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PRESIDENT'S MESSAGE

OCTOBER 2014

I hope everyone enjoyed this year's Trade Show. I want to thank everyone for a very successful event! We sold out early for booths and dinners this year. It was great to see so many returning and new vendors who came out to the event. We really appreciate everyone's support. The Trade Show is our biggest event during the year and I am happy this was such a success. I would like to congratulate the 50/50 winner Donna Brown who took away \$365!

We also held an election at the Trade Show for two vacant positions on our executive committee. I would like to welcome Mark Potts as our new secretary and Manish Patel as our new bulletin editor. I think they will make a great addition to our committee and we are all looking forward to working with them throughout the year.

Mark Hale and Charlene Ferris have decided to leave their positions on the executive due to work commitments. We will miss them at our meetings and all of their help they have provided us throughout their terms on the executive.

The first educational meeting is set for Thursday October 30th. The topic for this meeting is Special Investigations Unit-Seeing the Obvious. The presenter of this meeting will be Steven Dubenow of CKR Global's Special Investigation Unit. This presentation will be very interesting and informative. If you have any questions or would like to register please contact Stephanie Storer or Jennifer Brown or visit our website.

Our annual Chilli Cook Off is around the corner in November followed by the Children's Christmas Party. This year we are combining our Adult Christmas Party with a past KW OIAA president's night. If you are a past president or know anyone who was please contact me so we can add your name to our list for the Past Presidents night!

Don't forget to check out our website, Facebook and Twitter to see the upcoming events that will be taking place this year. We are always looking for good articles regarding all aspects of our business and I would encourage our members to come forward with any ideas for our educational meetings. If you have any articles that you would like published in our bulletin please contact Manish Patel at mpatel@larrek.com.

The executive committee and I are always available if you have any questions about our organization. I hope to see you at the October Meeting.

Laura Potts, TD Insurance
KW OIAA President



OIAA – Executive Counsel 2014-2015

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If you have any questions, concerns or comments, please do not hesitate to contact any of the above committee members.



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Schedule of K-W Chapter Monthly Meeting for 2014-2015

Date	Topic
September 25	Trade Show – Concordia Club Laura Potts
October 30	SIU – Educational Meeting Stephanie Storer and Jennifer Brown
November 27	Chili Cook-Off Cyndy Craig
December 6	Kids Christmas Party 4:30-7:00pm *Please note this is a Saturday Jennifer Brown and Randy Higgins
December 18	Christmas Party and Past President’s Night Laura Potts and Ryan Potts
January 29	Educational Meeting – TBA Michelle Manolache and Dan Strigberger
February 26	Educational Meeting – TBA Stephen Tucker and Gillian Reain
March 26	Provincial Seminar Ashleigh Leon and Stephen Tucker
April 30	Election and Fun Night Ryan Potts and Michelle Manolache
May	Out of Town Meeting
June 25	Charity Golf Tournament Laura Potts and Jennifer Brown



OCTOBER MEETING: Special Investigations Unit SEEING THE OBVIOUS

Steven Dubenow is the National Manager of CKR Global's Special Investigations Unit. The unit handles front line suspect claims to determine if fraud or misrepresentation exists within the claim and to determine the veracity of the claim versus the policy.

Steve has been handling complex insurance investigations for over 20 years. He is a Forensic Psychophysicologist and a member of the Canadian Polygraph Association, Affiliate Member of the American polygraph Association, A member of the Association of Certified Fraud Investigators, A member of the National Association of Investigative Specialists, and the Canadian Association of Special Investigations Units. He has personally handled hundreds of high value losses including those associated with organized crime and terrorist organizations.

The meeting date is Thursday October 30th – hope to see you there!

OTA to continue battle against cargo crime

The Ontario Trucking Association (OTA) plans to revisit the Canadian Trucking Alliance (CTA) report's recommendations that examined the scope of the cargo crime problem in Canada published in 2011, mainly focusing Ontario.

According to the details, the report, "Study of Cargo Crime in Canada," was well received by trucking industry, law enforcement and insurance stakeholders.

The highway 401 corridor from Windsor to Montreal is identified as having the greatest activity related to cargo theft and related crimes. OTA's updated report will identify specific trends of cargo crime in Ontario, including prevention strategies, law enforcement perspective and cutting edge technology to aid in the fight against cargo crime.





