

# Legal Confidence: Comparing the Casual Legal Advice and Legal Expense Insurance Programs

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Catherine Li, Lawyer, Lidstone & Company

Nathan Cornale, Business Development Manager, ARAG

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# Agenda

1. Introduction
2. What is Casual Legal Advice? (CLA)
3. What is Legal Expense Insurance? (LEI)
4. Key Differences & When to use CLA vs LEI
5. Questions

LIDSTONE & COMPANY

# MIABC Casual Legal Advice Program

April 8, 2026

Presenter: Catherine Li

# Casual Legal Advice Program

- Launched by MIABC in 2013
- Retaining a lawyer to answer simple legal questions is often not feasible, but can significantly reduce risk
- Risk management tool - enables quick, easy and economical access to legal advice

# Removing Barriers to Legal Advice

- Subscribers pay annual fee to MIABC
  - Grants unlimited access to the program by emailing:
    - [casual.legalservices@lidstone.ca](mailto:casual.legalservices@lidstone.ca)
  - Can obtain advice on a wide variety of matters without worrying about cost
- Quick turnaround times

# What is Provided?

- Covers all areas of law relating to local governments
- Summary legal advice only
  - Time to answer each question is limited to 30 minutes and involves no legal research or preparation of documents

# Some FAQs

- Service of Tax Sale Notices
- Addressing Encroachments on Public Property
- Retroactive Fees

# FAQs: Service of Tax Sale Notices

- **Question:** Our local government sold a property at tax sale but has been unable to locate one of the registered owners to provide notice. What should we do?

## FAQs: Service of Tax Sale Notices

- **Answer:** Local governments can apply to the court for an order for substituted service, but only after a “diligent search”
  - Notice must be provided to all registered owners (fee simple and owners of charges on the property) not later than 3 months after tax sale (*LGA s. 657*)
  - Start early and record all efforts to locate owners
  - Post notices on property/in newspapers; check phonebooks; conduct internet and title searches; consider hiring process server/skip tracer

# FAQs: Encroachments

- **Question:** Our municipality has discovered and/or wants to permit an encroachment on a highway. What are our options?

# FAQs: Encroachments

- **Answer:** Municipalities generally have the authority to manage encroachments; however...
  - Highways (s. 35(11))
  - If want to permit
    - Require encroachment agreement: insurance, indemnification, conditions, termination, right to remove
    - Avoid assistance to business (s. 25)
  - If want to remove
    - “Public place” powers (ss. 8(3)(b), 46, 62)
    - Direct action (s. 17), bylaw enforcement (s. 260), injunction (s. 274)
    - Section 36(2)(c) of *Property Law Act*

# FAQs: Retroactive Fees

- **Question:** Can local governments apply new rates in a utility rate bylaw to services provided before the bylaw was adopted?

# FAQs: Retroactive Fees

- **Answer:** Local governments cannot pass bylaws that operate retroactively unless specifically authorized by statute.
  - Such statutory language must be clear.
  - S. 194 of the *Community Charter* does not authorize fees to have retroactive effect.

New rate is only effective from date of bylaw adoption (or some later date set out in the bylaw), but not retroactively.

# Using CLA Effectively

- Use proactively
- Emphasis on “casual”
- Provide us with all of the relevant information and ensure your question is clear

# About Lidstone & Company

- Lidstone & Company acts only for local governments, and on occasion acts for entities that serve special local government purposes
- We advise local governments on a wide variety of matters and represent local governments in litigation
- Advice given in CLA Program is privileged and confidential, not shared with MIABC

## Other Benefits

- Annual law seminar
- Regular [newsletter](#)
- Regular [bulletins](#)

# QUESTIONS?

Casual Legal Advice

[casual.legalservices@lidstone.ca](mailto:casual.legalservices@lidstone.ca)

Phone: 604-899-2269

Toll Free: 1-877-339-2199

LIDSTONE & COMPANY

TOWN HALL →

**Legal Expense Insurance**  
A Legal Risk Mitigation Solution for Small-Mid Sized  
Local Governments.



# What is Legal Expense Insurance?

Two Key Elements That Help Mitigate Legal Risks



## Legal Assistance



Unlimited access to a Legal Helpline staffed by qualified lawyers from 8:00 a.m. to midnight local time and 24/7 in an emergency.

