

# How to File a Claim for Vehicle or Property Damage

Potholes, flooding, and other hazards



## Filing a claim against the province

If you have incurred damage to your vehicle or property and you believe the province may be responsible, you may submit a claim to Insurance and Risk Management, Department of Service Nova Scotia and Internal Services, for consideration.

Compensation is paid when an investigation finds that the province was negligent in their duties and that negligence resulted in your damage. In other words, when the province is found legally liable for the damage sustained. However, you are expected to make efforts to minimize damage to your property. If you do not, you may be held responsible for part of the damage cost.

## Deadline: within 30 days

Submit your claim within 30 days of the incident to ensure that your claim meets the notice requirement. Use our Claim Form (**page 2**) and send evidence to support your claim. Submit your claim by email, fax, or surface mail:

[risk@novascotia.ca](mailto:risk@novascotia.ca)

902-424-2325 (fax)

Insurance & Risk Management

PO Box 2205

Halifax, NS B3J 3C4

## Frequently Asked Questions

Can be found on pages 3 to 7.



# Frequently asked questions

## What is a claim?

A claim is a **request for compensation** for a loss due to injury or damage as a result of another's actions. In this case, the province or its employees. Payment for property damage or vehicle damage is contingent upon the province being found legally liable. The injury or damage must be sudden and accidental, not accumulated over time.

## Who can make a claim?

Anyone who believes that a loss has occurred as a result of the province's negligence can pursue a claim against the province.

## How do I make a claim?

We suggest that you contact your own insurer regarding damages first. This may be the quickest way to have repairs completed. If your insurer believes that the province is liable, it will contact the province on your behalf.

To submit a claim on your own behalf:

- 1 If the incident occurred on a road, confirm that the road is provincially controlled. You need an exact address or location to confirm this. In some areas, a municipality or town may be responsible for the road within its boundaries. Submitting a claim to the correct road authority saves you time.
- 2 Complete our Claim Form. Be sure to submit your claim within 30 days of the incident. It is also important to note that there is a 2-year limitation period from the date of the loss in respect of all claims in the province.
- 3 Make sure that your submission contains the following information:
  - Name, mailing address, email address *if one is available*, and telephone number of the person making the claim
  - Date, time, and location of incident — be specific about direction of travel, lane, closest intersection/road/civic number, town/city, county
  - Description of incident — describe what took place and what the damages are
  - Supporting pictures and documents — pictures of damages, vehicle registration, ownership documents, invoices and quotes/estimates, and pictures of the hazard when safe to obtain them
- 4 Submit your claim to Insurance & Risk Management by email, fax, or surface mail within 30 days.

## Questions?

Call us

- to have a claim form mailed or faxed to you
- if you have questions about the investigation or status of the claim

### **Insurance & Risk Management**

902-424-4440

Monday to Friday

8:30 am–4:30 pm

## What is the claim investigation process?

All claims are investigated and reviewed by qualified, internal insurance adjusters. They determine the extent to which, if any, the province may be liable for the damage.

Each claim is investigated and considered on its individual facts. We gather information from you, department staff, any third parties who may be witness to the incident, and those who may have been carrying out work at or near the site of the incident.

It is your responsibility to provide us with evidence or proof of your loss. Include photographs of location and damages, date and time of day of your loss, and any other information that can assist the investigation.

A claim with insufficient information — such as a vague location — cannot be investigated appropriately and will be returned to you.

A fraudulent claim will be prosecuted to the full extent of the law.

## How long does the process take?

About 60 business days. Insurance & Risk Management acknowledges your claim within two weeks of receiving it. An investigation begins when your claim is received. In most cases, you can expect a final response within 60 business days. It may take longer for complex claims or when claim volumes are high.

## If my claim is accepted for compensation, when may I expect this compensation?

About 15 business days from the date that you accept the offer made or return the signed final release the payment is requested through the Department of Finance. This timeframe depends on payment request volumes within the Department of Finance.



## My vehicle was damaged driving through a pothole. What should I do?

Potholes are distortions within asphalt. They can develop quickly, especially in times of severe moisture and with freeze-thaw cycles.