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K-W O.I.A.A. Dinner Meeting

- WHEN: THURSDAY OCTOBER 30, 2014**
- WHERE: GOLF STEAKHOUSE
598 LANCASTER ST WEST, Kitchener**
- TOPIC: SPECIAL INVESTIGATION UNIT- SEEING THE OBVIOUS**
- SOCIAL HOUR: 5:30 P.M.**
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TORONTO REPORT

The 2014/2015 Kick-off and Cocktail Reception took place at the Grand Hotel in Toronto on September 17th. The event was well attended and the cocktail reception was a great way to reconnect with friends and colleagues from the industry. This event followed the September meeting of the Provincial Executive Counsel that includes the various chapter delegates. The provincial executive has very strong representation from all corners of the province and I am excited to bring some of this experience back to the Kitchener Waterloo chapter. As the year unfolds I will continue to do my best to keep everyone up to date on what is going on in Toronto and around the province.

I hope you are able to join us at the next Toronto event which is the annual Past Presidents' and Honourary Members Night taking place at the King Edward Hotel on October 8th. The guest speaker will be Sami Jo Small, a gold medal winning goalie with the Canadian Woman's Olympic Hockey Team. Also, please remember that registration for the OIAA Christmas Party opens on October 21st at 9:00 am. Please mark your calendars accordingly as this event sells out very quickly. As always details and registration for OIAA events are available at www.oiaa.com and you can stay tuned to OIAA events by following @PresidentOIAA on twitter or on Facebook.

October 8, 2014

Past President Night - King Edward Hotel, Toronto, ON

November 12, 2014

Seminar – Panel discussion, Catastrophic Losses - The Grand Hotel, Toronto, ON

December 10, 2014

Christmas Party - The Westin Harbour Castle, Toronto, ON

February 4, 2015

2015 Claims Conference - Metro Toronto Convention Centre

March 10, 2015

Curling Bonspiel - Richmond Hill Curling Club, Richmond Hill, ON

April 8, 2015

Vendor Appreciation event – TBA

June TBA, 2015

Golf tournament

Regards,

Stephen Tucker

Kitchener Waterloo OIAA Chapter, Toronto Delegate

Ranges assigned for Catastrophic Determinations found not to be probative.



Authored by:
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A vexing issue for insurers is the apportionment of ranges by catastrophic (“CAT”) determination assessors. These ranges are then used to find whether a claimant meets the 55% Whole Person Impairment (“WPI”) test but pose problems if scores in the lower range would lead to a non-CAT finding, yet the assessors’ conclusion is contrary. This ambiguity, in the absence of s. 44 assessments confirming a CAT finding, will most certainly lead to litigation. This problem was addressed by Arbitrator Huberman in the recent case of *Taylor and Pembridge Insurance Company of Canada* (FSCO A12-004886, June 11, 2014).

By way of background, Ms. Taylor was involved in an accident that occurred on September 10, 2009. She sustained a number of orthopedic injuries and a small amount of subarachnoid blood in the right parietal region of the brain. Her course of recovery was complicated by deep vein thromboses. The injuries required surgeries and a prolonged period of convalescence with rehabilitation. She developed some psychological problems. The ongoing impairments kept her from her former occupation but she was able to return to work in a lesser capacity in a different role.

The s. 25 opinion evidence supporting the CAT determination was authored by Omega Medical Associates. In short, Dr. Harold Becker combined the physical scores of the range of 37-62% as determined by Dr. Lisa Becker with the mental and behavioural score as determined by Dr. Frank of 11-23% for a total combined value range of 44-71%. Dr. Becker

argued that scores fluctuate daily and ranges best account for variability and are therefore more accurate than a single score. In this specific case, the final range was a spread of 27%. Dr. Becker agreed that the ultimate decision was up to the arbitrator.

Arbitrator Huberman noted that the premise of the *AMA Guides to the Evaluation of Permanent Impairment* Fourth Edition is that it is possible to provide estimates of the impairments based on generally accepted medical standards. The intention of the *Guides* is to represent an “informed estimate”. In most cases, specific scores can be found, but in some cases, such as mental and behavioural impairments, ranges are used (for example, Table 3, Chapter 4 of the *Guides*). He recalled the Court of Appeal in *Kuznierz* where it was held that an objective standard system of assessment is useful if it reflects a person’s level of impairment. Bearing this in mind, the arbitrator had to make sense of the ranges suggested by the Omega group.