## Legal Insurance

Covers a pre-selected and qualified lawyer's hourly rate, plus disbursements and adverse costs.

# How Prevalent Are Legal Disputes?

ARAG

**7/10** Small business owners said they **dealt with at least one legal dispute** within the last three years.

**230%** **Increase in legal risk exposure** in only seven years!

**Only 38%** Legal disputes faced by business owners in the past three years were related to the pandemic.



Reinforces legal disputes and **legal risks are ever present**, with or without a crisis.

# Customer Benefits

When A Municipality Faces An Unforeseen Legal Event



**Exercise  
Their Rights**



**Protect  
Their Budget**



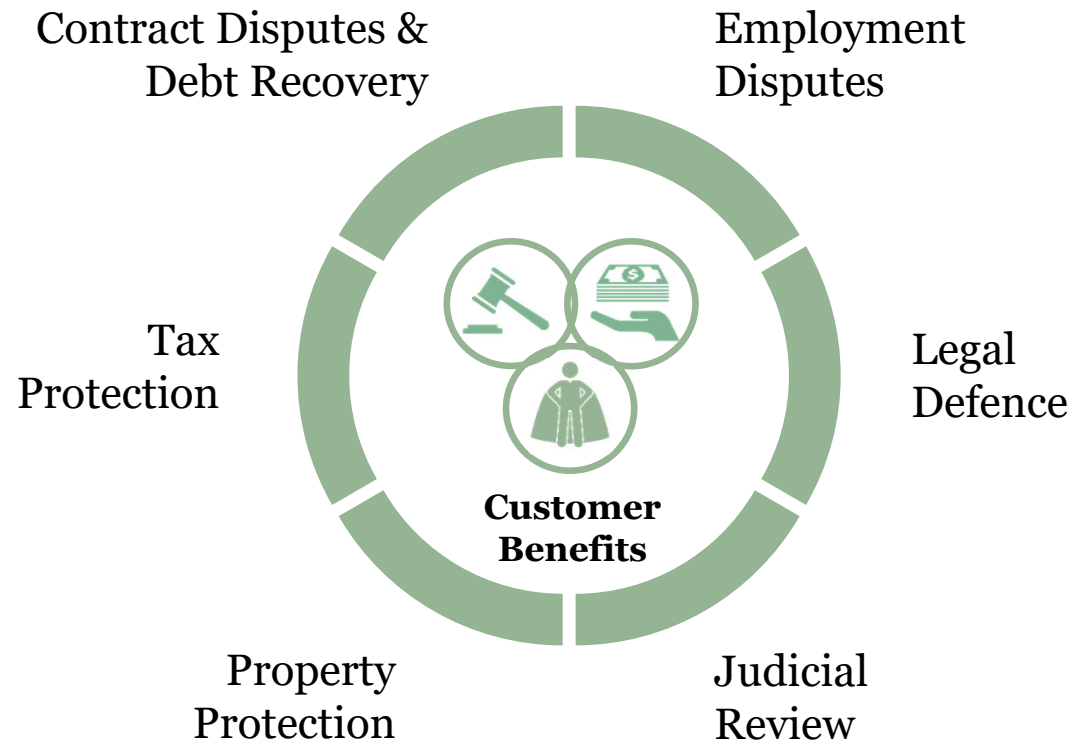
**Save  
Time and Effort**



## **Insured Events Review and Customer Stories**

# Insured Events Summary

For Common Municipal Legal Events



# Definition of Insured



\* If consent for coverage is provided by the name insured \*

Insured Event	Named Insured	Directors, Officers and/or Partners	Managers	Employees
Employment Disputes	✓			
Legal Defence	✓	✓	✓	✓
Judicial Review	✓			
Property Protection	✓			
Tax Protection	✓			
Contract Disputes & Debt Recovery	✓			

