & Administration Committee directed staff to review and make recommendations relating to the eligibility criteria to receive funding from ODRAP. The MMAH subsequently released an updated version of the ODRAP guidelines (refer to Appendix “B” of FCS06007(e)).

Staff have reviewed the updated program guidelines, which include a small change to the disaster declaration – municipalities may now choose to declare for only private property or only public property – they have not addressed the eligibility criteria.

Following the comparison of the updated program guidelines and the old program guidelines, staff began comparing ODRAP to other provincial disaster programs. The provincial programs of Nova Scotia, Manitoba (refer to Appendix “C” of FCS06007(e))

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
Saskatchewan (refer to Appendix “D” of FCS06007(e)), and Alberta (refer to Appendix “E” of FCS06007(e)). A comparison of several components of the Manitoba, Saskatchewan and Alberta programs to ODRAP are highlighted below:

<table>
<thead>
<tr>
<th></th>
<th>Ontario</th>
<th>Manitoba</th>
<th>Saskatchewan</th>
<th>Alberta</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uninsured Damages Required</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Minimum Damage Cost Requirement</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Local Fundraising Component Required</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Specific Disaster Qualification Criteria</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Single Elected Official Makes Declaration</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Sometimes</td>
</tr>
<tr>
<td>Appeals Process</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Damage must exceed financial capacity of Community</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Staff developed the recommendations, based on the City’s experience with ODRAP, and a comparison against the programs in other provinces.

Alternatives for Consideration – See Page 9.

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

**Financial:** If clearly defined eligibility criteria existed, and if municipal assistance programs didn’t impact program eligibility, staff would be able to more quickly and assuredly recommend if the Compassionate Grant program is appropriate, and make any modifications to the program that may be prudent for the given situation. Implementing the Compassionate Grant Program has a direct impact on the operating budget and program reserves. The uptake and associated costs of the Compassionate Grant Program are provided in Appendix “F” of FCS06007(e).

**Staffing:** In the month following the flood, a considerable amount of time was spent putting together the ODRAP application, and following up with the Ministry and staff members to update information.

If there was clearly defined eligibility criteria for this program, staff resources could be utilized accordingly – as opposed to these resources being put into an effort that turns out to be unsuccessful.

**Legal:** N/A.

**HISTORICAL BACKGROUND** (Chronology of events)
The City of Hamilton had its first two experiences with ODRAP in 2005, first following a heavy rain storm on August 19, 2005, that led to flooding, and second after a tornado on November 9, 2005, touched down in the Lawfield neighbourhood, and affected both the Upper Gage and Mohawk Road area and the Millen Road area (Stoney Creek). The City made requests to the Ministry of Municipal Affairs and Housing for assistance through ODRAP for both events, however, both requests were quickly denied.

Since 2005, there have been several heavy rainfall events which have led to flooding in various areas of the City of Hamilton. Some of these floods have affected a couple of dozen residents, while others have affected hundreds of households. Some residents and households have reported flooding five times or more since 2005. The flood resulting from the heavy rainfall on July 26, 2009, affected over 7,700 households, dwarfing the damage resulting from past events, and flooded many areas that had not been prone to flooding in the past.

On July 26, 2009, the City of Hamilton was hit by a severe storm which saw rainfall amounts exceed 100-year storm levels, causing wide-spread flooding across several areas of the City. In the following weeks, City staff went through the process of applying for the Ontario Disaster Relief Assistance Program (ODRAP) (refer to Appendix “G” of FCS06007(e)) to seek provincial assistance for both private and public damages resulting from the flood. Highlights from the application (refer to Appendix “H” of FCS06007(e)) are summarized in the following Table 2:

<table>
<thead>
<tr>
<th>Table 2</th>
<th>Private Damage</th>
<th>Public Damage</th>
</tr>
</thead>
<tbody>
<tr>
<td># of Properties affected</td>
<td>Over 7,700</td>
<td>Over 25 facilities/properties</td>
</tr>
<tr>
<td>Estimated Damages – Total</td>
<td>$50-100 Million</td>
<td>Over $13 Million</td>
</tr>
<tr>
<td>Uninsured Damage Est.</td>
<td>$15-20 Million</td>
<td>$7-12 Million</td>
</tr>
<tr>
<td>Total precipitation on July 26 (Stoney Creek)</td>
<td>109 mm</td>
<td></td>
</tr>
<tr>
<td>Red Hill Creek water level increase on July 26</td>
<td>3.7 m</td>
<td></td>
</tr>
<tr>
<td>January 15, 2010 Insurance Board of Canada claims total</td>
<td>$156 Million</td>
<td></td>
</tr>
</tbody>
</table>

On July 29, 2009, staff made their first contact with the MMAH, informing them of the initial details of the flooding, and that an application under ODRAP was likely. On August 8, 2009, a teleconference, including several staff members from both the City and MMAH took place, where Ministry staff further outlined the program requirements, and the kind of information they would be looking for in the ODRAP application. On August 11, 2009, MMAH and Ministry of Transportation (MTO) officials and an insurance adjuster met with various City department representatives to view a presentation on the extent of the damage caused by the flood and finally visit some of the sites that had been damaged.
On August 14, 2009, staff submitted to the MMAH (The Honorable Jim Watson) the City’s ODRAP application. The submission was in the form of a binder which included the ODRAP application form, photographs of the flood and damage, media articles, weather data, details on the number of damaged private residences, details on the public damage, City investments in related infrastructure, history of flooding events and data regarding the City’s economic situation.

Some of the key pieces of information relating to the magnitude of the damage in the submission included: over 7,700 households affected, an estimated $50-100 million in private damages (including insured) and an estimated $7-12 million in public damages.

On September 25, 2009, the City was informed of the Minister’s decision to deny Hamilton’s ODRAP application. In the Minister’s letter (refer to Appendix “A” of FCS06007(e)), he indicated that there was no evidence of uninsured claims of such a magnitude that it would exceed the financial resources of the affected individuals, municipality, and community-at-large and this was the reason the application was denied.

Following the denial of the City’s application, the Audit & Administration Committee passed the following motion directing staff to report back on recommendations that could be made on setting more specific eligibility criteria to qualify for ODRAP:

(a) That staff be directed to review the Ontario Disaster Relief Assistance Program and the City of Hamilton’s experience with its application and report back to the Audit and Administration Committee with recommended changes to the program; and

(b) That staff be directed to forward the recommended changes to the Ontario Ombudsman and request a review of the Ontario Disaster Relief Assistance Program and the City of Hamilton’s experience with its application.

Around the same time, the Ministry of Municipal Affairs and Housing released an updated version of the ODRAP program guidelines. Staff have reviewed both old and new program guidelines and compared the relevant sections in the Analysis section of this report (refer to Table 3 of FCS06007(e)).

**POLICY IMPLICATIONS**

The recommendation to allow municipal assistance programs to be enacted without impairing the municipality’s ability to meet program eligibility requirements is of importance to the City of Hamilton. This would allow the City to continue to provide financial assistance following disasters by enacting the Municipal Disaster Relief Assistance Program, without fear of it jeopardizing the City’s ability to receive funding through Provincial or Federal assistance programs.
ANALYSIS / RATIONALE FOR RECOMMENDATION

The following Table 3 compares the key sections of the ODRAP guidelines in place during the City of Hamilton's application and the updated guidelines that were introduced in September 2009:

<table>
<thead>
<tr>
<th>Key Sections</th>
<th>Old Guidelines (In place during August 14 application)</th>
<th>New Guidelines (Came into effect after Sept. 25 decision to deny City application)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose of Program</td>
<td>Intended to alleviate the hardship suffered by those whose property has been damaged in a sudden and unexpected natural disaster</td>
<td>Intended to assist those whose essential property has been extensively damaged as a result of a sudden, unexpected natural disaster</td>
</tr>
<tr>
<td>When Program is Applicable</td>
<td>ODRAP provides assistance when damages are so extensive that they exceed the financial resources of the affected individuals, municipality, and community at large</td>
<td>ODRAP provides assistance when the cost of restoration exceeds the financial capacity of the affected individuals, municipality and community at large</td>
</tr>
<tr>
<td>Insurance Caveat</td>
<td>ODRAP is not an alternative or a substitute for adequate private insurance coverage and sound risk management</td>
<td>ODRAP is not a substitute for adequate insurance coverage and does not provide full cost recovery</td>
</tr>
<tr>
<td>Disaster Declaration</td>
<td>Within 14 working days of the disaster, the municipality must adopt a resolution (including date and type of disaster) requesting a “disaster area” being declared. This resolution</td>
<td>Within 14 working days of the disaster, municipal council must adopt a resolution stating the type of natural disaster and the date of the event, outline if the</td>
</tr>
<tr>
<td>Whether all or a specific portion of the municipality is to be declared a disaster area, and covers both the public and private components of the program</td>
<td>Request is for public and/or private components, and clearly define all areas damaged by the disaster and what area is being declared a disaster area</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td><strong>Information to be Included With Resolution</strong></td>
<td>The number of private properties, farms, small businesses and non-profit organizations incurring damages, the number of residents, small businesses or farms affected, extent and preliminary cost estimate of damages suffered, newspaper clippings, media reports and other documentary evidence</td>
<td>Municipal disaster information report containing: magnitude of estimated private damages, number of damaged properties with insurance coverage, preliminary cost estimates to restore, replace or repair essential property and contents to pre-disaster condition, newspaper clippings and other documentary evidence</td>
</tr>
<tr>
<td><strong>Determining a Disaster has Occurred</strong></td>
<td>The Minister considers both the cause of the damages, and the extent of the damages relative to the financial resources of the affected area</td>
<td>The minister considers both the cause and extent of the damage relative to the financial resources of the affected municipality and community at large</td>
</tr>
<tr>
<td><strong>Role of the Ministry</strong></td>
<td>Assist in determining if sustained damages may be eligible for assistance, administration and coordination of ODRAP, advise municipalities in setting up disaster relief committee and assisting the committee, assist in determining if public damage is eligible for compensation</td>
<td>Provide information to municipalities on ODRAP process, inform about the purpose, eligible expenses, and types of financial assistance provided by the program, providing the Minister with information about the disaster, the impact on the community, and the appropriateness of disaster relief assistance, administering the legal agreement with the municipality, and advising, assisting and attending the inaugural meeting of the Disaster Relief committee</td>
</tr>
</tbody>
</table>
The updated guidelines provide some clarifications and a minor change to the program (ability to request only Public or only Private assistance), however it offers very little new information in terms of eligibility criteria when compared to the program guidelines in place during the City’s application.

Staff have also looked at the disaster assistance plans, in other provinces, in order to compare program strengths and weaknesses, and determine what eligibility criteria might be appropriate. The following provinces programs were reviewed: Nova Scotia, Manitoba, Saskatchewan and Alberta. There are some things that all of the programs had in common – for instance, none of these provinces require private fundraising to contribute to the private damage component of their programs. Also, none of these programs look at the financial resources of the affected individuals and community as criteria when determining program eligibility.

There were, however, some differences between the four provincial programs that we reviewed. Manitoba, Saskatchewan and Nova Scotia’s programs had some similar aspects, while Alberta’s stood out with some distinct differences which are detailed below. The three similar programs are all generally enacted once the eligible costs exceed certain levels. In Manitoba, a program can be enacted once eligible costs exceed $1 per capita, based on the population of the local authority/government. In Nova Scotia program eligibility is also based on costs exceeding $1 per capita, however, it is based on the provincial population. The reason for Nova Scotia basing the per capita costs on provincial population is that Federal Assistance becomes available to provinces when the province-wide eligible damage total (not including insured damages) exceeds $1 per capita (based on province’s population), and the level of assistance increases progressively as the per capita cost of the damages increases. In Saskatchewan, when costs of public damage exceed the lesser of a three-mill levy on the taxable assessment, or $1,000,000, or if there is private damage exceeding $5,000 for an individual property, a disaster recovery program can be launched.

It should be noted that the July 26, 2009, flooding event would have qualified under these other provincial programs but we were denied financial assistance in Ontario.

**Alberta’s Disaster Recovery Program (DRP) (refer to Appendix “E” of FCS06007(e))**

We found that Alberta’s DRP provided the best example of a provincial disaster financial assistance program that gave clear criteria for determining eligibility. Disaster Recovery Assistance is provided to residents, small businesses, agricultural operations and governments when three criteria are met: the event is considered extraordinary, insurance is not reasonably or readily available and there is evidence that the event is widespread. Alberta even provides examples of what is considered to be extraordinary, such as rainfall at a one in 25 year level in urban areas and stream flow exceeding 100-year levels.
In cases where the event is not considered widespread, but has threatened the economic viability of a small number of people, businesses or municipalities, Alberta does not launch a DRP, but does consider this a localized disaster, for which financial assistance may be available. In such cases, individuals apply directly to the Director of the Disaster Recovery Branch of the Alberta Public Safety Services Agency.

In cases where assistance is denied, a letter outlining the reasons for denial must be sent to the applicant, and an appeal process is in place if applicants feel that their denial was unfair in any manner. Also in the program, is a section that allows the Minister, notwithstanding any other provisions of the program, to direct that compensation be provided if, in the Minister’s opinion, it is in the public’s interest to provide such compensation.

**ALTERNATIVES FOR CONSIDERATION:**
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The alternative would be to not make a recommendation for a program review to the Provincial Ombudsman. If this were to occur, it is unlikely that the criteria and guidelines for the program would change, and if the City were to be hit by another disaster, such as the flood of July 26, 2009, it would be difficult to determine if it is appropriate for staff resources to be used to put together an application for ODRAP.

**CORPORATE STRATEGIC PLAN  (Linkage to Desired End Results)**


**Skilled, Innovative & Respectful Organization**
- A culture of excellence
- More innovation, greater teamwork, better client focus
- An enabling work environment - respectful culture, well-being and safety, effective communication
- Council and SMT are recognized for their leadership and integrity

**Financial Sustainability**
- Financially Sustainable City by 2020
Address infrastructure deficiencies and unfunded liabilities

**Intergovernmental Relationships**
- Influence federal and provincial policy development to benefit Hamilton
- Maintain effective relationships with other public agencies

**Social Development**
- Residents in need have access to adequate support services

**Healthy Community**
- Plan and manage the built environment
- Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services)

### APPENDICES / SCHEDULES

Appendix “A” – Letter dated September 25, 2009, from The Honourable Jim Watson, MMAH, denying the City of Hamilton’s ODRAP application
Appendix “B” – September 2008 Ontario Disaster Relief Assistance Program Pamphlet
Appendix “C” – Manitoba Disaster Financial Assistance Policy
Appendix “D” – Saskatchewan Provincial Disaster Assistance Program Regulations
Appendix “E” – Alberta Emergency Management Agency Disaster Recovery Program
Appendix “F” – Compassionate Grant & Supplemental Relief Grant Experience
Appendix “G” – October 1999 Ontario Disaster Relief Assistance Program Pamphlet
Appendix “H” – City of Hamilton’s ODRAP Application Form submitted August 14, 2009
September 25, 2009

His Worship
Mayor Fred Eisenberger
City of Hamilton
77 James Street North
Suite 230
Hamilton ON L8R 2K3

Dear Mayor Eisenberger:

Thank you for your letters of August 5 and 14, 2009, requesting me to consider declaring all areas of the City of Hamilton that were affected by the July 26, 2009 storm event as a disaster area for the purposes of the Ontario Disaster Relief Assistance Program (ODRAP).

I am encouraged by the City’s program to offer residents a compassionate grant of $1,000 to assist with flood damages, including a separate grant of $5,000 to eligible residents that have been denied sewer-backup insurance. I also commend the City for its efforts to educate and encourage the public to take measures to protect their own property and Council’s active consideration of a backflow-preventer subsidy plan.

It is my understanding that much of the area has been subject to several floods since 2005, which appears to be a systemic problem that the City is trying to address through appropriate infrastructure remedies and public education. The City has received provincial grants to fund priority municipal projects and also allow the City to divert other municipal resources to consider appropriate flood-mitigation measures.

It is important to consider the purposes of ODRAP. The program provides assistance when damages as a result of a natural disaster are so extensive that they exceed the financial resources of the affected individuals, the municipality and the community at large.

After careful consideration of the information provided in the Municipal Damage Report and supporting documentation, the circumstances surrounding the flooding of July 26, 2009 do not fit the eligibility criteria of the ODRAP program. The Ministry has determined that there is no evidence of uninsured claims of such a magnitude, as most claims resulting from the storm event are covered by property insurance.