With respect to the physical findings range, Arbitrator Huberman stated that it “makes the adjudicative task even more difficult than it already is.” He pointed out that part of the range 37-54% (no mention of rounding) would lead to the conclusion that the claimant was not catastrophically impaired, while 55%-62% would. Thus the Omega conclusion was both “Yes” and “No”. The s. 44 assessors did not give ranges and found a firm 26% physical WPI. This being the case, the preponderance of evidence favoured “No”.

Indeed, this conclusion could have been drawn even without reference to the s. 44 assessments since the Omega conclusion was actually “mostly No” (17% range for “No” versus 7% for “Yes”).

Most significant, though, was Arbitrator Huberman conclusion that the Omega approach “resulted in their over-rating” the claimant’s impairments. The range itself had “no probative value” and deserved no weight.

With respect to the psychological issues, there was no evidence that the claimant suffered at least a Class IV impairment in one of the spheres of mental and behavioural impairments. Accordingly, the mental and behavioural findings were reduced to a score and combined with the physical WPI. As stated above, Dr. Frank for Omega found a range of 11-23%, based upon a Global Assessment of Function (“GAF”) 55-65.

Since GAF ratings range between the tens (1-10, 11-20 etc.), the GAF suggested by Omega straddled two GAF ranges (51-60 and 61-70) producing an actual range of 51-70. Arbitrator Huberman criticized the conclusions for a number of reasons not the least of which was that the proposed range sat between a finding of “mild” (61-70) and “moderate” (51-60) impairments. This was not a trivial difference. As such, the range did not provide sufficient guidance for the arbitrator and in the end he preferred the specific scores as concluded by the s. 44 assessors, who found 11%. The result was the Ms. Taylor was found not to have suffered a catastrophic impairment.

Conclusion

Ranges given by assessors with respect to CAT determinations are vulnerable to challenge. A conclusion that can lead to both “Yes” and “No” determinations lack probative value and may be dismissed at a hearing. It may be that this result will encourage conclusions with greater certainty which could lead to decreased litigation.

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Lightning Claims – feel like you bought the farm? By Greg Gummerson at Relectronic-Remech Inc.

We have investigated thousands of lightning strike claims since it began servicing the insurance industry in 1992. Throughout this period we have witnessed damages to a myriad of equipment and control systems including commercial and residential losses.

By and large commercial claims involving control systems are the most expensive to settle. There are many reasons for this however before diving into the whys, hows, and wherefores of these losses, a brief explanation of lightning should be addressed.

Lightning is an atmospheric discharge of electricity, which typically occurs during thunderstorms, and sometimes during volcanic eruptions or dust storms. In the atmospheric electrical discharge, a leader from a bolt of lightning can travel at speeds of 60km/second and can reach temperatures approaching 30,000°C (54,000°F) - hot enough to fuse soil or sand into glass channels. There are over 16 million lightning storms every year worldwide. Of these strikes, the resulting damages are generally of two classifications: from direct lightning strikes and from indirect lighting strikes.

A direct lighting strike is normally the type that people most often try to protect themselves against. A direct lighting strike can generate surges up to and beyond 6kV. A direct lighting strike places an electrical surge on the mains of a power utility and causes damage to equipment that is connected to the grid. Battery back-ups and line conditioners are used to protect equipment from damages due to a direct strike. Surge protectors that plug into a receptacle are also devices used to protect against this type of strikes and the resulting damages. In our experience, **indirect strikes** are more frequently the cause of loss. Indirect strikes can put surges on utility lines, but more often put surges on data communication lines as well. When a lightning strikes, a substantial transfer of stored electrical energy is discharged. When this flow of electrical current occurs, an associated magnetic field is created. When the discharge of electrical energy is complete, the resulting magnetic field collapses. The laws of electromagnetic principles show that when a magnetic field is created and collapsed, a conductor located within the magnetic field has an associated induced current on it. (This is the same principle that an automobiles' charging system uses to keep the vehicles battery fully charged). Following a lightning strike, the induced current searches for a path to ground, usually damaging electronic components along the way.

There are three different recognized means by which these surges are induced: resistive coupling, inductive coupling and capacitive coupling.

Resistive Coupling occurs when lightning strikes within close proximity to a facility. This results in a massive rise in ground voltage. The rise in ground voltage affects electrical grounds (buried rods or buried pipe work) and can be conducted back to a building and to its electrical systems. Additionally, any communications

cabling connecting the affected building to a second building provide a path for surges, allowing them to damage equipment in the second building as well.