# Employment Disputes

## Coverage



- Employee dismissal
- Employment contracts
- Statutory rights
- Human rights

# Michelle's Story

## Employment Disputes



- Human Rights Tribunal action was dropped
- **Saved \$4,500** in legal fees

# Legal Defence Coverage



- Health and safety investigations
- Police investigations and/or criminal prosecution
- Breach of privacy or anti-spam laws

# Don's Story

Legal Defence



- 3 out of the 5 charges were dropped
- A fine of \$25,000 was reduced to \$7,500 with no victim surcharge added
- **Saved \$6,500** in legal fees

# Judicial Review

## Coverage



- Response to a judicial review application challenging a decision

# Tina's Story

## Judicial Review



- The application for judicial review was struck down
- **Saved \$900** in legal fees

# Property Protection

## Coverage



- Physical damage over \$1,000
- Trespassing
- Legal nuisance
- Recover or repossess items from an ex-employee

# David's Story

## Property Protection



- \$2,500 deductible was recovered
- **Saved \$1,200** in legal fees

# Tax Protection

## Coverage



- Tax audit
- Tax appeal

# Sandra's Story

## Tax Protection



- Audit was completed and no additional monies were owed
- **Saved \$2,000** in accountancy fees

# Contract Disputes & Debt Recovery

## Coverage



- Buying or selling goods
- Providing or obtaining services
- Premises rented to conduct the insured's business

# Chris's Story

Contract Disputes & Debt Recovery

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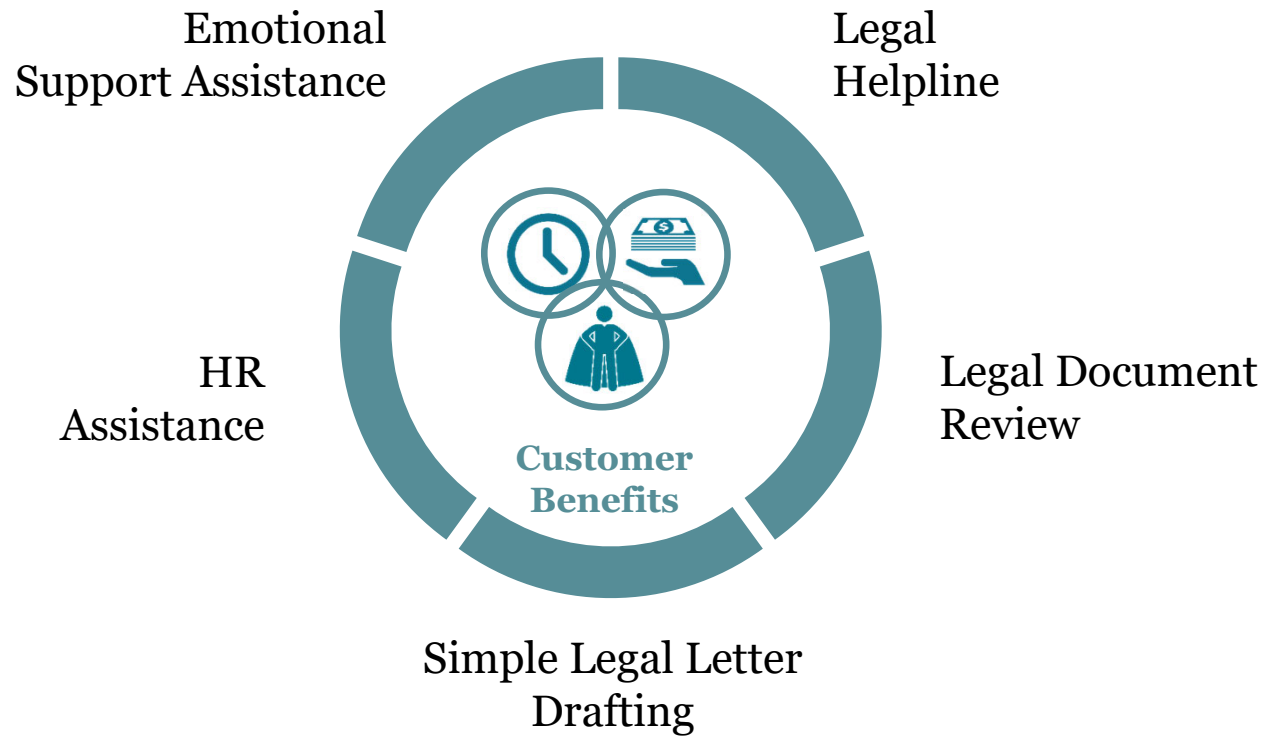
- 65% of the advance payment was recovered
- Would also **save \$11,000** in legal fees if had gone to court