Mary
Chris Hurra
His Worship
Mayor Fred Eisenberger

Therefore, I have decided that it would not be appropriate to declare the areas affected by the storm as a disaster area for the purposes of ODRAP.

The City's on-going efforts to correct the infrastructure deficit and recent supporting grant monies should help mitigate future impacts from flooding.

Thank you for your prompt response and assistance to Hamilton residents following this storm event. As always, my ministry will continue to be available to work with the City.

Sincerely yours,

Jim Watson, MPP
Minister

c: The Honourable Ted McMeekin, MPP, Ancaster-Dundas-Flamborough-Westdale
Ms. Sophia Aggelonitis, MPP, Hamilton Mountain
Ontario Disaster Relief Assistance Program

Program Guidelines
Table of Contents

ONTARIO DISASTER RELIEF ASSISTANCE PROGRAM (ODRAP) PROVINCIAL GUIDELINES

1. PURPOSE OF THE PROGRAM
   Private Insurance
   Emergency Management and Civil Protection Act

2. INTENT OF THE GUIDELINES

3. ROLE OF THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

4. HOW ODRAP WORKS
   Making a request for a disaster declaration for public and private assistance
   Making a request for a disaster declaration for public assistance when more than one municipality is impacted
   Making a request for a disaster declaration for private assistance only
   Making a request for a disaster declaration from unincorporated areas
   Approving a disaster declaration
   Maintaining verification and audit controls

5. PROVINCIAL FINANCIAL ASSISTANCE - PUBLIC DAMAGE COMPONENT
   Submitting a municipal disaster information report
   Completing a municipal disaster information report
   Examples of eligible public losses and costs under ODRAP
   Examples of ineligible public losses and costs under ODRAP

6. PROVINCIAL FINANCIAL ASSISTANCE - PRIVATE DAMAGE COMPONENT
   Requiring a local Disaster Relief Committee
   Submitting a municipal disaster information report
   Examples of eligible private losses and costs under ODRAP
   Examples of ineligible private losses and costs under ODRAP
7. DISASTER RELIEF COMMITTEE

Setting up the Committee.....................................................................................................14
Operations of the Disaster Relief Committee........................................................................14
Responsibilities of the Disaster Relief Committee.................................................................15
Guidelines for Disaster Relief Committees............................................................................16
Extreme Financial Hardship..................................................................................................16

8. EMERGENCY PREPAREDNESS AND RESPONSE IN ONTARIO........................................17

Individuals and Families.........................................................................................................17
Affected Municipality.............................................................................................................17
First Nations Communities....................................................................................................17

Appendix A: Disaster Checklist for Municipal Council..........................................................18
Appendix B: Examples of Information Requirements for the Municipal Disaster Information Report.................................19
1. **PURPOSE OF THE PROGRAM**

The Ontario Disaster Relief Assistance Program (ODRAP) is intended to assist those whose essential property has been extensively damaged as a result of a sudden, unexpected natural disaster such as a severe windstorm, tornado or flood. ODRAP contains:

- **Private component**: Individuals, homeowners, farmers, small business enterprises and non-profit organizations. Funds are raised by the community and may be matched up to 2:1 by the province;

- **Public component**: Financial assistance may be provided by the province to affected municipalities for disaster response and recovery.

The program provides financial assistance within the declared disaster area to restore damaged public infrastructure and/or private property to pre-disaster condition, when the cost of restoration exceeds the financial capacity of the affected individuals, municipality and community at large.

**Private Insurance**

ODRAP is not a substitute for adequate insurance coverage and does not provide full cost recovery.
Emergency Management and Civil Protection Act

For a municipality to be eligible for ODRAP, the Minister of Municipal Affairs and Housing (herein referred to as “the Minister”) must make a declaration of a disaster area for the purposes of ODRAP. Municipalities are not automatically entitled to receive financial assistance when declaring a local “emergency” under the Emergency Management and Civil Protection Act (EMCPA). An “emergency” declared by the head of council under the EMCPA is separate and distinct from the declaration of a “disaster area” made by the Minister for the purposes of ODRAP.
2. **INTENT OF THE GUIDELINES**

   The intent of these Guidelines is to provide information about ODRAP to assist an affected municipality to determine whether it should request the Minister to declare a disaster area for the purpose of accessing provincial disaster assistance. The regional Municipal Services Office in the area can provide additional information. Contact information for Municipal Services Offices is in Appendix A: Disaster Checklist for Municipal Council.
3. ROLE OF THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

ODRAP is administered through the regional Municipal Services Offices and coordinated through the Municipal Programs and Education Branch of the Ministry of Municipal Affairs and Housing (MMAH). The Municipal Services Offices carry out the following:

- Provide information to municipalities on making a disaster declaration request to the Minister, and completing the Municipal Disaster Information Report, as described in Appendix B;
- Inform municipalities on the purpose of ODRAP, eligible public and private damages, and types of financial assistance;
- Provide the Minister with information about the disaster, its impact on the community and the appropriateness of disaster relief assistance;
- Administer the legal agreement with the municipality and other documentation;
- Advise municipalities on setting up a disaster relief committee for private damages and establishing operating procedures;
- Attend the inaugural meeting of the disaster relief committee and provide appropriate support;
- Distribute program guidelines and related materials issued by the Ministry to the disaster relief committee.
4. HOW ODRAP WORKS

Making a request for a disaster declaration for public and private assistance

The Minister is authorized to declare a “disaster area” for the purposes of ODRAP.

To make a request, municipal council must adopt a resolution and forward it to the Minister within 14 working days of the onset of the disaster. The resolution must:

- State the type of natural disaster and date of the event;
- Outline the municipality's request for a disaster area for the public and/or private components of ODRAP;
- Define clearly all areas damaged by the disaster, and whether all or a specified portion of the municipality is to be declared a disaster area. Municipal boundaries may not coincide with the areas damaged by the disaster. In this regard, municipalities should try to define all areas damaged by the disaster to ensure fair treatment to all affected residents. It is important to note that only uninsured damages within the declared disaster area are eligible for ODRAP funding;
- Agree to establish a local disaster relief committee for the private component of ODRAP as soon as possible once the declaration of a disaster area is made by the Minister.

Sample Resolution Requesting a Disaster Declaration for the Public and Private Assistance of ODRAP

Whereas the municipality of (name) recently experienced a (describe type of natural disaster event) on (date) and has experienced substantial damage to municipal property and infrastructure and has received reported losses of private damage, the council of (name of the municipality) hereby requests the Minister of Municipal Affairs and Housing to declare the (specific area/municipality) a “disaster area” for the purposes of the Ontario Disaster Relief Assistance Program (ODRAP);

Further, should the Minister declare a disaster area regarding the private component of ODRAP, Council will immediately, under the authority of ODRAP, appoint members to a disaster relief committee to administer ODRAP.
Making a request for a disaster declaration for public assistance when more than one municipality is impacted

If two or more municipalities have been affected by the same natural disaster and wish to access the public component of ODRAP, the council of each municipality affected by the event must adopt a council resolution requesting a declaration of a disaster area. The Minister may declare one disaster area to cover all the affected municipalities.

Making a request for a disaster declaration for private assistance only

If two or more municipalities have been affected by the same disaster, the council of each municipality affected by the disaster must adopt a council resolution requesting the disaster area declaration. The Minister may decide to declare one disaster area to cover all of the affected communities for the purposes of one disaster relief committee administering the private component fairly and equitably.

Upper tier municipalities, i.e. counties, regions or the District Municipality of Muskoka, may adopt a resolution requesting a disaster declaration and agree to appoint a disaster relief committee. In this situation, local council resolutions of those municipalities affected by the disaster must accompany the upper tier’s resolution.

Making a request for a disaster declaration from unincorporated areas

While unincorporated areas are excluded from the 14 working days requirement, a request for declaration of a disaster area for private assistance only may be made to the Minister by a local service provider, e.g. local services board, local roads board, local school board, within a reasonable timeframe, ideally, as soon as possible following the disaster event. The MAH Municipal Services Office can provide more information regarding this process.

Approving a disaster declaration

In evaluating a request for declaring a disaster area, the Minister considers both the cause and the extent of the damage relative to the financial resources of the affected municipality and the community at large.
Depending on the magnitude of a natural disaster, a Provincial Disaster Assessment Team (PDAT) may be activated to provide the province’s own assessment of the scale of the disaster impacts and the need for financial assistance to the Minister.

The municipality requesting the declaration of a disaster area will be notified by the Minister of the decision. When a disaster area is declared, a legal agreement is established between the Minister and affected municipality for accountability purposes.

**Maintaining verification and audit controls**

When disaster financial assistance is approved, the affected municipality must submit claim forms, accompanied by appropriate receipts, in order to recover its costs. A senior municipal official is required to sign all claims, verifying expenditures. The forms are provided by the regional Municipal Services Office, which provides advice on their completion and audit controls.
5. **PROVINCIAL FINANCIAL ASSISTANCE - PUBLIC DAMAGE COMPONENT**

The public component of ODRAP provides assistance to municipalities when damage is so extensive that it exceeds the capacity of the affected municipality to manage.

The Minister considers the impact of, and financial hardship caused by the natural disaster on the affected municipality. Municipalities within the declared disaster area may receive repayment/reimbursement of up to 100 per cent of eligible costs for uninsured municipal damage associated with a disaster.

**Submitting a municipal disaster information report**

In addition to the municipal council resolution, the affected municipality must submit a municipal disaster information report (see Appendix B) containing at least a preliminary estimate of public damage losses within 14 working days from the date of the disaster. However, for disasters with significant public safety consequences, the municipal council resolution and the municipal disaster information report should be submitted as early as possible in case advance assistance is needed. Additional updates within and after the 14 working day period can be submitted to the regional Municipal Services Office as more accurate damage assessment information becomes available.

**Completing a municipal disaster information report**

A municipal disaster information report assists the Minister to determine the appropriateness of ODRAP, and permits early consideration of financial assistance for immediate needs related to emergency response and cleanup. The following information is required:

- Extent of municipal damage suffered, including expenses incurred by other municipalities which support response operations or act as a Host Community;
- Preliminary cost estimate to restore, replace and/or repair damage to municipal property and infrastructure to pre-disaster condition;
- Other information council believes is pertinent (e.g., Conservation Authority reports, Environment Canada reports, etc.).

The package should include newspaper clippings, photographs and other documentary evidence where available.
The Minister may also consider:

- Severity of impact based on scientific evidence, e.g. level F1-F5 tornado, as determined by Environment Canada;
- Current financial capacity, debt ratio and capital commitments of the affected municipality;
- Local economic impact, e.g. tourism and ability to recover without provincial assistance; and
- Future financial pressures resulting from response and recovery costs.

**Examples of eligible public losses and costs under ODRAP**

Incremental, extraordinary municipal costs, over and above normal municipal expenditures, which are related to response and recovery from the disaster, may be eligible, such as:

- Food/water for volunteers and disaster relief workers;
- Emergency response supplies e.g. sandbags;
- Municipal owned equipment costs (at 50 per cent of MTO Rate) or equipment rental costs (prorated);
- Activation of the municipal emergency operations centre;
- Clearing and removal of debris and wreckage, including removal of buildings and removal of trees and limbs if public safety is endangered;
- Overtime for employees and those hired for disaster response/relief effort, or to backfill for regular employees deployed for disaster response/relief efforts;
- Incremental administrative costs related to disaster relief committee;
- Emergency communications;
- Additional security costs;
- Repair and restoration to pre-disaster condition of uninsured public facilities (e.g. buildings, libraries, recreational facilities including parks, roads and drains, infrastructure); and
- Evacuation and shelter of people and animals, including incremental operating expenses.
Examples of ineligible public losses and costs under ODRAP

- Regular salary;
- Insurance deductibles;
- Municipal equipment costs (other than as described above);
- Additional costs to repair or improve structures of infrastructure beyond pre-disaster condition (e.g. in a situation where a single-lane bridge is destroyed, its replacement cost can be established and used to contribute to the cost of replacing it with a two-lane bridge);
- Lost revenues (e.g. community centres or waste tipping fees).
6. **PROVINCIAL FINANCIAL ASSISTANCE-PRIVATE DAMAGE COMPONENT**

In the event of a natural disaster, individuals are expected to bear the initial responsibility for their losses. If the losses are so extensive that individuals cannot cope on their own, the municipality and the community at large are expected to provide support.

The private component of ODRAP is intended to provide the “necessities of life” to help those impacted by a natural disaster get back on their feet, when it is beyond the capacity of the municipality or community to assist.

**Requiring a local Disaster Relief Committee**

When the Minister declares a disaster area which includes private damages, the municipality is required to establish a disaster relief committee to implement the program locally. All funds raised for victims of the disaster event are channeled to the disaster relief committee. The province may match funds up to a 2 to 1 ratio to settle the claims, up to 90 per cent of the estimated eligible amount.

The Minister may alter funding arrangements depending on the magnitude and/or frequency of disaster(s), as well as the geographic location of the impacted municipality and/or unorganized area.

**Submitting a municipal disaster information report**

In addition to the municipal council resolution, the affected municipality must submit a municipal disaster information report (see Appendix B) containing an estimate of private damage losses within 14 working days from the onset of the disaster. The municipal disaster information report assists the Minister to determine the appropriateness of ODRAP, as it describes the impact of the event including:

- The magnitude of estimated private damage suffered by individuals/families, farms, small businesses and non-profit organizations;
- Number of damaged properties with insurance coverage;
- Preliminary cost estimate to restore, replace or repair essential property and contents to pre-disaster condition. This information can be gathered from those affected through a municipal survey or a registration process;
- Newspaper clippings, photographs and other documentary evidence where available;
Other information council believes is pertinent (e.g., Conservation Authority reports, Environment Canada reports, etc.).

Advance assistance may be considered, so that cleanup and repairs to private property can get underway for safety and access purposes. Additional updates within and after the 14 working day period can be submitted to the regional Municipal Services Office as private damage assessments are refined.

Examples of eligible private losses and costs under ODRAP

- Restoration, repair or replacement to pre-disaster condition of a principal, year-round residence, farm buildings and principal business enterprise building;
- Essential furnishing of a private residence, including refrigerator, freezer, furnace, stove, clothes washer and dryer;
- Tools or other items essential to the claimant's livelihood, including farm machinery and equipment;
- For farms, replacement cost only of orchard trees;
- For business enterprises, replacement of inventory at cost;
- Livestock fencing;
- Restoration, repair or replacement to pre-disaster condition of churches, cemeteries, and other facilities of not-for-profit organizations, charities, service clubs;
- Emergency expenses (e.g. evacuation costs, food and shelter, generators, essential clothing);
- Perishable food.

**Note:** Some eligible items may only receive coverage to a maximum allowable amount.
Examples of ineligible private losses and costs under ODRAP

- Losses covered by insurance;
- Insurance deductible;
- Secondary residences, e.g. cottages;
- Non-essential furniture, e.g. stereos, recreation room furniture;
- Landscaping, fencing, driveways and retaining walls;
- Recreational vehicles, e.g. boats, snowmobiles;
- Antiques and collections;
- Loss of revenue or wages;
- Losses recoverable by law.
7. **DISASTER RELIEF COMMITTEE**

A disaster relief committee should be established as soon as possible once a disaster area has been declared by the Minister. Individuals, families, farms, small businesses and non-profit organizations within the disaster area may submit claims to the local disaster relief committee whose purpose is to:

- Raise funds for the benefit of disaster victims; and
- Receive and settle the eligible claims of the victims as efficiently as possible.

**Setting up the Committee**

Municipal council should consider preparing a list of potential committee members in advance of the declaration or as early as possible, in order to ensure that the disaster relief committee can be activated expeditiously after a disaster area declaration by the Minister. The scope and nature of damages will help determine how many committee members are required.

The committee members cannot be members of council and should have no conflict of interest in the collection and distribution of funds. The committee should avoid selecting members who will likely be submitting claims for damages.

In unincorporated areas, the committee should be appointed by the organization or group that made the request for disaster area declaration (e.g. local services board).

If more than one jurisdiction is affected by a disaster, a joint disaster relief committee should be formed with representatives appointed from each of the affected jurisdictions. Equitable representation on the committee is encouraged.