To place a claim for pothole damage, submit a claim form along with a copy of your registration and invoice or quotes for repair. Be aware, however, of the rules for resolving pothole claims.

Pothole claims are resolved based on the Department of Transportation and Infrastructure Renewal Highway Maintenance Service Standards: [novascotia.ca/tran/publications/Highway-Maintenance-Standards-Manual.pdf](https://novascotia.ca/tran/publications/Highway-Maintenance-Standards-Manual.pdf)

Claims may be paid when two things were true when the loss occurred:

- the province was aware of the pothole

AND

- the province failed to repair the pothole within the service standard

Claims are denied when one of the following was true when the loss occurred:

- the province was not yet aware of the pothole

OR

- the service standard had not yet expired

Potholes are identified through our own road patrols and through public reports to the Operations Contact Centre. Pothole claims have a low success rate.

**Do not continue to drive your vehicle if it is not operating properly.** Have a licensed automobile mechanic inspect the damage. If you believe the damage will exceed your automobile insurance deductible, contact your insurance representative. You may also wish to contact the business where you purchased your tires to see if they are covered by a Road Hazard Warranty for damage caused by potholes or objects on the road.

Residents are encouraged to report potholes through the TIR Operations Contact Centre (OCC):

[tir-occ@novascotia.ca](mailto:tir-occ@novascotia.ca)

1-844-696-7737



## What if my claim involves a contracted company?

You must deal with the contracted company. If we discover that a contractor had control over the location at the time of your loss, we give you the contractor's information. It is your responsibility to initiate a claim with them. When the province contracts with an independent company to perform work on the province's behalf, the contractor agrees to respond directly to claims for damage or injury to members of the public.

## How can I report a hazard?

Contact us immediately, 7 days a week, to report a hazard:

potholes, washouts, fallen tree branches, objects on the road, flooding

### **TIR Operations Contact Centre (OCC)**

[tir-occ@novascotia.ca](mailto:tir-occ@novascotia.ca)

1-844-696-7737

Describe the location of the hazard in detail:

- the name of the street, town/city, county
- the nearest civic number OR the name of the nearest cross-street
- pictures of the hazard, if it was safe to take them

We appreciate your help in keeping our province safe – and a great place to live.

## I have been told my claim is DCPD. What does this mean?

DCPD means that your claim is a direct compensation property damage claim. This type of claim involves a vehicle owned by the province and one of the following:

- flying or falling objects
- road paint
- vehicle to vehicle incidents involving a government-owned vehicle

To file a DCPD claim, you must submit

- the date, time, and location of the incident
- the plate or vehicle number of the vehicle owned by the province

During our investigation, we run a GPS investigation on our vehicles. We speak to our field staff to confirm a vehicle was in the area and the function it was performing.

We recommend that you make this type of claim through your insurer to expedite the process. If you are not at fault for the damage, DCPD claims do not have a deductible and will not increase your premiums.



## My claim has been denied. What options do I have?

If your claim is denied, you may request an appeal through the Manager, Insurance and Risk Management. The manager reviews the file and makes a separate determination.

If your appeal is denied by the manager, you have two options:

- You may select an independent insurance adjusting firm to conduct a review from a list we provide. We submit the claim file for review. The cost of an independent review is covered by the province. A decision made by an independent adjuster is binding. No further appeal is allowed.
- You may file an action with the Supreme Court to seek legal remedy. Cases against the Crown cannot be heard in Small Claims Court.

## What if my property floods due to the actions of the province?

You may submit a property damage claim for flooding and water damage using the claim form. Include the date, time, and location of the flood AND photos of your damages. An adjuster will contact you to gather more information. The adjuster determines whether a site visit is warranted. A determination of liability is made from the adjuster's investigation.

## What if I damage provincial property with my vehicle?

When you damage provincial property, like a guardrail or a traffic control device, you may be found responsible for the damage. This is usually paid by your insurance company. However, if you don't have insurance, a judgment may be initiated against you.

**Please contact 1-844-696-7737 if you have damaged provincial property.**

**Find the claims form here: [novascotia.ca/tran/publications/claim%20form.pdf](https://novascotia.ca/tran/publications/claim%20form.pdf)**