

FAQs – Negligence and Liability

Given the scope of responsibilities and resources required to provide municipal services, it is not uncommon for citizens to contact the Alberta Ombudsman with complaints of liability or negligence. Liability is the state of being responsible for something, especially by law. Negligence, on the other hand, refers to a failure to exercise reasonable care or caution, resulting in harm or damage to others. This resource is intended to address common questions the Ombudsman receives and clarify the Ombudsman's role in relation to questions about negligence and liability.

1

Can the Ombudsman make findings of liability or negligence?

The Ombudsman is an independent Officer of the Alberta Legislative Assembly responsible for investigating complaints about administrative actions and decisions in the public sector, including municipalities. The Ombudsman has no jurisdiction to investigate or make findings of liability or negligence.

2

I filed a claim with the municipality. What can the Ombudsman do?

The Ombudsman is authorized by the *Ombudsman Act* to investigate complaints about municipal government. However, the Ombudsman's jurisdiction is restricted to investigating the administrative decisions of a municipality.

If you filed a claim with a municipality, the Ombudsman may only look at the municipality's process for handling the claim. In an administratively fair process, our office will want to see:

1. You had the opportunity to submit a claim to the municipality
2. The municipality responded to your claim

The Ombudsman will review the administrative process leading to the municipality's decision, not the merits of the municipality's response.



3

I think a public body is responsible for damages. Can the Ombudsman help me?

The Ombudsman looks only at administrative decisions and actions. If you are seeking damages or any kind of compensation, we encourage you to seek the advice of a lawyer.

4

A municipality hired a third-party insurer to investigate my claim. What can the Ombudsman do for me?

The Ombudsman has no jurisdiction to consider the process or decision made by a third-party insurer. If you disagree with the insurer's decision, you may wish to seek legal advice. You may also seek information from the General Insurance OmbudService:

General Insurance OmbudService

Toll free: 1.877.225.0446

Website: giocanada.org

The Ombudsman may only look at the municipality's process for handling the claim. If you have concerns with the handling of your claim and you believe it was not processed by the municipality in an administratively fair manner, please contact our office for more information. To learn how we determine if a decision is fair, please visit the [Administrative Fairness Guidelines](#) page on our website.

FAQs for Municipalities



www.ombudsman.ab.ca