Inductive Coupling occurs when a lightning strike hits a conductor forming part of the structural protective system of a building or a structure in close proximity of the building. This generates a large electromagnetic pulse of energy that can be picked up by nearby cables, and cause damage as well.

Capacitive Coupling occurs when lightning directly hits the electrical utility grid. High voltage protection devices that are in place on the power grid dissipate much of the energy caused by the strike, but a large portion still travels along the lines. The high frequency nature of this surge can couple the low-voltage and high-voltage windings in local transformers at facilities and damage equipment that the transformers normally feed.

So why do adjusters, in many cases after a lightning, strike feel like they have bought the farm? There are many reasons for this and in most cases it comes down to the manufacturers support for the device, the type of interconnection between devices in a system, and the relatively low protection that communication devices inherently have available.

For illustration purposes, let us assume that a claim has occurred at a farm and the insured indicates that the feeding system and phones have been damaged. The feeding system provides feed to livestock and it does this through a computer that monitors the many factors including the weight of the livestock and the calculated age of the livestock. The computer has to be able to mix food recipes, weigh the livestock, and distribute the food to the proper eating areas. The manufacturer of this system has spent a great deal of resources to develop the software to perform these tasks in an accurate manner. All the electronics involved in the system have to be able to communicate with the computer so that the feeding operation can be adjusted appropriately. This means that load cells inside scales must weigh feeds, water, livestock itself, as well as the feeding bins. Load cells are devices that change in electrical resistance based on the force applied to them. They typically operate in the millivolt range (less than one volt) and have their own power distribution, shared from the communications lines back to the computer. However, there is no easy means to connect a load cell directly to a computer, so an interface circuit board is put in line to convert the normal load cell operating voltage to a number that can be communicated to the computer in a meaningful state. Then the computer can evaluate all of the weights required and start producing a feeding recipe to be distributed.

In most cases there is more than one feeding area so a network of piping is built throughout the building to accommodate the distribution of feed to each area. Normally, this is controlled through a series of valves in the piping network that open and close and each valve has its own unique ID or address so the computer can access it independently of other valves. Just like the load cells, these valves need to talk to the computer so again more interface circuitry is required to allow communications with the computer. For example feeding area "A" requires 10kg of feed and feeding area "B" requires 15kg. The valves would close so that the feed in the piping would be dispensed to area "A", then the load cell at "A" would report back once the 10kg has been reached and the computer would then close off the valves to "A" and then open valves to area "B" and so on. Also throughout this process the computer has to control a drive system that pushes the feed through the piping, meaning more circuitry to drive the food delivery system.

As you can see there are many aspects of the system that are depended on to perform the operations correctly. Independently each section of the system is relatively simple; therefore, the communication lines required are generally simple as well. The most common form of communication lines installed is serial communications RS232 or RS485. Serial communications allow many devices to be chained together on one line, but each of these devices, be it a valve control or load cell control, and have a unique address. From a lightning claim perspective this complicates things two-fold: first, because the devices on communication lines that are shared more than one device is at risk of being damaged and second, because the labour involved to troubleshooting this communications circuit can become expensive, depending on the number of devices there are to test on a particular circuit. Serial communications depend on at least three conductors: one for sending data, one for receiving data, and a common or ground cable. Serial communications generally operate in the 0 V to 12 V range and this is a low voltage cabling that is highly susceptible to induced currents. Furthermore,

the electrical grounding of each device is tied along the communications line which exposes all the devices, even if only one was subjected to a surge.

So what about the computer itself? We have seen many of these damaged and generally they are little different than personal computers, the exception being in some cases they may have an interface card to allow communications. The software they run is normally proprietary and available from a single source and has a relatively expensive replacement cost. To add to this expense, the manufacturer of the system may insist on supplying the computer itself including the software. This makes supporting the system easier, because all of their manufacturers' customers will have relatively the same configuration.

Finally what if the system fails to operate properly? Almost all feeding systems of this nature are tied into a phone system or alarm panel to allow the owner to be notified of a problem. So an additional set of communication lines have been added to the mix. We have seen cases where phone lines had induced charges from a lightning strike that has travelled through the alarm system dialer to the computer, and then out to the feeding system itself.