**Operations of the Disaster Relief Committee**

The disaster relief committee and its sub-committees, if any, act autonomously from municipal council, operating within provincial guidelines to raise funds and settle claims. The committee ensures that all claims are dealt with fairly and equitably. Depending on the severity of the disaster, the disaster relief committee may operate for a period of several months or for up to one year or more, in order to receive and settle all claims. Members of the disaster relief committee receive no remuneration. They can be reimbursed for expenses, however, such as travel to meetings.
Usually program administration, financial records and payments are made by a municipality upon the recommendation of the disaster relief committee. The program administration costs of the disaster relief committee are incremental to normal municipal administration activities, and are eligible for reimbursement from the Ministry. These costs could include:

- A program manager to assist the disaster relief committee with day to day operations, fundraising and claim settlement;
- An insurance adjuster to assist with reviewing claims;
- Secretarial and other support staff fees, audit fees, stationary, printing, advertising and postage costs;
- Rental of office space and furniture if necessary.

All administrative expenditures of the local disaster relief committee must be documented and kept separate from fundraising. No administrative costs are to be deducted by the disaster relief committee from the locally raised funds. All donations must be channeled directly to the disaster relief committee to be matched with provincial funds up to 2:1 and used for claim settlement.

**Responsibilities of the Disaster Relief Committee**

The responsibilities of the committee are as follows:

1. Appoint a chairperson and appropriate vice-chairs for sub-committees, where established;
2. Appoint a treasurer and a secretary, if one is required. The treasurer should not be a member of the committee but should be a municipal staff person or, depending on the scale of the emergency, a paid contract position;
3. Establish a disaster relief fund and bank account to receive donations;
4. Register as a charity with Revenue Canada to receive a charitable registration number, if not available through the municipality;
5. Solicit donations to the fund and organize fundraising activities;
6. Establish procedures for the receipt, appraisal, and settlement of claims for losses and damage;
7. Advise the municipality to issue advance payments in exceptional circumstances not exceeding 50 per cent of the estimated eligible payout;
8. Distribute claim forms;
9. Advertise the existence of the fund, availability of assistance, and terms on which assistance will be provided;

10. Appraise damage for claims less than $500 and, if necessary, hire professional adjuster(s) for claims greater than $500;

11. Approve payments in a consistent manner based on reports from the adjuster and/or program manager, and in accordance with ODRAP guidelines and the committee’s procedures;

12. Advise the municipality to make payments to claimants using the municipal financial system;

13. Hire auditors to review the activities of the fund and prepare an audit report; and

14. Submit an audited report to the regional Municipal Services Office for review and final payment of the provincial contribution.

**Guidelines for Disaster Relief Committees**

The regional Municipal Services Office will provide a copy of the *Guidelines for Disaster Relief Committees* for the use of the committee and sub-committee members. The Guidelines outline the operations of the committee and the roles and responsibilities of the sub-committees. They also contain a section on best practices used by other disaster relief committees and a checklist of items to assist newly appointed committee members.

**Extreme Financial Hardship**

In some instances, victims of a natural disaster may suffer extreme financial hardship because of losses and expenses which do not qualify for assistance under ODRAP and for which other sources of assistance are unavailable or inadequate. The disaster relief committee may provide additional financial assistance in these cases. A sub-committee having provincial representation must first be established to deal with the cases, as outlined in the Guidelines for Disaster Relief Committees.
8. **EMERGENCY PREPAREDNESS AND RESPONSE IN ONTARIO**

**Individuals and Families**

Individuals and families are expected to take reasonable precautions to ensure their own safety and protection, as well as that of their property. An emergency survival kit should allow them to manage for a minimum of 72 hours without emergency intervention.

**ODRAP is not an alternative to adequate private insurance coverage and sound risk management practices.** Claims from households and businesses should be directed first to insurance companies to determine the policy holder’s coverage.

In the event of a natural disaster, individuals are expected to bear the initial responsibility for their losses. If the losses are so extensive that individuals cannot cope on their own, the municipality and the community at large are expected to provide support.

**Affected Municipality**

Most incidents that do occur are handled at the local level by trained emergency responders. In the event of a larger incident, the head of council may decide to declare an emergency and assemble local officials at the municipal Emergency Operations Centre. This approach ensures a coordinated and effective strategic response. Often, municipalities augment their emergency response operations through mutual assistance agreements with neighbouring municipalities and special arrangements with local service organizations for emergency social assistance.

If an affected municipality has experienced extraordinary damage to its public property and infrastructure, damage claims should be directed first to insurance companies to determine coverage under municipal policies. Municipalities can contact the regional MMAH Municipal Services Office to discuss costs and eligibility for assistance for uninsured public and private property damage under ODRAP, as described earlier in this document.

**First Nations Communities**

The Ministry of Community Safety and Correctional Services, Emergency Management Ontario, is responsible for coordinating arrangements and responding to an emergency in a First Nations community.
### APPENDIX A: DISASTER CHECKLIST FOR MUNICIPAL COUNCIL

<table>
<thead>
<tr>
<th>Completed</th>
<th>Pending</th>
<th>Task</th>
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<tr>
<td></td>
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<td>Ask about appropriateness of assistance under ODRAP. Request clarification about the date for submitting a municipal council resolution and the Municipal Disaster Information Report. The resolution must be passed and forwarded to the Minister within 14 working days of the onset of the disaster event, along with the Municipal Disaster Information Report.</td>
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<tr>
<td></td>
<td></td>
<td>Establish a process for receiving reports of private damage from individuals, families, businesses, farms and not-for-profit groups such as a municipal call centre, online or door-to-door survey, if necessary. Record the number of damaged properties covered by insurance.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Estimate amount of public and/or private damages using the Municipal Disaster Information Report. Fill in as much detail as possible, i.e. number of households/businesses/farms/non-profit organizations. Do not include damages sustained by cottages/seasonal properties. Map/chart/document damage area including peripheral areas. If possible, take pictures of damage.</td>
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<tr>
<td></td>
<td></td>
<td>If there are reports of private damage, start fundraising as soon as possible.</td>
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<td></td>
<td></td>
<td>Contact local banks to arrange to receive donations until accounts can be opened by the disaster relief committee. Seek legal advice about issuing tax receipts for donations and/or applying to the federal government for the charitable organization tax status.</td>
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<tr>
<td></td>
<td></td>
<td>Consider preparing a list of potential committee members in advance in order to ensure that the disaster relief committee can be activated expeditiously after a disaster area declaration is made by the Minister of Municipal Affairs and Housing. The scope and nature of damage will help determine how many committee members are required.</td>
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<td>Contact local press and advise them once the area has been declared a disaster area for ODRAP purposes.</td>
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<td>Establish a municipal council contact for the disaster relief committee.</td>
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<td></td>
<td>Contact local MMAH Municipal Services Office with date/time of inaugural meeting of the disaster relief committee.</td>
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Once the disaster relief committee has been established, the committee can take over relief efforts. The committee will be given a copy of Guidelines for Disaster Relief Committees.
APPENDIX B: EXAMPLES OF INFORMATION REQUIREMENTS
FOR THE MUNICIPAL DISASTER INFORMATION REPORT

- Date of the disaster event
- Date of emergency declared under the Emergency Management and Civil Protection Act
- Date of municipal resolution requesting a declaration of a disaster area by the Minister of Municipal Affairs and Housing for the purpose of the Ontario Disaster Relief Assistance Program
- Municipal contact information
- Description of disaster and characteristics of the area impacts
- Information about personal injury and losses
- Estimated costs of evacuation and shelter
- Description and cost estimate of public property damage
- Description and cost estimate of private damage
- Information about the need for early financial assistance

Contact the regional MMAH Municipal Services Office to receive a Municipal Disaster Information Report.
THE EMERGENCY MEASURES ACT
(C.C.S.M. c. E80)

Disaster Financial Assistance Policies and Guidelines (Private Sector) Regulation

Regulation 177/99
Registered December 21, 1999

TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Article</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disaster Financial Assistance Policy</td>
<td>Politique d'aide financière aux sinistrés</td>
</tr>
<tr>
<td>1.1 - 1.2 Purpose</td>
<td>1.1 - 1.2 Objet</td>
</tr>
<tr>
<td>2.1 Authority</td>
<td>2.1 Pouvoirs</td>
</tr>
<tr>
<td>3.1 Definitions</td>
<td>3.1 Définitions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Disaster Financial Assistance Policy and Procedure</th>
<th>Politiques et méthodes d'aide financière aux sinistrés</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1 - 4.15 General</td>
<td>4.1 - 4.15 Dispositions générales</td>
</tr>
<tr>
<td>Guidelines</td>
<td>Lignes directrices</td>
</tr>
<tr>
<td>5.1 General</td>
<td>5.1 Dispositions générales</td>
</tr>
<tr>
<td>5.2 General Restrictions</td>
<td>5.2 Restrictions générales</td>
</tr>
<tr>
<td>5.3 Eligible Costs</td>
<td>5.3 Frais admissibles</td>
</tr>
<tr>
<td>5.4 Ineligible Costs</td>
<td>5.4 Frais non admissibles</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appeal From Disaster Assistance Award</th>
<th>Appel à toute décision accordant une aide aux sinistrés</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1 Procedure for Appeal</td>
<td>6.1 Procédure d'appel</td>
</tr>
</tbody>
</table>
EMERGENCY MEASURES

Province of Manitoba

Disaster Financial Assistance Policy

Purpose

1.1 To assist small businesses, certain non-profit organizations and individuals financially when the eligible costs incurred resultant from a disaster exceed an amount which they may reasonably be expected to bear on their own.

1.2 To ensure that regulations and guidelines respecting Provincial Disaster Financial Assistance are, wherever possible, consistent with Federal Disaster Financial Assistance Guidelines in order to maintain continuity in the disposition of disaster assistance claims regardless of which government level provides the financial assistance.

Authority

2.1 The Emergency Measures Act, being Chapter E80 of the Consolidated Statutes of Manitoba, empowers the Lieutenant Governor-in-Council to authorize those actions as may be necessary for the protection and/or restoration of property during a state of civil disaster.

Definitions

3.1 In this Policy and in the Interpretation and Guidelines thereto:

"Board" means the Disaster Assistance Appeal Board;

"Disaster" means a calamity, however caused, which has resulted in or may result in

(a) the loss of life, or

(b) serious harm or damage to the safety, health or welfare of people, or

(c) wide-spread damage to property or the environment;

Objet

1.1 Apporter une aide financière aux petites entreprises, à certains particuliers et à des organismes à but non lucratif lorsque les frais admissibles encourus par un sinistre sont supérieurs à une somme qu'ils sont raisonnablement censés assumer seuls.

1.2 Veiller à ce que les règlements et les lignes directrices concernant l'Aide provinciale financière aux sinistrés coïncident, dans la mesure du possible, avec les lignes directrices fédérales concernant l'aide financière en cas de catastrophe, aux fins de donner suite sans interruption aux demandes d'aide aux sinistrés, quel que soit le niveau de gouvernement qui assure l'aide financière.

Pouvoirs

2.1 La Loi sur les mesures d’urgence, qui constitue le chapitre E80 de la Codification permanente des lois du Manitoba, habilite le lieutenant-gouverneur en conseil à autoriser ces mesures si nécessaire, dans une situation de sinistre public, pour la protection ou la remise en état de biens.

Définitions

3.1 Dans la présente Politique et dans l'interprétation et les lignes directrices qui s'y rapportent, les définitions qui suivent s'appliquent:

« agriculteur à temps plein » Tout particulier qui tire sa seule ou principale source de revenu de l'agriculture.

« autorité locale » S'entend, selon le cas :

a) du conseil d'une communauté, constituée en corporation, au sens de la Loi sur les Affaires du Nord;

b) du conseil d'une municipalité;

c) du conseil d'une cité, d'une ville ou d'un village constitués en corporation;
"Executive Co-ordinator" means the Executive Co-ordinator of the Manitoba Emergency Management Organization;

"Expenditure" means those costs deemed eligible for assistance as defined within the guidelines;

"Farmer" means a person who derives his/her sole or major source of income from farming;

"Guidelines" means the Interpretation and Guidelines to the Manitoba Disaster Financial Assistance Policy;

"Local Authority" means

(a) the council of an incorporated community as defined in The Northern Affairs Act,

(b) the council of a municipality,

(c) the council of an incorporated city, town or village,

(d) the resident administrator or council of a local government district,

(e) the Minister of Northern Affairs with respect to Northern Manitoba as defined in The Northern Affairs Act,

(f) the Minister of Natural Resources with respect to

(i) provincial parks designated under section 7 of The Provincial Parks Act,

(ii) Crown lands in Manitoba within the meaning of The Crown Lands Act, and

(iii) wildlife management areas or wildlife refuges designated under section 2 of The Wildlife Act,

(g) the Minister of Indian Affairs and Northern Development appointed under the Indian Act (Canada) with respect to a reserve as defined by that Act.

d) de l'administrateur résidant ou du conseil d'un district d'administration locale;

e) du ministre des Affaires du Nord à l'égard du Nord du Manitoba au sens de la Loi sur les Affaires du Nord;

f) du ministre des Ressources naturelles à l'égard :

i) des parcs provinciaux désignés en vertu de l'article 7 de la Loi sur les parcs provinciaux,

ii) des terres domaniales au Manitoba au sens de la Loi sur les terres domaniales,

iii) des zones de gestion de la faune et des réserves fauniques désignées en vertu de l'article 2 de la Loi sur la conservation de la faune;

g) du ministre des Affaires indiennes et du Nord canadien, nommé en vertu de la Loi sur les Indiens (Canada), à l'égard des réserves au sens de cette loi;

h) du ministre de la Défense nationale à l'égard des bases des Forces canadiennes;

i) du ministre chargé de l'application de la Loi sur les parcs nationaux (Canada) à l'égard des parcs nationaux au sens de cette loi.

« Commission » La Commission d'appel de l'aide aux sinistrés.

« coordonnateur exécutif » Le coordonnateur exécutif de l'Organisation de gestion des mesures d'urgence du Manitoba.

« dépense » Les frais considérés comme admissibles à une aide telle que définie dans les lignes directrices.

« Lignes directrices » L'interprétation et les lignes directrices sur la Politique manitobaine en matière d'aide financière aux sinistrés.
(h) the Minister of National Defence with respect to a Canadian Forces Base,

(i) the Minister responsible for national parks under the National Parks Act (Canada) with respect to a national park;

"Minister" means the member of the Executive Council charged with the administration of The Emergency Measures Act;

"Policy" means the Manitoba Disaster Financial Assistance Policy;

"Small business" means an operation which is owner-operated and where the owner/operator is acting as a day-to-day manager of the operation and derives his/her major source of income from the operation.

4.1 The Minister may enter into agreements with local authorities, certain non-profit organizations, small businesses and/or individuals respecting financial assistance toward costs incurred resultant from a disaster.

4.2 Where the costs of a disaster are deemed to constitute an unreasonable financial burden upon a small business, certain non-profit organizations, and/or individuals the Province of Manitoba may provide financial assistance to a claimant in an amount determined according to policy and guidelines approved by Treasury Board.
MESURES D'URGENCE

4.3 In these instances where the costs of a disaster exceed a threshold of $1.00 per capita of the provincial population and/or where the Government of Canada participates in the provision of financial assistance reimbursement of private sector, restrictions for assistance will remain as outlined in 4.2.

4.4 All applications for assistance must be supported by a local authority's resolution, and must be received within 90 days of the official announcement of a provincial assistance program.

4.5 The Executive Co-ordinator of the Manitoba Emergency Management Organization is authorized to waive the time limit covered in 4.4 above where extenuating circumstances exist.

4.6 For private sector claims, Manitoba Emergency Management Organization inspectors will estimate damage and submit initial reports to the Executive Co-ordinator.

4.7 Public and private sector damage reports as outlined above and in the Public Sector Guideline shall form the basis on which overall estimates of damage, attributable to the disaster, can be made.

4.8 The Manitoba Emergency Management Organization should maintain a close liaison with the local authority in order to advise the local authority as to what is eligible under the program, to seek specific interpretations on behalf of the local authority and its citizenry, and to provide appropriate counsel to the provincial auditors at the time of final audit of the local authority's claim.
4.9 The provincial policy and guidelines define eligible expenditures as those necessary to provide basic assistance to the private or public sectors to repair damage or assist with certain losses in order to place the affected persons or institutions back in a pre-disaster condition with respect to essential items. It should be noted that municipalities may wish to define their assistance in broader terms than the provincial Guidelines and, if so, they run the risk of increasing their financial responsibility as expenditures on a broader framework than those allowed under the Guidelines and will not be considered eligible for provincial cost-sharing.

Guidelines

General

5.1.1 The purpose of the Guidelines is to provide guidance for officials who are responsible for evaluating and determining the eligibility of those costs which are directly associated and resultant from a disaster.