# Legal Assistance and Support Services

# Legal Assistance & Support Services

Help Municipalities Save Time, Money and Effort



# Legal Helpline

Unlimited Access For General Legal Assistance For Any Legal Question

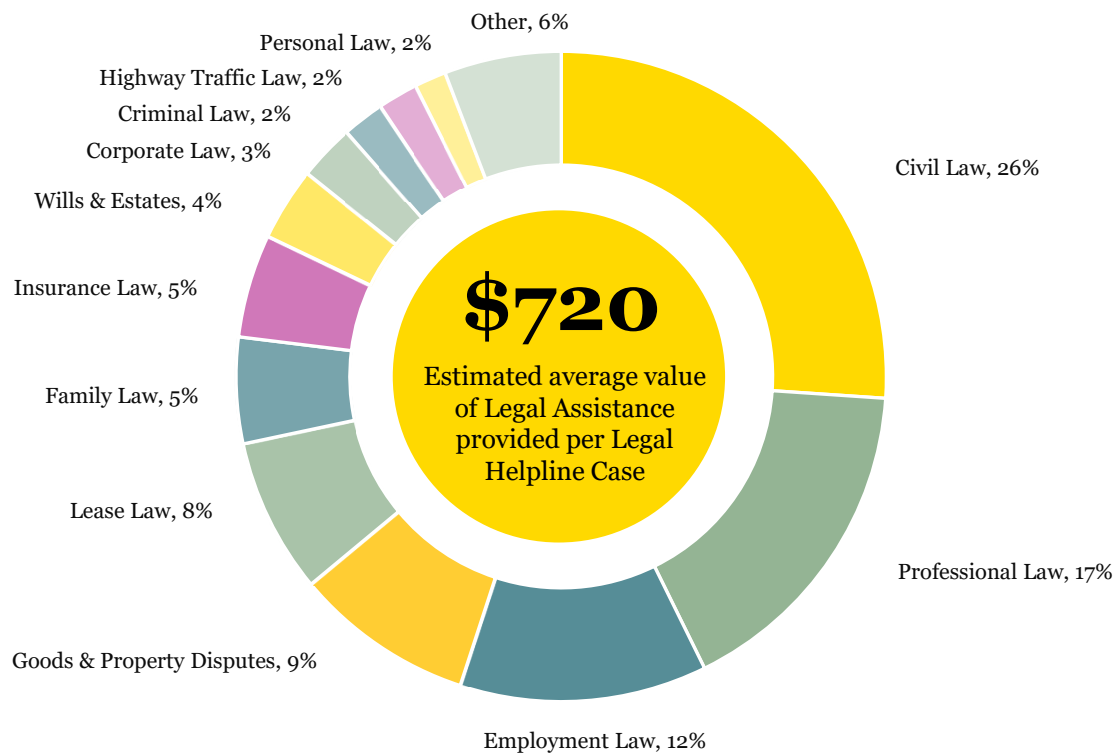
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- Contract or document review
- Claim determination

# Legal Assistance Provided

For A Wide Range of Issues Not Covered = Access To Justice!



#### Examples of “other” include:

- Municipal Law
- Tax Law
- Firearms Law
- Immigration Law
- Intellectual Property Law
- Bankruptcy & Insolvency Law
- And more!

Data shown includes both personal and commercial calls

\$720 value based on 2.8 calls per Helpline Case | 40-minute average duration | Average cost for an experienced Canadian lawyer of \$400 per hour.

