

Notice of Claim

When an individual is suing a school or a school board for injury or damage to their property notification of the claim may take one of two written forms.

Statement of Claim- A printed or written statement by the plaintiff in an action which shows the facts relied on to support any claim against the defendant and the remedy or relief sought.

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

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

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

Statements of Claim are time sensitive.

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

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

What to do: If you are served with a Statement of Claim immediately contact The OSBIE Claims Department for immediate attention and determination of coverage under the CGL policy.

Notice of Intent- Generally it is a brief letter containing a short statement about the nature of the claim and the plaintiff's intention to seek compensation for damages caused by the defendant's (school board's) alleged negligence. The letter requests that the insurance carrier (OSBIE) be notified and to contact plaintiff's counsel usually within 14 days.

Typically this is sent to the school or school board by plaintiff's legal representative. The letter may also be sent to the school or board by the plaintiff directly.

The letter is on the plaintiff counsel's company letterhead.

What to do:

The school and or board should immediately forward notice letters to OSBIE claims department for immediate attention and determination of coverage under the CGL policy.