5.1.2 The Guidelines do not refer to projects and undertakings designed to reduce vulnerability in the event of recurrence of a disaster or to assist the post-disaster economy of an area or community, as these, while important, are considered to be part of the normal intergovernmental arrangements. It is suggested, however, that such problems should be considered at an early date following a disaster.

5.1.3 The Guidelines do not refer to any post-disaster assistance by government to large businesses or industry whose continued operation may be vital to the economy of a community. It is recognized that there may be occasions when such assistance may be warranted. A special study should be made in such instance.

Lignes directrices

Dispositions générales

5.1.1 Les Lignes directrices ont pour objet d'orienter le personnel chargé d'évaluer et de déterminer l'admissibilité des frais qui se rattachent directement au sinistre et qui en résultent directement.

5.1.2 Les Lignes directrices ne concernent pas les entreprises et projets conçus pour réduire la vulnérabilité advenant la réapparition d'un sinistre ou pour soutenir l'économie d'une région ou d'une collectivité sinistrée. En effet, ces éléments sont, malgré leur importance, considérés comme faisant partie d'ententes intergouvernementales normales. Il est toutefois suggéré de se pencher sur ces problèmes aussitôt que possible après un sinistre.

5.1.3 Les Lignes directrices ne s'appliquent pas à l'aide qu'apporte le gouvernement, après un sinistre, aux entreprises et aux industries importantes dont l'exploitation continue est essentielle à l'économie d'une localité. Il est admis qu'il peut y avoir des cas où une aide semblable est justifiée. En pareil cas, il faudrait faire une étude spéciale.
5.1.4 These Guidelines are meant for general application to all types of disasters and to varying circumstances across the province. They have been developed, therefore, using general terms accompanied by examples of intent where necessary. It should not be construed that the omission of any item or contingency means that it need not be considered at the time of a disaster. Each event will require an analysis of its own special requirements.

5.1.5 In most instances the repair of damage to property is the responsibility of the owner of the property whether that owner is an individual, corporation, or local authority.

5.1.6 Certain charitable clubs and camps may be eligible for assistance.

5.1.7 All religious institutions which meet the secular needs of the community, will be allowed assistance for their eligible costs.

5.1.8 Small businesses may be eligible for assistance for re-establishment or repair.

5.1.9 Co-operatives and credit unions, owned by individual members, as well as private charitable and non-profit organizations operated by a board consisting of a group of citizens, may be eligible for assistance.

General Restrictions

5.2.1 Eligible costs are subject to a maximum equal to the estimate of cost required to restore a chattel or facility to its immediate pre-disaster condition.

5.2.2 Assistance for the reconstruction of private property in disaster-prone areas should only be provided on a "one-time" basis, unless effective action by the individuals to avoid recurrence is deemed impractical.

Restrictions générales

5.2.1 Les frais admissibles sont assujettis à un plafond égal à l'évaluation du coût nécessaire pour remettre un bien meuble ou une installation dans l'état où il se trouvait immédiatement avant le sinistre.

5.2.2 L'aide à la reconstruction de propriétés privées dans des régions exposées aux sinistres ne devrait être accordée que de manière ponctuelle, à moins que toute mesure efficace prise par les particuliers pour éviter la réapparition du sinistre soit jugée impossible.
5.2.3 In certain instances, the levels and types of costs shall be determined relative to the following:

(a) the responsibility to take reasonable precautions, time permitting;

(b) precautions taken in response to any warnings or instructions which may have been issued by the appropriate authorities to protect life, limb, and property;

(c) the availability of insurance coverage at reasonable rates.

5.2.4 Private sector claims must be on a net cost basis. That is, costs of damage repair must be adjusted to reflect any recoveries received by the claimant.

5.3.1 In all cases "eligible costs" are expenditures incurred by applicants, but not all expenditures incurred by applicants will necessarily be "eligible costs."

5.3.2 Post-Disaster Assistance for Private Sector - Eligible costs may include:

(a) Restoration, to a pre-disaster condition or replacement to a depreciated value of, or repairs to, immovable real property, any normally occupied dwelling place, appurtenant buildings, greenhouses and contents, farm buildings and items essential to a farming operation, where such dwelling place is used entirely for living accommodation, or partly for living accommodation and the earning of livelihood by a member or members of the family unit. Eligible costs, however, shall not exceed the fair market value of the property.
(b) Restoration, replacement or repairs to pre-disaster condition of chattels, furnishings and clothing of an essential nature as these may be determined for each disaster (e.g., stoves, refrigerators, bed, heavy winter clothing); but shall not include items of a luxury or recreational nature. Eligible costs shall not exceed the estimated average depreciated value of essential goods and chattels (based on a list of eligible items and unit values).

(c) Assistance in the re-establishment of a small business where the owner's livelihood has been materially affected. This shall include costs for restoration of farmlands to a workable condition where a farm operation has been seriously affected by flood erosion or land gouging.

(d) For losses and damages to stored hay, feed or grain.

(e) Clean-up Payments - Whenever an individual is faced with a considerable amount of property damage, they are required to put considerable time and effort into simply cleaning up the property. It would not be logical to allow an individual to hire someone to do the work and treat those costs as eligible while at the same time not allowing work which the individual does himself as an eligible cost. Therefore, under the policy, assistance may be paid to individuals for cleaning up their own property as determined by the Manitoba Emergency Management Organization.

(f) Loss of Foodstuffs - It is considered as a general rule that foodstuffs will be eligible for assistance up to a reasonable maximum. Food in freezers or vegetables stored in root cellars may be eligible for assistance up to a reasonable maximum per individual or per household as determined by the Manitoba Emergency Management Organization.
(g) Appurtenant Buildings and Property - Eligible costs include damage suffered to garages and driveways only. Other appurtenant buildings are not considered essential to an individual’s livelihood unless, of course, the individual qualifies as a farmer or a small business owner, and the buildings or property are considered essential to earning their living. With respect to driveways, the cost of repair to driveways will be included as eligible for assistance.

(h) Chattels deemed as eligible under these guidelines are major appliances such as stoves and refrigerators which cannot be repaired. However, where such appliance can be repaired, the cost of repair shall be eligible. Should chattels require replacement, assistance will be given based on a depreciated value calculated by the age of the item.

(i) Whenever an evacuation has been ordered, reasonable food and accommodation expenses will be included as eligible for assistance as determined by the Manitoba Emergency Management Organization.

(j) Principal Residences. Property which is not occupied as a principal residence is not eligible for assistance under the guidelines, except in the case of rental property which is rented on a full-time basis. Unoccupied homes and unoccupied homes under construction are eligible for assistance in those instances where it can be shown to be or intended to be the principal residence of the individual.

(k) Instances where trappers have lost equipment such as traps and snowmobiles, through a disaster, these losses are considered eligible for assistance providing no insurance coverage is in place or is available.

(l) Livestock Losses - Livestock losses, due to a disaster, are considered eligible for assistance, providing insurance was not available at reasonable cost.

g) dépendances - Les frais admissibles comprennent les dommages subis uniquement aux garages et aux allées. Toute autre dépendance n’est pas considérée comme essentielle à un particulier à moins que, bien sûr, ce particulier ne soit considéré comme agriculteur ou propriétaire d’une petite entreprise, et que les dépendances soient considérées comme indispensables au revenu de subsistance de cette personne. En ce qui concerne les allées, le coût de la réparation sera également considéré comme admissible à l’aide;

h) les biens meubles considérés comme admissibles selon les termes de ces lignes directrices sont les gros appareils ménagers tels que les cuisinières et les réfrigérateurs qui ne peuvent être réparés. Cependant, si l’appareil est réparable, les frais de réparation sont admissibles. Si les biens meubles doivent être remplacés, l’aide sera accordée selon la valeur dépréciée, calculée en fonction de l’âge de chaque article;

i) dans les cas où une évacuation a été ordonnée, les dépenses raisonnables d’alimentation et de logement sont également considérées comme admissibles selon ce qu’en décidera l’Organisation de gestion des mesures d’urgence du Manitoba;

j) résidences principales. Toute propriété qui n’est pas occupée comme résidence principale n’est pas admissible à l’aide selon les termes des lignes directrices, sauf dans le cas d’une propriété de location qui est louée en permanence. Les résidences en construction non occupées sont admissibles à l’aide dans les cas où l’on peut prouver que cette résidence est ou est destinée à être la résidence principale de la personne;

k) lorsque des trappeurs ont perdu du matériel tel que des pièges et des motoneiges à la suite d’un sinistre, ces pertes sont considérées comme admissibles à l’aide à condition que ce matériel ne soit pas assuré;

l) perte de bétail - les pertes de bétail causées par un sinistre sont considérées comme admissibles à l’aide, s’il était impossible de l’assurer à un coût raisonnable;
(m) A farmhouse will be treated in the same manner as any other principal dwelling. Outlying farm buildings, including greenhouses, on a working farm are generally deemed eligible. Also included as eligible for assistance have been servicing, repairs or replacement to a depreciated value of farm machinery, where such machinery could not have been insured.

(n) Fences on farms where livestock is kept are eligible for assistance. Ornamental fences around farmhouses will not be eligible.

(o) The Guidelines provide that the eligible costs shall include costs of restoring farmland to suitable conditions. Damage to land cannot normally be insured and has been included as eligible, particularly where land gouging or erosion has taken place.

A general principle shall be applied that if the area of the farm which suffered such land gouging was not in production during the disaster its restoration would not be eligible. Farmland left to fallow in the normal cycle of crop rotation and in accordance with good farming practice would be considered as being "in production." As well, it should be noted that loss of market value of a farm, because of certain land gouging which could not be restored, is not eligible for assistance. There is a general principle that loss in income, loss of production, and loss of market value is not eligible.

**Frais non admissibles**

5.4.1 Comme la politique provinciale vise à fournir une aide de base aux fins de remettre les articles essentiels aux institutions ou aux particuliers touchés dans l'état où ils se trouvaient avant le sinistre, les articles suivants ne sont pas admissibles à l'aide:
(a) Costs which are recoverable at law or by insurance. With respect to insurance, any damage for which insurance coverage was available (whether or not it was purchased) at reasonable cost is not eligible. "Reasonable cost" is defined as insurance policies which are generally available to the public at large and have been well subscribed. For certain losses which tend to be unique, an investigation should be carried out as to whether insurance coverage could have been purchased and whether the rate would have been reasonable given the type of loss incurred relative to the activity in which the claimant was engaged.

With respect to recoveries at law, this would apply in a case where the disaster was caused by a non-natural occurrence for which civil proceedings could be brought.

(b) Costs which are of a class or kind for which provision is made in whole or in part under any other government program, or damages for which provision is made in whole or in part under any other government program. This provision has been generally brought to bear in the case where crop damage is incurred. It should be noted, however, that other types of damage could occur for which assistance is available under other government programs.

(c) With respect to crop damage, the federal government operates an "umbrella" program of crop insurance through federal-provincial agreements. This program allows the province to designate certain crops under the federal program as eligible for crop insurance payments. Farmers then elect for coverage through the province. The interpretation will be that crop damage is not eligible if the specific crop could have been covered under the federal umbrella program.

This could also be the case for some types of horticultural propagation and experimental stocks where insurance coverage is not available or not readily available and where premium rates are deemed unreasonable. These situations can be considered as eligible for assistance.

a) les frais qui sont recouvrables en vertu d'une loi ou d'une assurance. En ce qui concerne l'assurance, tout dommage qui était assurable à un coût raisonnable (que l'assurance ait été souscrite ou non) n'est pas admissible. L'assurance à un « coût raisonnable » s'entend d'une assurance généralement offerte au grand public et ayant fait l'objet de nombreuses souscriptions. Pour certaines pertes de nature exceptionnelle, il y a lieu de faire enquête pour déterminer s'il était possible d'obtenir une assurance et si le taux aurait été raisonnable compte tenu du type de perte encourue et de l'activité de l'ayant droit.

Les dommages dont les frais sont recouvrables en vertu d'une loi sont ceux qui résultent d'une catastrophe technologique pour laquelle on pourrait intenter des poursuites civiles;

b) les frais couverts en tout ou en partie par un autre programme gouvernemental, ou les dommages couverts en tout ou en partie par tout autre programme gouvernemental. Cette disposition a généralement été invoquée dans le cas de dommages causés aux récoltes. Il est à noter cependant que d'autres types de dommages pourraient être indemnisés dans le cadre d'autres programmes gouvernementaux;

c) quant aux dommages causés aux récoltes, le gouvernement fédéral applique un programme cadre d'assurance-récolte prévu par des accords fédéraux-provinciaux. Ce programme permet à la Province de désigner certaines récoltes, selon les termes du programme fédéral, comme admissibles à des versements d'assurance. Les agriculteurs demandent alors la protection par l'entremise de la Province. L'interprétation est la suivante: les dommages causés aux récoltes ne sont pas admissibles si la récolte en cause avait pu être assurée grâce à ce programme cadre du gouvernement fédéral.

Il pourrait en aller de même pour certains types de propagation horticole et de stocks expérimentaux si aucune couverture d'assurance n'est possible, ni facilement accessible et si le taux des primes est considéré comme déraisonnable. Ces situations peuvent être considérées comme admissibles à l'aide;
(d) Damages to property or facilities in respect of which assistance was previously made available to prevent such damage. This provision will involve areas in which the provincial government has participated in flood or other emergency prevention works.

(e) Damages which are an ordinary or normal risk of trade, calling or enterprise.

(f) Costs incurred by an individual for restoration or rehabilitation which cannot be considered essential to the restoration of his/her residence or livelihood or the reconstruction of essential community services. Non-essential items and facilities include summer cottages, non-essential roads and bridges, travel trailers, certain chattels, landscaping, ornamental fences, and pleasure items.

(g) Costs incurred for the restoration of property owned by large businesses and industries.

(h) Local authority's, retail and other similar taxes. Since the signing and coming into force of the Federal-Provincial Reciprocal Taxation Agreement in 1977, (renewed in 1987) Provincial Sales Tax is an allowable expense.

(i) Garden and Lawn Damage - Generally, costs for landscape repair in the private sector, other than for debris clearance, unless a local authority's by-law requires residential properties to be sodded.

(j) Fences - on private non-farm property.

(k) Garden Vegetable Crops.

(l) Loss of income, loss of opportunity or inconveniences.
(m) Non-essential items such as jewellery, stereo, luxury fur coats, cosmetics, recreation and pleasure items, typewriters, electric razors, documents, books and computers (unless required for vocation). Servicing of lawnmowers, small electrical tools, snowblowers and rototillers damaged as a result of a disaster will not be eligible for assistance. Snowmobiles and all-terrain vehicles will be eligible for assistance for servicing provided they are used for business or farming.

(n) Recreational Property such as private camps, clubs and cottages except to the extent that one may be used as a principal residence by the owner. Repair costs to private roads (as opposed to public roads) to such recreational properties. However, an establishment catering to the public and privately owned on which the owner is dependent for his livelihood, will be classified as a small business and so be eligible for assistance.

Appeal from Disaster Assistance Award

6.1.1 Any claimant may appeal a disaster assistance award where the claimant:

(a) is dissatisfied with the amount awarded for the restoration of property to pre-disaster condition; or

(b) claims property and/or chattels exempted are eligible for disaster assistance; or

(c) desires to claim exceptional circumstances.

Appel à toute décision accordant une aide aux sinistrés

6.1.1 Tout ayant droit:

(a) qui n'est pas satisfait du montant accordé pour la remise en état de sa propriété dans l'état antérieur au sinistre;

(b) qui prétend que la propriété ou les biens meubles exemptes sont admissibles à l'aide aux sinistrés;

(c) qui veut invoquer des circonstances exceptionnelles:

peut interjeter appel à la décision lui accordant une aide aux sinistrés.
Procedure for Appeal

6.1.2 The procedure on an appeal shall be as follows:

1. The claimant shall, within thirty days from the date of receipt of notification of Disaster Financial Assistance approval or rejection, deliver or send by mail to the Claims and Recovery Co-ordinator, Disaster Financial Assistance Program, Manitoba Emergency Management Organization, a written notice of appeal containing the grounds of, and all facts pertaining to the appeal.

2. The Claims and Recovery Co-ordinator shall review the notice of appeal together with staff evaluators and inspectors. If deemed necessary, the Co-ordinator may convene a meeting with the claimant to consider all aspects of the appeal.

3. Subsequent to his review of the appeal, the Claims and Recovery Co-ordinator shall submit a report together with his recommendations to the Executive Co-ordinator.

4. The Executive Co-ordinator shall consider the report and may approve, reject or otherwise amend the Claims and Recovery Co-ordinator’s recommendations, and shall notify the claimant, in writing, as to his/her decision.