The electronics involved are not overly sophisticated; in fact they use technologies that were introduced into the market over thirty years ago. However, when combined, a sophisticated network of switches and sensors is created, all controlled by a computer running specialized software. The production volume of these systems is generally low, driving up the cost to supply the specific market.

In our experience of claims ranging from farms to factory industrial control systems, the cost can be high, but can be controlled if repair and service vendors are available and co-operative. If service vendors understand the process from an insurance point of view, they will try to repair and services the system cost-effectively. Furthermore, a third party's involvement can aid lightning repair issues where warranties are still in place on equipment. Example: a repair vendor may be indicating that the entire installation is suspect, due to a lightning strike, and apprehensive about making a repair. Allowing and paying for a recertification process can alleviate the vendors and suppliers concerns. By allowing a grace period for functional equipment that may have suffered marginal damages, but are not complete failures, may also assist in warranty matters.

When the repairs are made and the invoices are submitted, it's not uncommon to think that you just have "bought the farm." This is where a consultant should be able to assist in the settlement process, by reviewing repair invoices to confirm that the invoices submitted are directly related to the loss. If any upgrades have been supplied, these would be noted and valued. Having a consultant involved as early as possible is beneficial, as the steps to a complete repair will be clearer for both the insurer and the repair vendor. A consultant may also be able to provide input on possible alternative systems and repairs for obsolete equipment. The coverage can be better confirmed to the insured, and repair vendors will know that they are to be accountable.

Greg Gummerson is an electronic engineering specialist and senior technical advisor at RELECTRONIC-REMECH Inc., a loss recovery company serving the insurance industry since 1992, with offices in Mississauga and Waterloo. Greg can be reached at 1-800-465-9473, or visit our website at www.relectronic-remech.ca for additional information.





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Your KW OIAA Executive is very excited for the upcoming 2014/2015 year. As the end of 2014 quickly approaches some of you may be scrambling for some continuing education opportunities. The Conestoga Chapter of the Insurance Institute of Canada has several seminars coming up. Check out Trends in Litigation on October 8, 2014 as well as Equipment Breakdown and Sleeman Brewery Tour on October 9th, 2014 both of which are part of the ProEdge Series. For all the details and to register visit www.insuranceinstitute.ca.

Don't forget that the Executive is here for you and we are always happy to hear your comments and recommendations. To get in touch with us visit our website at www.kw-OIAA.ca.

Have fun and stay safe this Halloween. We look forward to seeing you all at our October networking and education dinner.

Cheers,
Ashleigh Leon
Social Director

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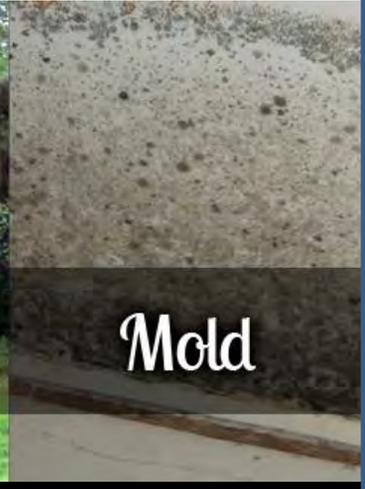
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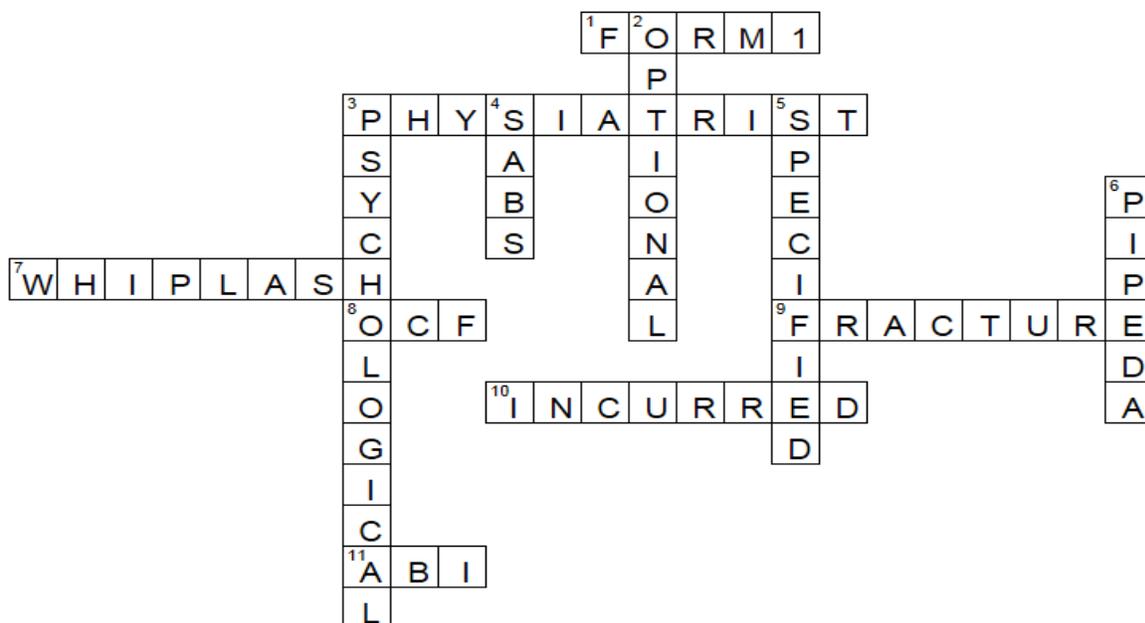
Do you have an article that you would like to submit to the bulletin? We are always looking for interesting articles relating to insurance that will help educate adjusters and vendors!!

