



VILLE DE LAC-BROME
TOWN OF BROME LAKE

CLAIM FORM

If claimant is a company	Name of company :	
If claimant is a person	Name:	Surname :
Civic address :		
Town :		
Province or State :		
Country :		
Postal code:		
Telephone (home) :	Telephone (work) :	
Fax :		
Date et hour (approximate) of incident :		
Police report? If yes, number :		
Location of incident (address, intersection, site, etc.) :		
Description of facts and damages :		
Amount claimed (if available) :		
In case of material damages, indicate address where damages can be seen (if address is different from that indicated above) :		
If damages are to a vehicle, provide following information : <ul style="list-style-type: none">• Has vehicle been repaired (yes or no) :• Make :• Model :• Year:• Color:• Registration N° :		
Signature :	Date :	

Do not forget to include items in support of claim (invoice, photograph, estimate or others).

Notice of claim must be forwarded to Town of Brome Lake's Clerk within fifteen days of the incident. The present form must be forwarded to the following address:

Owen Falquero, attorney
Town of Brome Lake
122, Lakeside Road
Brome Lake, QC J0E 1V0

This form is made available to you with the sole aim of helping you formulate your claim to the Town's Clerk. In so doing the Town accepts no liability for claimed damages or any obligation whatsoever to pay them.

CITIES AND TOWNS ACT
(Exerpt)

CIVIL REMEDIES AGAINST THE MUNICIPALITY

§ 1. — Notice of Action and Miscellaneous Proceedings

585. (1) If any person claim or pretend to have suffered **bodily injury** by any accident, for which he intends to claim damages from the municipality, he shall, **within 15 days from the date of such accident, give or cause to be given notice in writing to the clerk of the municipality of such intention, containing the particulars of his claim**, and stating the place of his residence, failing which the municipality shall be relieved from any liability for any damages caused by such accident, any provision of law to the contrary notwithstanding.

(2) In case of any claim for **damages to property, movable or immovable, a similar notice shall also be given to the clerk of the municipality, within 15 days, failing which the municipality shall not be liable for any damages**, any provision of law to the contrary notwithstanding.

(3) No such action shall be instituted before the expiration of 15 days from the date of the service of such notice.

(4) The failure to give such notice shall not, however, deprive any victim of such accident of his right of action, if he prove that he was prevented from giving such notice for any reason deemed sufficient by the court or judge.

The absence of notice or its irregularity because late, insufficient or otherwise defective, must be set up by exception to dismiss action or by dilatory exception, as the case may be, and not by a plea to the merits. Failure to invoke such means within the time and according to the rules established by the Code of Civil Procedure (chapter C-25), constitutes a waiver of such irregularity.

No contestation of the facts may be inscribed until judgment is rendered on the said exception to dismiss action or on the said dilatory exception and such judgment must dispose thereof and not reserve them for the merits.

(5) No action in damages shall lie unless such action be instituted within six months after the day on which the accident happened or the right of action accrued.

(6) The municipality shall have a recourse in warranty against any person whose fault or negligence occasioned the accident and the damage arising therefrom.

(7) Notwithstanding any general law or special Act, no municipality may be held liable for damage resulting from an accident, of which any person is the victim, on the sidewalks, streets, roads, walkways or bikeways, by reason of the snow or ice, unless the claimant establishes that the said accident was caused by the negligence or fault of the said municipality, the court having to take into account the weather conditions.

(8) No right of action shall lie against the municipality for damages caused by the back-flow from a sewer to articles, merchandise or effects kept for any purpose in a cellar or basement, if the claimant has already received compensation from the municipality for similar damages caused at the same place and has not subsequently installed there, 30 cm at least from the floor and at a distance of at least 30 cm from the exterior walls, a support on which such articles, merchandise or effects must be kept.

R. S. 1964, c. 193, s. 622; 1965 (1st sess.), c. 80, a. 1; 1984, c. 47, s. 213; 1996, c. 2, s. 209; 1999, c. 40, s. 51; 2010, c. 18, s. 37.

586. Every action, suit or claim against the municipality or any of its officers or employees, for damages occasioned by faults, or illegalities, shall be prescribed by six months from the day on which the cause of action accrued, any provision of law to the contrary notwithstanding.