5. In the event the claimant is not prepared to accept the decision of the Executive Co-ordinator, the claimant shall, within thirty days from the date of receipt thereof, submit a request in writing to the Executive Co-ordinator, together with the required appeal fee requesting an appeal to the Disaster Assistance Appeal Board.

6. The Board shall hear the appeal and notify the claimant, in writing, as to its decision, and the Board’s decision is not subject to appeal or review.
The Provincial Disaster Assistance Program Regulations, 1993

being


NOTE:
This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.
## Table of Contents

### PART I

#### Title and Interpretation

1. Title
2. Interpretation

### PART II

#### Procedure

3. Designation of eligible assistance areas
4. Criteria for assistance
5. Claims
6. Limitation on filing claim
7. Eligible claimant to file
8. Limitation on assistance
8.1 Compliance costs
9. Minister may require proof

### PART III

#### Disaster Compensation Claims

10. Assistance for immediate action or remedy
11. Assistance to local government authorities
12. Assistance to park authorities
13. Assistance to individuals
14. Assistance to hospitals
15. Assistance to charitable organizations
16. Assistance to educational institutions
17. Assistance to small business
18. Assistance to primary agricultural enterprises
19. Assistance to departments, etc.

### PART IV

#### Payment of Disaster Assistance

20. Maximum amount of assistance
21. Amount of assistance
22. Amount of assistance to local government authorities
23. Ineligible assistance for reducing risk of future damage, etc.
24. Ineligible assistance for normal losses, operating expenses, etc.
25. Ineligible assistance for losses covered by insurance
26. Ineligible assistance for loss in flood hazard area
CHAPTER E-8.1 REG 1
The Emergency Planning Act

PART I
Title and Interpretation

Title

1 These regulations may be cited as The Provincial Disaster Assistance Program Regulations, 1993.

Interpretation

2(1) In these regulations:

(a) “charitable organization” means a corporation, organization, foundation, society or association that is:

(i) a registered charity within the meaning of the Income Tax Act (Canada); or

(ii) incorporated or continued pursuant to The Non-profit Corporations Act, 1995 for the purpose of providing social, charitable or recreational services;

(b) “disaster” means an occurrence of nature that causes substantial loss of or damage to property;

(c) “disaster assistance” means a payment made pursuant to Part IV;

(d) “disaster compensation claim” means an amount of compensation for loss, damage, cost or expense claimed in accordance with Part III;

(e) “educational institution” means:

(i) a school, a registered independent school or a university, as defined in The Education Act, 1995;

(ii) a regional college as defined in The Regional Colleges Act; or

(iii) the Saskatchewan Institute of Applied Science and Technology, as continued pursuant to The Saskatchewan Institute of Applied Science and Technology Act;

that is eligible to receive an operating grant pursuant to any of those Acts or regulations made pursuant to any of those Acts;

(f) “eligible assistance area” means an area that is designated pursuant to section 3;
(g) “eligible claimant” means:
   (i) the board of education of a school division or the board of management or board of governors of, or any other person owning or operating, an educational institution;
   (ii) a charitable organization;
   (iii) a department, board or commission of the Government of Saskatchewan;
   (iv) a district health board, or the board of governors or board of managers of, or any other person owning or operating, a hospital in Saskatchewan;
   (v) an individual who resides in Saskatchewan;
   (vi) a local government authority;
   (vii) an owner of a small business who resides in Saskatchewan;
   (viii) an owner or operator of a primary agricultural enterprise who resides in Saskatchewan;
   (ix) any person who provides an immediate remedy, or who undertakes an immediate action, that is necessary because of, or during the period of, a disaster; or
   (x) a park authority;
but does not include a large business;

(h) “large business” means an incorporated industrial, commercial, financial or utility enterprise or undertaking that is operated for profit, but does not include a small business or a primary agricultural enterprise;

(i) “local government authority” means:
   (i) an urban municipality as defined in The Urban Municipality Act, 1984;
   (ii) a rural municipality within the meaning of The Rural Municipality Act, 1989;
   (iii) a northern municipality as defined in The Northern Municipalities Act; or
   (iv) the Saskatchewan portion of the City of Lloydminster;

(j) “park authority” means:
   (i) a regional park authority as defined in The Regional Parks Act, 1979;
   (ii) the Wascana Centre Authority, the Meewasin Valley Authority, and the Wakamow Valley Authority; or
   (iii) in the case of a provincial park constituted pursuant to The Parks Act, the member of the Executive Council responsible for the administration of that Act;
(k) “primary agricultural enterprise” means a farming operation, business or undertaking where:

(i) the principal occupation of the owner or operator is farming; and

(ii) the owner or operator derives his or her principal source of income from the operation of his or her farming operation, business or undertaking;

(l) “rateable assessment” means the most recent revised taxable assessment of land and improvements as equalized by the Saskatchewan Assessment Management Agency and confirmed by a certificate issued by that Agency;

(m) “restore” means to restore:

(i) to a condition that existed immediately before a disaster; or

(ii) in the case of a disaster occurring on or after April 1, 2005, to restore to a condition:

(A) that complies with any requirement of an Act or regulation, an Act or regulation of the Parliament of Canada or a bylaw of a municipality that was in force on the date of the disaster; and

(B) except as provided in paragraph (A), that existed immediately before the disaster;

(n) “small business” means a business operated for profit where the owner or the majority shareholder:

(i) is directly involved in the day-to-day operation of the business; and

(ii) derives his or her principal source of income from the operation of the business;

but does not include a primary agricultural enterprise;

(o) “substantial loss or damage” means:

(i) subject to subsection (2), a loss of or damage to property owned by or under the control of a local government authority in an amount that exceeds the lesser of:

(A) a three-mill levy on the taxable assessments of the local government authority according to its 1996 rateable assessment; and

(B) $1,000,000;

(ii) a loss of or damage to uninsurable property of eligible claimants in an area in which a local government authority or a park authority has jurisdiction, other than a property described in subclause (i), in a total amount that exceeds $25,000; or

(iii) a loss of or damage to uninsurable property of one eligible claimant, other than a local government authority, in an amount that exceeds $5,000;

(p) “uninsurable property” means property that, in the opinion of the minister, is not ordinarily insurable at a reasonable premium.
(2) For disasters occurring after 1997, “substantial loss or damage” means, for
the purposes of subclause (1)(o)(i), a loss of or damage to property owned by or
under the control of a local government authority in an amount that exceeds the
lesser of:

(a) a levy on the most recent taxable assessments of the local government
authority, using the number of mills that, when multiplied by the most recent
total provincial taxable assessment of land and improvements, yields an
amount approximately equivalent to the amount that would have been
determined by multiplying the total provincial taxable assessment of land and
improvements in 1996 by a three-mill levy; and

(b) $1,000,000.

C. Designation of eligible assistance areas

(1) When a disaster occurs in an area:

(a) a local government authority or a park authority having jurisdiction in
the area may request, by resolution; or

(b) in the case of the member of the Executive Council responsible for the
administration of The Parks Act, that member of the Executive Council may
request in any manner that he or she considers appropriate;

that the minister designate the area as an eligible assistance area.

(2) When the minister receives a request in accordance with subsection (1) and is
reasonably satisfied that the area has suffered substantial loss or damage, the
minister may, in the minister’s absolute discretion, designate the area as an
eligible assistance area.

C. Criteria for assistance

(1) No disaster assistance is payable unless:

(a) the loss, damage, cost or expense for which a disaster compensation
claim is filed is incurred in an eligible assistance area;

(b) a disaster compensation claim is filed within the time limit prescribed in
subsection 6(1);

(c) an eligible claimant provides proof and does all the other things described
in subsection 6(2) within the time limit prescribed in that subsection; and

(d) a disaster compensation claim has been approved.
Claims
5 (1) A disaster compensation claim is to be made on a form to be supplied by the minister in accordance with any procedures that the minister may prescribe.

(2) The minister may prescribe any procedures to be followed in making a disaster compensation claim.

16 Jly 93 cE-8.1 Reg 1 s5.

Limitation on filing claim
6 (1) A disaster compensation claim is to be filed with the minister within six months from the occurrence of the disaster to which the disaster compensation claim relates, or within any further time that the minister may allow.

(2) Within 12 months from the occurrence of the disaster to which the disaster compensation claim relates, or within any further time that the minister may allow, an eligible claimant shall:
   (a) provide proof, satisfactory to the minister, of the eligible claimant’s entitlement to disaster compensation; and
   (b) do all things that the minister considers necessary to support, to the minister’s satisfaction, the eligible claimant’s claim.

16 Jly 93 cE-8.1 Reg 1 s6.

Eligible claimant to file
7 (1) Subject to subsections (2) and (3), an eligible claimant shall file his or her own disaster compensation claim.

(2) An agent for an eligible claimant may file a disaster compensation claim for an eligible claimant where:
   (a) the eligible claimant is absent or unable to file the disaster compensation claim; and
   (b) the minister is satisfied with the explanation for the eligible claimant’s absence or inability to file.

(3) Only one disaster compensation claim may be filed in relation to a disaster in the case of:
   (a) a primary agricultural enterprise that is a partnership, corporation or co-operative;
   (b) a small business that is a partnership or corporation; or
   (c) a park authority.

16 Jly 93 cE-8.1 Reg 1 s7.

Limitation on assistance
8 No disaster assistance is payable for any work done or for any cost, expense or liability incurred prior to approval of the disaster compensation claim.

16 Jly 93 cE-8.1 Reg 1 s8.
Compliance costs

8.1(1) In this section, “compliance cost” means, in relation to the restoration of a service or property that is damaged because of a disaster, a cost incurred to comply with a requirement described in paragraph 2(1)(m)(ii)(A), to the extent that the cost exceeds the cost of restoring the service or property to the condition that existed immediately before the disaster.

(2) Subject to subsection (3), nothing in these regulations precludes any person from including compliance costs in a disaster compensation claim.

(3) No disaster compensation claim is to include any cost or expense that may be incurred:

(a) to raise the profile of any street, lane, road, highway, bridge, culvert or other public structure beyond what is needed to restore it; or

(b) to improve any street, lane, road, highway, bridge, culvert or other public structure in any other way beyond what is needed to restore it.


Minister may require proof

9 The minister may require a local government authority to furnish proof satisfactory to the minister that any disaster assistance is spent only in repairing, restoring or replacing any of the items identified by the local government authority in the disaster compensation claim for which the disaster assistance is paid.

16 Jly 93 cE-8.1 Reg 1 s9.

PART III
Disaster Compensation Claims

Assistance for immediate action or remedy

10 Notwithstanding section 8, any person who or any local government authority or park authority that:

(a) undertakes any immediate action; or

(b) provides an immediate remedy;

that is necessary because of, or during the period of, a disaster may make a disaster compensation claim in the amount required to compensate the person, local government authority or park authority for any costs or expenses incurred in undertaking the immediate action or providing the immediate remedy.

16 Jly 93 cE-8.1 Reg 1 s10.
Assistance to local government authorities

11(1) A local government authority may make a disaster compensation claim in the amount required to enable the local government authority to restore any local community services or any property of the local government authority that is damaged because of a disaster, including any costs and expenses incurred in:

(a) any necessary clearing of debris or wreckage from:
   (i) channels and streams;
   (ii) the inflow and outflow of sewers and storm drains to permit reasonable functioning of the sewer and storm drain system; and
   (iii) water supply reservoirs;
(b) removing any building or building debris or any tree or tree limb that is a source of danger to public safety;
(c) restoring health and sanitation facilities;
(d) restoring any street, road, bridge, sidewalk, wharf or dock;
(e) restoring any dike, levee and drainage facility, including flood control and irrigation systems;
(f) removing any emergency works and restoring any sites on which the emergency works were located;
(g) restoring any public library, jail or welfare institution, police station, fire station, public building or public bathing beach, zoo, park or other public recreational facility or any other local government or other building that is provided for and maintained by the local government authority and intended for and used by the public, together with any equipment relating to the building or facility that the minister determines to be reasonably necessary to the function that the building or other facility is intended to serve;
(h) restoring any municipal public utility; and
(i) employing an inspection and appraisal service of a planning and design system for the purpose of determining the restoration or replacement cost of any property or facility for which disaster assistance may be paid.

(2) **Repealed.** 20 Jne 2008 SR 47/2008 s5.


Assistance to park authorities

12(1) A park authority may make a disaster compensation claim in the amount required to enable the park authority to restore any park services or any property of the park authority that is damaged because of a disaster, including any costs and expenses incurred in:

(a) any necessary clearing of debris or wreckage from:
   (i) channels and streams;
(ii) the inflow and outflow of sewers and storm drains to permit reasonable functioning of the sewer and storm drain system; and

(iii) water supply reservoirs;

(b) removing any building or building debris or any tree or tree limb that is a source of danger to public safety;

(c) restoring health and sanitation facilities;

(d) restoring any street, road, bridge, sidewalk, wharf or dock;

(e) restoring any dike, levee and drainage facility, including flood control and irrigation systems;

(f) removing any emergency works and restoring any sites on which the emergency works were located;

(g) restoring any public building, public bathing beach, zoo, park or other public recreational facility that is provided for and maintained by the park authority and intended for and used by the public, together with any equipment relating to the building or facility that the minister determines to be reasonably necessary to the function that the building or other facility is intended to serve;

(h) restoring a sewer, water or light infrastructure owned by the park authority, or for which the park authority is responsible; and

(i) employing an inspection and appraisal service of a planning and design system for the purpose of determining the restoration or replacement cost of any property or facility for which disaster assistance may be paid.


Assistance to individuals

13(1) For the purposes of this section, an individual’s family consists of:

(a) the individual’s legal or common law spouse;

(b) the individual’s children, including children with respect to whom the individual stands in the place of a parent, who are:

(i) unmarried and under the age of 18 years; or

(ii) unmarried, 18 years of age or more and in full-time attendance at an educational institution; and

(c) any other member of the individual’s family who is, in the opinion of the minister, financially dependent on the individual.

(2) An individual may make a disaster compensation claim in accordance with subsection (3) with respect to property mentioned in subsection (3):

(a) that is owned by the individual or the individual’s family; and

(b) that has been damaged by a disaster.
(3) An individual may make a disaster compensation claim in the amount required:
   (a) to restore any dwelling, including a mobile home, that is the principal residence of the individual or the individual’s family;
   (b) to restore any garage or driveway on the grounds on which the dwelling described in clause (a) is situated;
   (c) to restore or replace any appliance, furnishing, clothing or other personal property that is necessary to the health or reasonable comfort of the individual or the individual’s family; and
   (d) to restore or replace any other personal property or other building essential to the individual’s livelihood.

(4) An individual may make a disaster compensation claim in the amount required to clean up any debris on the grounds on which the dwelling described in clause (3)(a) is situated.

(5) No disaster compensation claim may be made by an individual for any real property that is damaged in a disaster where the individual agrees to sell the property to the Crown in right of Saskatchewan.

27 June 97 SR 44/97 s4.

Assistance to hospitals

14 A district health board or the board of governors, board of management or any person who owns or operates a hospital may make a disaster compensation claim in the amount required to restore any real or personal property relating to the operation of the hospital that has been damaged or destroyed by a disaster, including an amount that is necessary to restore:
   (a) any building that is used to provide patient services by the hospital;
   (b) any building that is used to provide living accommodation for employees of the hospital; and
   (c) any equipment, appliance, furnishing, clothing or other personal property or fixture that is essential to enable the hospital to provide patient services.

16 July 93 cE-8.1 Reg 1 s14.

Assistance to charitable organizations

15 The board of governors, board of management or any person who owns or operates a charitable organization may make a disaster compensation claim in the amount required to restore any real or personal property relating to the operation of the charitable organization that has been damaged or destroyed by a disaster, including an amount that is necessary to restore:
   (a) any building that is used to provide charitable services by the charitable organization;
   (b) any building that is used to provide living accommodation for employees of the charitable organization; and
   (c) any equipment, appliance, furnishing, clothing or other personal property or fixture that is essential to enable the charitable organization to provide community services.

16 July 93 cE-8.1 Reg 1 s15.
Assistance to educational institutions

16 The board of education, board of governors, college board or any other person who owns or operates an educational institution may make a disaster compensation claim in the amount required to restore any real or personal property relating to the operation of the education institution that has been damaged or destroyed by a disaster, including an amount that is necessary to restore:

(a) any building that is used to provide an educational service or that is used as living or office accommodation for students, teachers or other employees of the educational institution; and

(b) any equipment, appliance, furnishing, clothing or other personal property or fixture that is essential to enable the educational institution to provide educational services.

