

ALBERTA TRANSPORTATION PROCEDURES FOR DAMAGE CLAIMS

QUESTION: HOW CAN I FILE A CLAIM FOR DAMAGES?

ANSWER: Your claim must be in writing and contain the following information:

- date
- time
- location
- estimate of damage
- description of the incident
- your name and address (Phone number optional)

Forward your claim to the Alberta Transportation office at the address on the accompanying letter.

QUESTION: WHAT HAPPENS TO MY CLAIM?

ANSWER: Alberta Transportation personnel will forward your claim to the contractor for his action.

The contractor will respond to you in writing, setting out his position with respect to your claim. He will either settle your claim or, if he considers your claim to be invalid, will provide reasons why your claim is being rejected. If you do not hear from the contractor within two weeks please advise the Alberta Transportation office at the address on the accompanying letter.

QUESTION: WHAT IF I DISAGREE WITH THE CONTRACTOR'S RESPONSE?

ANSWER: If you are unsatisfied with the contractor's response, the next course of action available to you is dependant on the value of your claim:

- If your claim is in an amount that is **GREATER than \$2,000.00** your only recourse would be to pursue the issue either through legal avenues (eg. small claims court), or deal with it as an insurance issue through your insurance carrier.
- If your claim is in an amount that is **LESS than \$2,000.00** your claim file can be forwarded to an independent adjuster who will review your file and give his decision based on the information in that file and the contract terms.

QUESTION: HOW DO I GET MY CLAIM TO THE ADJUSTER?

ANSWER: In situations where you and the contractor cannot agree to a settlement, please advise the Alberta Transportation office at the address on the accompanying letter and the department will forward the claim file containing your claim and the contractor's response, to the adjuster.

Under the terms of his agreement with the department, the adjuster will review the file and make a considered decision on the validity and amount of the claim. He will advise you in writing of his decision and forward copies of this decision to the contractor and the department. The adjuster's decision is binding on the contractor and the department.

QUESTION: WHO IS THIS ADJUSTER AND WHAT CAN HE DO FOR ME?

ANSWER: The adjuster is an individual who has been retained by the department with the concurrence of the contracting industry, to review claim files as they relate to the contractor's responsibility in the contract, and make a considered decision on the validity and value of the claim. He has expertise in the insurance adjustment area and a history of familiarity with this type of claim. If he rules in your favour, the contractor is obliged to pay the amount of the decision.

QUESTION: WHAT DO I DO IF THE ADJUSTER RULES AGAINST ME?

ANSWER: The adjuster is neither a judge nor a mediator. His authority is restricted to making a decision based on whether or not the contractor followed the conditions of his contract.

The adjuster's review is based on the written information provided to him and under the terms of his agreement, is not rescindable. Once his decision is made the department cannot assist either the contractor or the claimant to have the decision changed.

If the adjuster does rule against you and you are unsatisfied with his response, you still have the right to pursue the issue through legal avenues (eg. Small claims court), or discuss the matter with your insurance carrier.