# Legal Document Review

An Additional Legal Risk Mitigation Service



- Access limited to 12 times per year
- Must be the entire legal document not sections
- Documents cannot be drafted by the insured

# Simple Legal Letter Drafting

Yet Another Legal Risk Mitigation Service

ARAG



- Wills
- Contracts
- Termination Letters
- Lease Agreements

# HR Assistance

Unlimited Access To HR Professionals For Support & Guidance



- Provides assistance and best practices on a wide range of HR related topics
- Service is available 9:00 a.m. to 6:00 p.m. EST
- Service is arranged by calling the Legal Helpline

# Emotional Support Assistance

Unlimited Access For The Named Insured & All Staff



• This is not a crisis helpline



## **Limits of Indemnity and Claims Process Review**

# Limits of Indemnity

For ARAG Business Legal Solutions for Small-Mid Sized Municipalities



- \$200,000 per claim
- \$1,000,000 in aggregate per policy period
- Minimum amounts in dispute are:
  - \$1,000 in physical damages for Property Protection claims
  - \$2,500 for contract Disputes and Debt Recovery claims
- For Judicial Review the policy will not cover:
  - 15% of total legal costs per claim
  - Total legal costs in excess of \$50,000 per claim

**ONLY LEGAL EXPENSES ARE COVERED, NOT DAMAGES, FINES  
OR NEGOTIATED SETTLEMENTS**

# Claims Handling Journey

A 4-Step Summary of How Legal Risks Are Well Managed





**Thank You!**

# Key Differences & When to use CLA vs LEI



# Key Differences

## Casual Legal Advice

- **Purpose:** Guidance and risk prevention
- **Service type:** Informal, high-level advice
- **Depth of support:** Limited (no representation, review or preparation of documents)
- **Focus:** Day-to-day decision support and risk awareness

## Legal Expense Insurance

- **Purpose:** Financial protection and dispute management
- **Service type:** Formal legal services
- **Depth of support:** Full support (representation, defence, litigation)
- **Focus:** Managing high-risk legal exposure

# When to use CLA

1

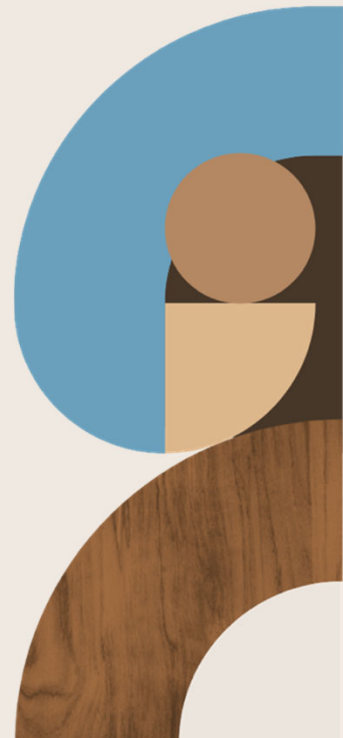
You need quick clarity

2

The issue is low-risk or exploratory

3

You want to avoid escalations



# When to use LEI

1

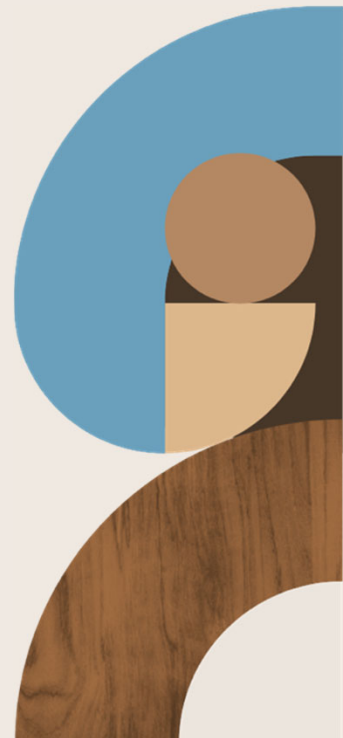
There's an active dispute

2

Legal costs could be significant

3

You require formal representation





Thank you!

Questions?