16 Jly 93 cE-8.1 Reg 1 s16.

Assistance to small business

17 An owner of a small business may make a disaster compensation claim in the amount required to restore:

(a) any real property that:

(i) is occupied for the purposes of the small business;

(ii) is damaged or destroyed by a disaster; and

(iii) in the case of:

(A) a small business that is incorporated, is owned by the small business or that the small business is legally liable to repair or replace; or

(B) a small business that is not incorporated, is owned by the owner of the small business or that he or she is legally liable to repair or replace; and

(b) any equipment, furnishing, tool, stock-in-trade or other personal property or fixture that is essential to the carrying on of the small business and that:

(i) is damaged or destroyed by a disaster; and

(ii) in the case of:

(A) a small business that is incorporated, is owned by the small business or that the small business is legally liable to repair or replace; or

(B) a small business that is not incorporated, is owned by the owner of the small business or that he or she is legally liable to repair or replace.

16 Jly 93 cE-8.1 Reg 1 s17.
Assistance to primary agricultural enterprises

An owner or operator of a primary agricultural enterprise may make a disaster compensation claim in the amount required:

(a) to restore:
   (i) any farm building, including a dwelling, or any fence, corral or other structure;
   (ii) any appliance, furnishing or other household personal property contained in a farm dwelling;
   (iii) any clothing; and
   (iv) any machine, tool or supply;

that is damaged or destroyed by a disaster and that is used in and essential to the business of the primary agricultural enterprise; and

(b) to compensate for:
   (i) any loss of:
      (A) livestock or greenhouse plants, calculated according to the actual value immediately before the disaster; and
      (B) produce or livestock feed in storage on the premises of the primary agricultural enterprise at the time of a disaster, calculated according to its actual value immediately before the disaster;

that is actually sustained by an owner or operator of the primary agricultural enterprise as the direct result of a disaster; and

(ii) any cost of filling and shaping, by earthwork, of gullies and of repairing by earthwork of any damage caused by a disaster to farm access roads on any land of the primary agricultural enterprise, but only where:

   (A) the damage caused by the disaster exceeds any damage that is caused by, or may be anticipated from, normal spring occurrences;
   (B) the repairs are approved by any agency or department of the Government of Saskatchewan that may be authorized by the minister to give such approval;
   (C) the owner or operator files with the minister receipts for the work of filling, shaping or repairing gullies or work on farm access roads; and
   (D) the earthwork is done within four quarter sections of land.

16 Jly 93 cE-8.1 Reg 1 s18.
Assistance to departments, etc.

19(1) Subject to subsection (2), the minister may pay disaster assistance to a department, board or commission of the Government of Saskatchewan.

(2) The Lieutenant Governor in Council may, by order:

(a) designate the departments, boards or commissions of the Government of Saskatchewan that have sustained damage because of a disaster to which the minister shall pay disaster assistance;

(b) specify the amount of disaster assistance; and

(c) impose any conditions on the payment of disaster assistance that the Lieutenant Governor in Council considers appropriate.

16 Jul 93 cE-8.1 Reg 1 s19.

PART IV
Payment of Disaster Assistance

Maximum amount of assistance

20(1) Subject to subsections (2) and (3), the maximum amount of disaster assistance that may be paid by the minister to an eligible claimant, other than a local government authority, is:

(a) for flood clean-up:

   (i) for labour, the product of:

      (A) the actual number of hours of clean-up, to a maximum of 40 hours; and

      (B) the rate approved by the minister; and

   (ii) for equipment use, the lesser of:

      (A) the actual cost, to a maximum of 40 hours for equipment rental; and

      (B) $1,000; and

(b) for plow wind or tornado clean-up:

   (i) for labour, the product of:

      (A) the actual number of hours of clean-up, to a maximum of 140 hours; and

      (B) the rate approved by the minister; and

   (ii) for equipment use, the lesser of:

      (A) the actual cost, to a maximum of 140 hours for equipment rental; and

      (B) $3,000.
(2) Subject to subsection (3), the maximum amount of disaster assistance that may be paid by the minister to an eligible claimant other than a local government authority is:

(a) $100,000 per disaster compensation claim with respect to a disaster that occurred before April 1, 2005; and

(b) $160,000 per disaster compensation claim with respect to a disaster that occurs on or after April 1, 2005.

(3) Notwithstanding subsections (1) and (2) and notwithstanding section 21, there is no limit on the amount of disaster assistance that may be paid by the minister to an eligible claimant that is:

(a) a department, board or commission of the Government of Saskatchewan; or

(b) a park authority that is the member of the Executive Council responsible for the administration of The Parks Act.

Amount of assistance

21 Subject to section 20, the amount of disaster assistance payable to an eligible claimant, other than a local government authority, is equal to 80% of the eligible claimant’s disaster compensation claim.


Amount of assistance to local government authorities

22(1) In this section, “net disaster compensation claim” means the amount of the disaster compensation claim of a local government authority minus the lesser of:

(a) $1,000,000; or

(b) subject to subsection (3), the equivalent of a three-mill levy by the local government authority on its taxable assessments, as determined by using the 1996 rateable assessment for the local government authority.

(2) Subject to subsection (3), the amount of disaster assistance payable to a local government authority is equal to the total of:

(a) 50% of the portion of its net disaster compensation claim that is less than a three-mill levy on the taxable assessments of the local government authority according to its 1996 rateable assessment;

(b) 75% of the portion of its net disaster compensation claim that is equal to or greater than a three-mill levy but less than a six-mill levy on the taxable assessments of the local government authority according to its 1996 rateable assessment; and

(c) 90% of the portion of its net disaster compensation claim that is equal to or greater than a six-mill levy on the taxable assessments of the local government authority according to its 1996 rateable assessment.
(3) For disasters occurring after 1997, all references in clause (1)(b) and subsection (2) to a three-mill levy or a six-mill levy, based on the taxable assessments of a local government authority, are replaced with a levy based on the number of mills that, when multiplied by the most recent total provincial taxable assessment of land and improvements, yields an amount approximately equivalent to the amount that would have been determined by multiplying the total provincial taxable assessment of land and improvements in 1996 by a three-mill levy or a six-mill levy, as the case may be.

16 Jly 93 cE-8.1 Reg 1 s22; 27 Jne 97 SR 44/97 s6.

Ineligible assistance for reducing risk of future damage, etc.

23 No disaster assistance is payable:

(a) for any loss of or damage to, or cost or expense of, a project or activity that is designed, undertaken or performed primarily for the purpose of:

(i) abating or reducing the risk of loss or damage from any future disaster; or

(ii) providing financial, material or other economic assistance to any area of Saskatchewan, other than any assistance for which a disaster compensation claim may be made; or

(b) where:

(i) any damages or compensation sustained by an eligible claimant are recoverable at law; or

(ii) an eligible claimant is eligible for compensation, other than compensation provided pursuant to these regulations, under a compensation program operated by the Government of Canada, the Government of Saskatchewan or a local government authority.

16 Jly 93 cE-8.1 Reg 1 s23.

Ineligible assistance for normal losses, operating expenses, etc.

24(1) No disaster assistance is payable to an eligible claimant for:

(a) any loss, cost or expense where the risk or the loss, cost or expense is normal, usual or incidental to the business, calling or enterprise of the eligible claimant;

(b) any operating cost or expense; or

(c) any loss of or damage to, or cost or expense incurred or expended for any matter or thing that is not, in the opinion of the minister, essential to the restoration of a home, means of livelihood or essential community service.
(2) For the purposes of clause (1)(c), the loss of or damage to, or cost or expense incurred or expended for the following are deemed to be non-essential to the restoration of a home, means of livelihood or essential community service:

(a) summer cottages;
(b) boat houses;
(c) docks;
(d) pleasure boats, other than an eligible claimant’s stock-in-trade;
(e) trailers, other than an eligible claimant’s stock-in-trade;
(f) recreation vehicles and equipment, other than an eligible claimant’s stock-in-trade;
(g) flowers, shrubs, trees and grass, other than the stock-in-trade of a tree nursery or greenhouse operation;
(h) jewellery, other than an eligible claimant’s stock-in-trade;
(i) art works, other than an eligible claimant’s stock-in-trade;
(j) antiques, other than an eligible claimant’s stock-in-trade; or
(k) field shelter belts, subject to subsection (3).

(3) No disaster assistance is payable to an eligible claimant for any loss of or damage to field shelter belts except as may be claimed as clean-up expenses pursuant to section 20.

16 Jly 93 cE-8.1 Reg 1 s24; 27 Jne 97 SR 44/97 s7.

Ineligible assistance for losses covered by insurance

25 Notwithstanding any other provision of these regulations, no disaster assistance is payable to an eligible claimant for any loss or damage that, in the opinion of the minister, might have been covered under a contract or other instrument of insurance at a reasonable premium rate, whether or not:

(a) the eligible claimant is insured at the time of the disaster; or
(b) any insurance proceeds are collectable.

16 Jly 93 cE-8.1 Reg 1 s25.

Ineligible assistance for loss in flood hazard area

26(1) In this section, “agreement” means the “Agreement Respecting Flood Damage Reduction” made between the Government of Canada and the Government of Saskatchewan and dated April 13, 1977, as amended from time to time, or any successor agreement to that Agreement.

(2) Where any loss or damage is sustained, or any cost or expense is incurred, in any area that has been designated as a flood hazard area pursuant to the agreement, the amount of disaster assistance that is payable is any amount that is permitted by the agreement.

16 Jly 93 cE-8.1 Reg 1 s26.
Disaster Recovery Programs (DRPs)

General Program Information | Frequently Asked Questions

Disaster recovery programs provide financial assistance for municipalities and their citizens who incur uninsurable loss and damage as a result of a disastrous event. These programs are an effective way of assisting municipalities by ensuring that the costs of disasters are shared by all Albertans, and whenever possible, by all Canadians through cost sharing arrangements with the federal government.

A state of local emergency does not have to be declared in order to receive financial assistance under a disaster recovery program.

The Disaster Recovery Program (DRP) is administered by the Alberta Emergency Management Agency (AEMA). AEMA is part of Alberta Municipal Affairs. Alberta Regulation 51/94 of the Alberta Emergency Management Act allows the province to provide disaster recovery assistance to residents, small business, agriculture operations, and provincial and municipal governments if the event meets the criteria as outlined in the regulation.

- The event is considered extraordinary.
- Insurance is not reasonably or readily available.
- There is evidence that the event is wide spread.

Rainfall

If the rainfall has been at least at a one in 25 year level in urban areas or a one in 50 year level in rural areas, it is considered extraordinary.

Streamflow

If the flooding is caused by a waterway, and the stream flow exceeds a one in 100 year level, it is considered extraordinary.

Ice Jams

Each ice jam is reviewed on an individual basis. Data, collected by Alberta Environment on general winter and ice conditions and extraordinary conditions (colder winter, rapid melt, thick and strong ice) that prevailed at the breakup in the vicinity of the site will be reviewed.

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http://www.aema.alberta.ca/ps_disaster_recovery_program.cfm
Disaster Recovery Program Information

General Program Information

- Compensation is based on 100 per cent of eligible loss or damage, with no deductible at regulated rates.
- Payment will be based on property being restored to pre-disaster functional condition only within the limitations of the Disaster Recovery Regulation and the Disaster Assistance Guidelines.
- Only the principal residence is covered.
- Community services, non-profit clubs and organizations are eligible.
- Small Businesses where the majority of owners operate as the day-to-day manager of impacted assets as well as deriving a minimum of 20% of their gross personal income from those assets. All sources of income are used in determining eligibility. The business must also meet size criteria in terms of revenue and number of full time employees.
- Maximum payment of $100,000 per residence or small business.
- The program will provide assistance for uninsurable losses only. However, if there is a combination of insurable and uninsurable items, e.g. if combination of overland flooding and sewer back-up, compensation is based on a percentage of eligible loss and damage.

Does Not Include Loss or Damage that:

- Was reasonably and readily insurable;
- Is recoverable through feasible legal action;
- Is recoverable through another government program;
- Was a pre-existing condition;
- Are non-essential items such as recreational equipment and stereos;
- Is considered an ordinary or normal risk of business, trade, calling or occupation, including loss of income or interest charges; or
- Was incurred by a large business.

Individuals' essential day-to-day items are eligible. This includes furniture, clothing (except fur coats) washers/dryers, hot water heaters, and furnaces.

Municipalities may be eligible for the following:

- Emergency Operations costs directly related to the event;
- Repairs to health and sanitation facilities;
- Repairs of streets, roads, bridges, wharves, docks and water management works;
- Repairs to government and public buildings and their related equipment this includes such facilities as schools, hospitals, public libraries, and public recreational facilities;
- Incremental costs such as overtime directly related to the repairs; and
- Regular pay or salary of municipal employees shall NOT be eligible as emergency operations costs.

http://www.aema.alberta.ca/ps_disaster_recovery_information.cfm
For information about emergency planning, emergency plans or projects in Alberta, please contact:

The Alberta Emergency Management Agency

Tel: 780-422-9000  (In Alberta call toll-free: 310-0000)
Fax: 780-422-1549

E-mail: Alberta Emergency Management Agency

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ALBERTA REGULATION 51/94
Emergency Management Act
DISASTER RECOVERY REGULATION

Table of Contents
1 Definitions
2 Guidelines
3 Limits on compensation
4 Widespread disaster
5 Compensation for localized disaster
6 Compensation for emergency operations costs
7 Review of Director’s decision
8 Appeal of Managing Director’s decisions
9 Eligibility requirements
10 Public interest exception
11 Subrogation
12 Transitional
13 Repeal

Definitions
1 In this Regulation,
   (a) “compensation” means
      (i) compensation by payment or in another form for damage or loss caused by a widespread disaster or a localized disaster, or
      (ii) a payment for costs incurred by a local authority or the Government of Alberta in conducting emergency operations;
   (b) “Director” means the Director of the Disaster Recovery Branch of the Alberta Public Safety Services Agency;
   (c) “disaster recovery program” means a program of the Government of Alberta intended to respond to the needs of a large number of people, businesses or municipalities affected by a disaster or to restore the operations of the Government of Alberta affected by a disaster;
   (d) “localized disaster” means a disaster
      (i) that has threatened the economic viability of a small number of people, businesses or municipalities,
      (ii) the cause of which was extraordinary, and
      (iii) that has caused damage or loss for which insurance was not readily and reasonably available before the disaster occurred;
   (e) “widespread disaster” means a disaster for which a disaster recovery program has been approved under section 4.

Guidelines
2 The Minister may establish guidelines that
   (a) govern the assessment of damage or loss caused by a disaster,
   (b) govern what damage or loss caused by a disaster or costs incurred in emergency operations may be compensated, and
   (c) establish limits on the amount of compensation that may be provided to an applicant.
Limits on compensation

3 No compensation may be provided

(a) for damage, loss or costs that are

(i) an ordinary or normal risk of a business, trade, calling or occupation,
(ii) loss of income,
(iii) interest charges on loans and overdue accounts, or
(iv) normal operating expenditures;
(b) to restore property to a level that exceeds its condition before a disaster.

Widespread disaster

4(1) The Minister may approve a disaster recovery program in respect of a disaster if the Minister is satisfied that

(a) the disaster has caused widespread damage to property, and
(b) the cause of the disaster was extraordinary.

(2) A disaster recovery program may include

(a) terms and conditions for providing compensation,
(b) the forms in which the compensation may be provided, and
(c) special provisions dealing with the assessment of damage and loss.

(3) The Managing Director is responsible for the administration of a disaster recovery program in respect of a widespread disaster.

Compensation for localized disaster

5(1) A person may apply to the Director for compensation for damage or loss caused by a localized disaster.

(2) The Director may provide compensation to an applicant under this section if

(a) the applicant

(i) has suffered damage or loss caused by a localized disaster, and
(ii) is eligible to receive the compensation under section 9,

and

(b) the provision of compensation is approved by the Managing Director.

(3) If the Director is not satisfied that an applicant meets the requirements of subsection (2)(a), the Director must provide the applicant with a written notice that sets out the reasons for the decision.

(4) If the Managing Director does not approve the provision of compensation under subsection (2)(b), the Managing Director must provide the applicant with a written notice that sets out the reasons for the decision.

Compensation for emergency operations costs

6(1) A local authority or the Government of Alberta may apply to the Director for compensation for costs incurred in conducting emergency operations.

(2) The Director may provide compensation to an applicant under this section if

(a) the applicant

(i) has incurred costs in conducting emergency operations, and
(ii) is eligible to receive the compensation under section 9,

and
(b) the provision of compensation is approved by the Managing Director.

(3) If the Director is not satisfied that an applicant meets the requirements of subsection (2)(a), the Director must provide the applicant with a written notice that sets out the reasons for the decision.

(4) If the Managing Director does not approve the provision of compensation under subsection (2)(b), the Managing Director must provide the applicant with a written notice that sets out the reasons for the decision.

Review of Director's decision

7(1) An applicant who receives the Director's notice referred to in section 5(3) or 6(3) may request the Managing Director to review the decision of the Director set out in the notice.

(2) The applicant must submit the request for the review within 21 days after the applicant receives the Director's notice.

(3) The Managing Director in conducting the review may consider recommendations from the Disaster Recovery Committee established under section 5 of the Act and may confirm the Director's decision or determine that the applicant has met the requirements of section 5(2)(a) or 6(2)(a).

(4) The Managing Director must provide the applicant with a written notice that sets out the reasons for the decision.

Appeal of Managing Director's decisions

8(1) An applicant who receives the Managing Director's notice referred to in section 5(4), 6(4) or 7(4) may appeal the decision of the Managing Director set out in the notice to the Minister.

(2) The applicant must submit the request for the appeal within 30 days after the applicant receives the Managing Director's notice.

(3) The Minister may confirm the Managing Director's decision or direct that compensation be provided to the applicant.

(4) The Minister must provide the applicant with a written notice that sets out the reasons for the decision.

Eligibility requirements

9 An applicant is ineligible to receive compensation for damage or loss caused by a widespread or localized disaster or for costs incurred in conducting emergency operations if

(a) the damages, loss or costs could have been reasonably prevented,

(b) insurance for the damage, loss or costs was reasonably and readily available before the disaster or emergency occurred,

(c) there is a substantial likelihood that the damage, loss or costs could be recovered through legal action, or

(d) the full amount of the damage, loss or costs is available under other Government of Alberta programs.

Public interest exception

10 Notwithstanding any provision of this Regulation, the Minister may direct that compensation be provided to a person who suffered damage or loss caused by a disaster or to a local authority or the Government of Alberta that incurred costs in conducting emergency operations if, in the Minister's opinion, it is in the public interest to provide the compensation.

Subrogation

11(1) In this section,

(a) "Crown" means Her Majesty the Queen in right of Alberta;

(b) "payment" means a payment authorized by the Alberta Public Safety Services Agency or the Minister to compensate for damage or loss caused by a disaster or for the purpose of sharing costs incurred by a local authority in conducting emergency operations;

(c) "third party" includes a department, division or agent of the Government of Alberta other than the Alberta Public Safety Services Division.

(2) This section applies to payments made under the Disaster Assistance Regulation (Alta. Reg. 321/85) in 1992, 1993 and 1994 and to payments made under this Regulation.
(3) Where a payment is made to a person who suffered damage or loss or to a local authority that incurred emergency operation costs, the Crown is subrogated for the amount of the payment to all of the rights and causes of action that the person or local authority who received the payment has against a person who caused or contributed to the cause of the disaster or emergency.

(4) The Crown may maintain an action under subsection (3) in the name of the person or local authority who received the payment or in the name of the Crown.

(5) Where

(a) a payment is made to a third party who has provided a service or benefit or to allow a third party to provide a service or benefit to a person who suffered damage or loss caused by a disaster,

(b) the service or benefit has been provided to the person, and

(c) the service or benefit compensates the person for some of the damage or loss,

the Crown is subrogated for the amount of the payment to all of the rights and causes of action that the person who suffered the damage or loss has against a person who caused or contributed to the cause of the disaster.

(6) The Crown may maintain an action under subsection (5) in the name of the person who suffered the damage or loss or in the name of the Crown.

(7) The Crown's right of subrogation is not affected by the fact that

(a) the person who suffered damage or loss has not been fully indemnified for the loss or damage, or

(b) the local authority that incurred emergency operation costs has not been fully indemnified for those costs.

(8) Evidence by the Crown that a payment was made to a person to compensate the person for damage or loss caused by a disaster is prima facie proof that the person suffered damage or loss caused by a disaster at least in the amount of the payment.

(9) Evidence by the Crown that a payment was made to a local authority for the purpose of sharing costs incurred by the local authority in conducting emergency operations is prima facie proof that the local authority incurred those costs in conducting emergency operations.

(10) Evidence by the Crown that a payment was made to a third party who has provided a benefit or service or to allow the third party to provide a benefit or service to a person who suffered damage or loss caused by a disaster and that the service or benefit has been provided to the person is prima facie proof that

(a) the third party has provided the service or benefit to the person,

(b) the person suffered damage or loss caused by the disaster, and

(c) the service or benefit compensates the person for some of the damage or loss in the amount of the payment.

Transitional

12 Notwithstanding section 13, section 2(2) of the Disaster Assistance Regulation (Alta. Reg. 321/85) applies and section 9 of this Regulation does not apply to applications for compensation

(a) for damage or loss caused by a disaster that occurs before this Regulation comes into force, and

(b) for the payment of costs incurred in conducting emergency operations that occur before this Regulation comes into force.

Repeal

13 The Disaster Assistance Regulation (Alta. Reg. 321/85) is repealed.
Compassionate Grant & Supplemental Relief Grant Experience

In 2006, the City started (refer to FCS06007(a)) the Regional Municipal Disaster Relief Assistance Program (RMDRAP) for victims of basement flooding for specified flooding dates. The following Table represents the current experience for the RMDRAP:

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Event Type</th>
<th>Location</th>
<th>Status</th>
<th>Total Liability Claims</th>
<th>Grant Apps Requested</th>
<th>Approved Grants</th>
<th>Total Grant Payments $</th>
</tr>
</thead>
<tbody>
<tr>
<td>26-Jul-2005</td>
<td>Heavy Rain</td>
<td>City Wide</td>
<td>Closed</td>
<td>117</td>
<td>756</td>
<td>601</td>
<td>403,854.00</td>
</tr>
<tr>
<td>19-Aug-2005</td>
<td>Heavy Rain</td>
<td>City Wide</td>
<td>Closed</td>
<td>561</td>
<td>958</td>
<td>794</td>
<td>512,334.46</td>
</tr>
<tr>
<td>10-Jul-2006</td>
<td>Heavy Rain</td>
<td>City Wide</td>
<td>Closed</td>
<td>144</td>
<td>785</td>
<td>672</td>
<td>434,005.00</td>
</tr>
<tr>
<td>27-Jul-2006</td>
<td>Heavy Rain</td>
<td>Waterdown</td>
<td>Closed</td>
<td>8</td>
<td>56</td>
<td>28</td>
<td>17,700.00</td>
</tr>
<tr>
<td>1-Dec-2006</td>
<td>Heavy Rain</td>
<td>Greenhill</td>
<td>Closed</td>
<td>34</td>
<td>163</td>
<td>75</td>
<td>47,857.68</td>
</tr>
<tr>
<td>25-May-2007</td>
<td>Heavy Rain</td>
<td>City Wide</td>
<td>Closed</td>
<td>90</td>
<td>118</td>
<td>45</td>
<td>30,199.19</td>
</tr>
<tr>
<td>Jun 13-30, 2008</td>
<td>Heavy Rain</td>
<td>City Wide</td>
<td>Closed</td>
<td>28</td>
<td>188</td>
<td>89</td>
<td>38,153.00</td>
</tr>
<tr>
<td>Jul 1-31, 2008</td>
<td>Heavy Rain</td>
<td>City Wide</td>
<td>Closed</td>
<td>60</td>
<td>442</td>
<td>198</td>
<td>70,858.00</td>
</tr>
<tr>
<td>Aug 1-14, 2008</td>
<td>Heavy Rain</td>
<td>City Wide</td>
<td>Closed</td>
<td>84</td>
<td>688</td>
<td>309</td>
<td>110,784.00</td>
</tr>
<tr>
<td>26-Jul-2009</td>
<td>Heavy Rain</td>
<td>City Wide</td>
<td>Closed</td>
<td>1,453</td>
<td>7,694</td>
<td>4,125</td>
<td>3,079,128.00</td>
</tr>
<tr>
<td>29-Aug-2009</td>
<td>Heavy Rain</td>
<td>City Wide</td>
<td>Closed</td>
<td>43</td>
<td>379</td>
<td>154</td>
<td>101,481.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>2,622</td>
<td>12,227</td>
<td>7,090</td>
<td>$4,846,354.33</td>
</tr>
</tbody>
</table>

In addition to the RMDRAP, the Supplemental Relief Grant (SRG) was developed (refer to report FCS06007(d)) in 2009. The SRP was designed specifically for property owners who experienced basement flooding on July 26, or August 29, 2009, and whose sewer back-up insurance coverage had been limited or cancelled because of previous flood claims. The following Table represents the current experience for the SRG:

<table>
<thead>
<tr>
<th>SRG Apps Requested</th>
<th>SRG Apps Completed &amp; Returned</th>
<th>SRG Apps Approved</th>
<th>Total SRG Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>170</td>
<td>168</td>
<td>16</td>
<td>$77,942</td>
</tr>
</tbody>
</table>

The application deadlines for all RMDRAP dates and the SRP have now passed. As such, the above numbers will see no significant change.
ONTARIO
DISASTER RELIEF ASSISTANCE PROGRAM

Issued by:
Ministry of Municipal Affairs and Housing

October, 1999
# Table of Contents

**Ontario Disaster Relief Assistance Program** .............................................. Page 1  
  Purpose of the Program ................................................................. Page 1  
  Private Insurance ........................................................................ Page 2  

**How ODRAP Works** ........................................................................ Page 3  
  Disaster Declaration ....................................................................... Page 3  
  Sample Resolution ......................................................................... Page 3  

**Defining the Disaster** ....................................................................... Page 5  

**Role of the Province** ......................................................................... Page 5  

**Provincial Financial Assistance - Private Costs** ................................ Page 6  

**Provincial Financial Assistance - Public Costs** ................................ Page 6  

**Costs covered by ODRAP** .............................................................. Page 7  

**The Disaster Relief Committee** ....................................................... Page 8  

**Setting up the Committee** ............................................................. Page 8  

**Disaster Relief Committee Responsibilities** ................................... Page 9  

**Extreme Financial Hardship** .......................................................... Page 10  

**Guidelines for Disaster Relief Committees** .................................... Page 10  

**Inquiries** ........................................................................................ Page 11  

**Appendix 1**  
  Municipal Council – Disaster Checklist ............................................. Page 12
Ontario Disaster Relief Assistance Program (ODRAP)

Purpose of the Program

The Ontario Disaster Relief Assistance Program (ODRAP) is intended to alleviate the hardship suffered by private homeowners, farmers, small business enterprises and non-profit organizations, whose essential property has been damaged in a sudden and unexpected natural disaster, such as a severe windstorm, tornado, flood, forest fire or ice storm. ODRAP provides funds to those who have sustained heavy losses for essential items such as shelter and the "necessities of life." ODRAP does not provide full cost recovery for all damages resulting from a disaster: it helps eligible recipients restore essential furnishings and property only to pre-disaster condition.

ODRAP provides assistance when damages are so extensive that they exceed the financial resources of the affected individuals, the municipality and community at large. This program does not cover damages to privately-owned, non-essential property, nor to essential property where private insurance is normally available.

In the event of a natural disaster, individuals are expected to bear the initial responsibility for their losses. If the losses are so extensive that individuals cannot cope on their own, the municipality and the community at large are expected to provide support.
If the disaster is of such size and extent that damages are widespread, similar to that experienced during the 1998 Eastern Ontario ice storm, the Province of Ontario, in conjunction with the federal government, would initiate the Disaster Financial Assistance Arrangements (DFAA).

If municipalities have experienced extraordinary damage to public infrastructure due to a natural disaster, they should contact their local Municipal Services Office of the Ministry of Municipal Affairs and Housing (see page 11) to determine if sustained damages may be eligible for assistance.

Municipalities can refer to the Disaster Checklist, Appendix 1, page 12, for a list of the first things to do in the event of a disaster.

**Private Insurance**

Individuals have a responsibility to take reasonable precautions to ensure their own safety and protection, including their property. **ODRAP is not an alternative or a substitute for adequate private insurance coverage and sound risk management.** Damage claims should be directed first to insurance companies to determine coverage of individual policies.
How ODRAP Works

Disaster Declaration

The Minister of Municipal Affairs and Housing is authorized to declare a "disaster area" for the purposes of the ODRAP program. The municipal council asking for assistance under the ODRAP program must adopt a resolution outlining the following:

1. the municipality’s request for a disaster area declaration;
2. whether all or a specified portion of the municipality is to be declared a disaster area.

The request for a disaster area declaration must be submitted to the Minister of Municipal Affairs and Housing within 14 working days of the date of the disaster.

The council resolution should clearly define/identify the area which may be declared as the disaster area. Municipal boundaries may not coincide with areas damaged by the disaster. In this regard, municipalities should try to define all areas damaged by the disaster to ensure fair treatment to all affected residents. It is important to note that only damages within the declared disaster area are eligible for ODRAP funding.

Sample Resolution

Whereas the municipality of (name) recently experienced a (describe type of disaster event) on (date), the council of the municipality of (name) hereby requests the Minister of Municipal Affairs and Housing to declare the (specific area/municipality) a "disaster area" for the purposes of the Ontario Disaster Relief Assistance Program (ODRAP);

and further, should the Minister declare a disaster, Council will immediately, under the authority of ODRAP, appoint members to a disaster relief committee to administer ODRAP, as required.
Supporting information should accompany the resolution including:

- the number of private properties, farms, small businesses and non-profit organizations that have incurred damages as a result of the disaster;
- the number of residents, small businesses or farms affected;
- the extent and the preliminary cost estimates of damages suffered;
- newspaper clippings, photographs and other documentary evidence where available; and,
- other information council feels is pertinent (e.g. Conservation Authority reports, etc.).

If two or more municipalities have been affected by the same disaster, one disaster area may be declared to cover all the affected communities. However, the council of each municipality affected by the disaster must adopt a council resolution requesting the disaster area declaration.

Upper tier municipalities i.e. counties, regions or the District Municipality of Muskoka, may adopt a resolution requesting a disaster declaration and agree to appoint a disaster relief committee. In this situation, local council resolutions of those municipalities affected by the disaster must accompany the upper tier’s resolution.

In unincorporated areas of the province (areas without municipal governance), a request for declaration of a disaster area may be made to the minister within 14 working days of the disaster by a local service provider e.g. local services board, local roads board, or by a local school board.

Unincorporated areas not covered by a local service provider are excluded from the 14 working days requirement. A representative group of the individuals affected by a disaster may make a request to the minister within a reasonable time frame but should contact a northern Municipal Services Office as soon as possible.
Defining the Disaster

The Minister of Municipal Affairs and Housing has the authority to declare a disaster area for the purpose of this program. In determining whether a disaster has occurred, the minister considers both the cause of the damages and the extent of the damages relative to the financial resources of the affected area. The municipality will be notified as to whether or not a disaster declaration has been made.

Should the minister declare a disaster area, the municipal council must appoint a disaster relief committee (DRC) as soon as possible. If more than one municipality is affected by a disaster, a joint committee can be formed with representatives appointed from each of the affected municipalities. (Refer to the Guidelines for Disaster Relief Committees.)

Role of the Province

ODRAP is administered through the Municipal Services Offices and coordinated through the Municipal Support Services Branch of the Ministry of Municipal Affairs and Housing listed on page 11.

The local Municipal Services Offices advise municipalities in setting up disaster relief committees and help the committees establish operating procedures. Ministry representatives will attend the inaugural meeting of the disaster relief committee and provide appropriate help. Staff of the Municipal Services Offices also help municipalities determine if public infrastructure damages are eligible for compensation.

Program guidelines and related materials are issued by the ministry from the Municipal Support Services Branch to assist locally appointed disaster relief committees.
Provincial Financial Assistance - Private Costs

A disaster relief committee must be established as quickly as possible for each disaster area declared by the Minister of Municipal Affairs and Housing. The purpose of the committee is twofold: to raise funds for the benefit of disaster victims, and to settle the eligible claims of these victims as efficiently as possible.

The province will contribute \textbf{up to $2} for every local dollar raised, \textit{to an amount necessary to settle all the eligible claims, up to 90 per cent of all eligible costs}. Thus, no surplus funds are created.

To ensure that all the funds raised locally and matched by the province are used to help victims of the disaster event, the documented administration costs of the local disaster relief committee will be shared by the Ministry of Municipal Affairs and Housing and the municipality or designated municipalities that appointed the disaster relief committee as follows:

- A tender must be issued for the use of an insurance adjuster for claims greater than $500. The ministry will pay 100 per cent of the costs for the insurance adjuster; and
- Other administrative costs of the disaster relief committee, e.g. telephone, postage, office space, etc. will be paid for, or provided directly by, the municipality or designated municipalities.

When disasters strike in geographically isolated areas in the north, the minister is authorized to declare a disaster area where appropriate for purposes of the program and may alter funding arrangements.

Provincial Financial Assistance - Public Costs

Municipalities who have sustained damages caused by a natural disaster which has been declared by the Minister of Municipal Affairs and Housing as a disaster area are eligible for provincial funding toward certain damages.

\textbf{Eligible damage payments would be made directly to the municipality by the ministry and are separate from local fund-raising efforts for private damages.} Municipalities must submit a Municipal Damage Report, accompanied by appropriate receipts and an adopted resolution verifying costs, to their local Municipal Services Office to determine which costs are eligible. Municipalities experiencing only public damages as a result of a natural disaster should still adopt a resolution requesting financial assistance and submit to the Ministry the request within 14 working days of the date of the disaster.

Municipal Damage Report forms are available from the local Municipal Services Offices.
The following is a list of costs covered by ODRAP:

<table>
<thead>
<tr>
<th>Eligible Losses and Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>- restoration, repairs, or replacement to pre-disaster condition of a principal, year-round residence, farm buildings and principal business enterprise building</td>
</tr>
<tr>
<td>- essential furnishing of a private residence including refrigerator, freezer, furnace, stove, clothes washer and dryer</td>
</tr>
<tr>
<td>- tools or other items essential to the claimant's livelihood, including farm machinery and equipment</td>
</tr>
<tr>
<td>- for farms, replacement cost only of orchard trees</td>
</tr>
<tr>
<td>- for business enterprises, replacement of inventory at cost</td>
</tr>
<tr>
<td>- livestock fencing</td>
</tr>
<tr>
<td>- restoration, repair, or replacement to pre-disaster condition of churches, cemeteries, private schools, private clubs and other associations</td>
</tr>
<tr>
<td>- emergency expenses (e.g. evacuation costs, food and shelter, essential clothing)</td>
</tr>
<tr>
<td>- perishable food</td>
</tr>
<tr>
<td>- heat and light supplies (e.g. fuel for light and heat, heaters)</td>
</tr>
</tbody>
</table>

The following is a list of costs not covered by ODRAP:

<table>
<thead>
<tr>
<th>Ineligible Losses and Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>- losses covered by insurance</td>
</tr>
<tr>
<td>- insurance deductible</td>
</tr>
<tr>
<td>- secondary residences e.g. cottages</td>
</tr>
<tr>
<td>- non-essential furniture (e.g. stereos, recreation room furniture)</td>
</tr>
<tr>
<td>- landscaping, fencing, driveways and retaining walls</td>
</tr>
<tr>
<td>- recreational vehicles (e.g. boats, snowmobiles)</td>
</tr>
<tr>
<td>- antiques and collections</td>
</tr>
<tr>
<td>- loss of revenue or wages</td>
</tr>
<tr>
<td>- losses recoverable at law</td>
</tr>
</tbody>
</table>
The Disaster Relief Committee

Setting up the Committee

As soon as possible after a disaster area has been declared by the minister, council appoints a disaster relief committee by resolution. Where a disaster affects more than one municipality, all councils should participate in the appointment of representatives to a common disaster relief committee.

The disaster relief committee and its sub-committees act as an autonomous body operating within provincial guidelines to raise funds and settle claims. The committee ensures that all claims are dealt with fairly and equitably. The scope and nature of damages will help determine how many committee members are required.

The disaster relief committee’s work could usually take anywhere from six months to about one year to complete. Council appoints the committee members from among its citizens, preferably from an unaffected area if possible, and should choose persons with varying backgrounds as it is desirable to obtain a variety of expertise for the committee.

The committee members may not be members of council and should have no potential conflict of interest in the collection or distribution of funds. If two or more municipalities are involved, equitable representation on the committee is encouraged. In unincorporated areas, the committee should be appointed by the group which made the request for disaster area declaration (e.g. local service board).

Further advice on setting up the disaster relief committee and other information pertinent to the operation of the committee is contained in the ministry publication Guidelines for Disaster Relief Committees which can be obtained from Municipal Services Offices.
Disaster Relief Committee Responsibilities

1. To appoint from among its members a chairperson and, if sub-committees are established, the appropriate number of vice-chairpersons.

2. To appoint a treasurer, who should not be a member of the committee and, if necessary, to appoint a secretary. The treasurer could be a municipal staff person or a paid contract position.

3. To set up a disaster relief fund and bank account.

4. To register the fund as a charity with Revenue Canada.

5. To solicit donations to the fund and to organize fund-raising activities.

6. To establish guidelines and procedures for the receipt, appraisal, review and settlement of claims for losses and damages.

7. To advertise the existence of the fund, the availability of assistance, and the terms on which assistance will be provided.

8. To hire professional adjuster(s) for claims greater than $500 and appraise damages for claims less than $500.

9. To distribute claim forms.

10. To approve payments in a consistent manner based on reports from the adjuster in accordance with the program guidelines and the committee’s procedures.

11. To make payments to claimants.

12. To hire auditors to review the activities of the fund and prepare an audit report.

13. To submit an audited report to the local Municipal Services Office for review and payment of the provincial contribution.
Extreme Financial Hardship

In very limited circumstances, victims of a natural disaster may suffer extreme financial hardship because of losses or expenses which do not qualify for assistance under ODRAP and for which other sources of assistance are unavailable or inadequate. The local committee may provide financial assistance in these cases. A sub-committee, having provincial representation, must first be established to deal with these cases, as outlined in the *Guidelines for Disaster Relief Committees*.

Guidelines for Disaster Relief Committees

The Ministry of Municipal Affairs and Housing will provide a copy of the *Guidelines for Disaster Relief Committees* to each disaster relief committee established. The Guidelines are for the use of committee and sub-committee members. They outline the operations of the committee and the roles and responsibilities of the sub-committees. They also contain a section on best practices used by other disaster relief committees and a check list of items to assist newly appointed committees.
Inquiries

For more information regarding this publication, please call your nearest Ministry of Municipal Affairs and Housing office:

**Central Municipal Services Office - Toronto**
777 Bay Street, 11th Floor  
Toronto ON M5G 2E5  
(416) 585-6226 Toll Free: 1-800-668-0230  
FAX: (416) 585-6882

**Eastern Municipal Services Office - Kingston**
8 Estate Lane  
Rockwood House  
Kingston ON K7M 9A8  
(613) 548-4304 Toll Free: 1-800-267-9438  
FAX: (613) 548-6822

**Southwestern Municipal Services Office - London**
655 Exeter Road, 2nd Floor  
London ON N6E 1L3  
(519) 873-4020 Toll Free: 1-800-265-4736  
FAX: (519) 873-4018

**Northeastern Municipal Services Office - Sudbury**
159 Cedar Street, Suite 401  
Sudbury ON P3E 6A5  
(705) 564-0120 Toll Free: 1-800-461-1193  
FAX: (705) 564-6863

**Northwestern Municipal Services Office - Thunder Bay**
435 James St. S., Suite 223  
Thunder Bay ON P7E 6S7  
(807) 475-1651 Toll Free: 1-800-465-5027  
FAX: (807) 475-1196

or contact:

**Municipal Support Services Branch – Toronto**
777 Bay Street, 11th Floor  
Toronto ON M5G 2E5  
(416) 585-7296  
FAX: (416) 585-7292
## Municipal Council – Disaster Checklist

<table>
<thead>
<tr>
<th>Completed</th>
<th>Still to do</th>
<th>Task</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Municipal Emergency Plan invoked? Follow procedures outlined in municipality’s plan.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Map/chart/document damage area includes peripheral areas. If possible, take pictures of damages.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Estimate amount of damage. If possible, break down costs to include number of households/businesses/farms/non-profit organizations e.g. churches affected. (Do not include damages sustained to cottages.) Also estimate amount of public damage.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Contact Emergency Measures Ontario (EMO) (416) 314-8595 or (705) 329-6950 (24 hour service – connects caller with OPP duty officer and then EMO.)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Contact local Municipal Services Office of the Ministry of Municipal Affairs and Housing (MAH):</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Central (416) 585-6226</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Southwest (519) 873-4020</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Eastern (613) 548-4304</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Application to the Ontario Disaster Relief Assistance Program (ODRAP): resolutions must be passed and forwarded to the Minister of MAH within 14 working days of the disaster event.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>If disaster area declared by the Minister of Municipal Affairs and Housing, municipal council makes appointments to a Disaster Relief Committee (DRC): The following number of committee members is suggested: 1 municipality = minimum 7/maximum 9 2 municipalities = combined total maximum 11 more than 2 municipalities = combined total maximum 15 Contact local banks to arrange to receive donations until accounts can be opened by the committee. Contact local press and advise them once the area has been declared a disaster for ODRAP purposes. Establish a municipal council contact for the DRC. Contact local MAH-MSO office for date/time of inaugural meeting. Once the DRC has been established following the inaugural meeting, the committee can take over delivery of relief efforts. DRC will be given a copy of Guidelines for Disaster Relief Committees.</td>
</tr>
</tbody>
</table>
# MUNICIPAL DISASTER INFORMATION

## City Of Hamilton

### PART A – General Information

<table>
<thead>
<tr>
<th>Date/Time Emergency Declared under EMCPA:</th>
<th>Date of disaster assistance resolution:</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 26, 2009</td>
<td>August 4, 2009</td>
</tr>
</tbody>
</table>

**Type of Disaster** (for example flood, snow storm):

**Flood**

**Comments** (details of the event):

The month of July 2009 was a wet month with 84 mm of precipitation from July 1 through 23 with more rain on July 24 and 25 leaving high lake and creek levels and saturated ground. A severe rain storm hit the greater Hamilton area on Sunday July 26 with devastating results.

Waves of thunderstorms hit the area resulting in thousands of flooded basements, damaged roads, water filled vehicles and motorists stranded and stuck in traffic due to the many impassable roads. Sewer pipe systems and roads were all impacted due to the severity of the storm with over 100mm of rain falling in only 2 hours.

**Impacted Area** (Name of municipality and specific neighbourhood, if applicable):

The City of Hamilton

**Characteristics of impacted area** (population, community characteristics – dense urban area/farm community/cottages, conservation area, river, park):

With 21% of Hamilton’s 1,128 square kilometres of land and 91% of its 505,000 population being urban, the urban areas felt the floods force most heavily, impacting thousands of residents. The major impacted areas, currently estimated at 6,500 houses, are comprised of 75% single detached houses and 25% of semi-detached and row houses, with many being 50+ years old in lower income areas of the City, and 30% being tenants and 70% being owner occupied.

### PART B - Contacts

<table>
<thead>
<tr>
<th>Municipal Representative (Name &amp; Title)</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chris Murray, City Manager</td>
<td>905-546-2424 Ext. 5420</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Emergency Management Ontario Officer</th>
<th>Emergency Management Coordinator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard Kinchlea, Emergency Management Coordinator</td>
<td>Phone Number 905-546-2424 Ext. 6038</td>
</tr>
</tbody>
</table>

### PART C - Personal Injury and Loss

<table>
<thead>
<tr>
<th>Did an evacuation occur?</th>
<th>Anticipated length:</th>
<th>Are there serious injuries to people?</th>
<th>Are there any fatalities?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes <em>Voluntary Evacuation No</em></td>
<td>&gt; 14 days ___</td>
<td>Yes Ne</td>
<td>Yes Ne</td>
</tr>
<tr>
<td>If yes approximate number of people?</td>
<td>&lt; 14 days ___</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
**Estimated Cost of Evacuation and Shelter:**  
$1600

**Types of costs incurred:**  
Shelter for volunteer Evacuees

### PART D - Private Property Damage

| Nature of Damage (i.e. sewage back-up, roof shingles, flooded basements): | Estimated value of the damage: |
| Number of primary residences damaged: | $50,000,000 – 100,000,000 |
| Currently 5500 reported Estimated 6500 final total | Number of damaged properties with insurance coverage: |
| | Undetermined – See Risk Management Summary – Private Damage Tab |

| Nature of Damage (including inventory): | Estimated value of the damage: |
| Number of businesses damaged: | $250,000-500,000 |
| Estimated 25-50 | Number of damaged properties with insurance coverage: |
| | Undetermined – See Risk Management Summary – Private Damage Tab |

| Nature of Damage: | Estimated value of the damage: |
| Number of Farms damaged: | Undetermined |
| Undetermined at this time | Number of damaged properties with insurance coverage: |
| | Undetermined – See Risk Management Summary – Private Damage Tab |
### PART E – Municipal Property Damage

<table>
<thead>
<tr>
<th>Municipal Facilities damaged:</th>
<th>Nature of Damage:</th>
<th>Estimated value of the damage:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mountain Transit Centre</td>
<td>Overland Flooding, Sewage back-up</td>
<td>$1,000,000-2,000,000 (of Uninsured)</td>
</tr>
<tr>
<td>Mountain Community Recycling Centre</td>
<td></td>
<td>Municipal facilities with insurance coverage</td>
</tr>
<tr>
<td>Rosedale Arena</td>
<td></td>
<td>Coverage on buildings</td>
</tr>
<tr>
<td>Sir Wilfred Laurier Recreation Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Huntington Park Recreation Centre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warburton Park – Wading Pool</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mount Hope Hall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lawfield Arena</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Wentworth Arena</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Green Acres Outdoor Pool</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stoney Creek Tennis Club</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hamilton Police Services – Mountain Station</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CityHousing Hamilton</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is there damage to roads and bridges?</th>
<th>Nature of Damage:</th>
<th>Estimated value of the damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Overland Flooding, Washout</td>
<td>$3,500,000-5,000,000</td>
</tr>
<tr>
<td>No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other types of municipal infrastructure damaged:</th>
<th>Nature of Damage:</th>
<th>Estimated value of the damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kings Forest Golf Course</td>
<td>Overland Flooding, Washout</td>
<td>$3,500,000-5,000,000</td>
</tr>
<tr>
<td>Rennie St. Landfill</td>
<td></td>
<td>Which of these assets are covered by insurance?</td>
</tr>
<tr>
<td>Valley Park</td>
<td></td>
<td>Only physical buildings covered</td>
</tr>
<tr>
<td>Traffic Signals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Hill Valley Park</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chedoke Yard</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other municipal assets damaged:</th>
<th>Nature of Damages:</th>
<th>Estimated value of the damage:</th>
</tr>
</thead>
<tbody>
<tr>
<td>HSR Vehicles</td>
<td>Overland Flooding</td>
<td>$250,000</td>
</tr>
<tr>
<td>Hamilton Police Vehicles</td>
<td></td>
<td>Which of these assets are covered by insurance?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vehicles covered but with High Deductible</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Costs:</th>
<th>Nature of costs: e.g. sandbagging, equipment use, water, food for volunteers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Employee Overtime</td>
</tr>
<tr>
<td>2. Extraordinary, incremental salaries/wages</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Employee Overtime</td>
</tr>
</tbody>
</table>

### PART F – Other Property Damage
<table>
<thead>
<tr>
<th>What Non-Profit organizations sustained property damage (e.g. church, rotary club)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shriners</td>
</tr>
<tr>
<td>Community Living Hamilton</td>
</tr>
<tr>
<td>Food Bank</td>
</tr>
<tr>
<td>Nursery School Co-op</td>
</tr>
<tr>
<td>Churches</td>
</tr>
<tr>
<td>Nature of Damage: Flood, Overland Flooding, Sewage Backup</td>
</tr>
<tr>
<td>Estimated value of the damage: Undetermined</td>
</tr>
<tr>
<td>Which of these properties are covered by insurance? Undetermined</td>
</tr>
</tbody>
</table>

**PART G– Financial Assistance**

Is there a need for early financial assistance? If yes why?
The City of Hamilton would like to request $3,000,000 in early assistance in order to assist residents, small businesses, farms and Not-for-Profit organizations with immediate assistance with their recovery and to help alleviate their financial burden caused through no fault of their own or the City. The current economic recession has hit Hamilton particularly hard making immediate assistance for those affected all the more important.

**Note:** This form, along with documentary evidence such as media clippings, photographs, and any other information which the council may consider pertinent, should accompany your resolution.