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2015 OIAA Provincial Claims Conference Huntsville, ON May 7th - 9th, 2015

Schedule of Events

Thursday May 7th, 2015

2:00 pm—8:00 pm Registration in main lobby
6:00 pm—9:00 pm Trade Show with free time following

Friday May 8th, 2015

7:00 am—9:00 am Continental Breakfast
8:00 am—10:00 am Registration in main lobby
9:15 am—10:15 am Seminars
1 - Daniel Dooley - Dooley Lucenti Barristers & Solicitors
 Trying tort cases without trials
2 - Kadey Schultz - Hughes Arnys LLP
 Getting to the bottom of Auto Reform, Accident Benefit & Tort
10:15 am—10:30 am Coffee Break
10:45 am—11:45 am Seminars
1 - Stephanie Beattie - Centre for Disaster Recovery
 Catastrophic Management & Handling
2 - Anthony Kunkle - Mitchell Partners Investigation Services
 Advanced Desktop Investigation
12:00 pm—1:30 pm Luncheon with guest speaker Dennis Hull
2:00 pm—3:30 pm Seminar - Outdoors (rain or shine)
 DKI - Burn house demonstration
3:30 pm—5:00 pm Seminar - Outdoors (rain or shine)
 Kodsi Forensic Engineering - Crash demonstration
5:00 pm—6:00 pm Free time
6:00 pm—7:00 pm Social time
7:00 pm—9:00 pm Dinner
9:30 pm—1:00 am Hospitality Gathering

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Sump Pumps Failures

By Bob Caskanette

In early January 2014 during a period of melting snow combined with heavy rain, we returned home from dinner and my wife just happened to need something from our basement. She descended the stairs and then I heard a sound nobody ever wants to hear. "Bob, there's water in the basement, come quick!"

I quickly went downstairs to realize that we had a serious problem. I stepped off the last step onto the laminate basement floor and was immediately shocked to feel the icy cold water that came up and surrounded my ankles. We were in the basement less than three hours prior and nothing was wrong at that time. My wife ran upstairs to get every towel in the house she could find while I worked on finding out why water was coming into the basement in the first place.

Being that the water was freezing cold, I immediately hypothesized it had to be groundwater and was not coming down from a floor above or from a plumbing line failure. I realized most of the water was coming out of the basement cold room where my sump pit and sump pump were located. I opened the door to the cold room, but could not see the sump pit due to the high level of murky water covering it. The pump was not running and we had not lost power.

I reached into the pit and waded through the icy cold water. I felt for the float switch for the sump pump and gave it a shake. The sump pump came to life and I felt a temporary sense of relief. The water from the basement started to slowly flow back towards the pit and the towels my wife was now beginning to place in strategic areas seemed to be helping. I inspected the rest of the basement and realized water had also come up around the floor drains in my furnace room and bathroom shower drain located far from the cold room. In addition, some water also penetrated around the majority of the exterior perimeter walls due to the increased hydrostatic pressure that was not being alleviated by the temporarily nonfunctioning sump pump.

I then called a licensed plumber who informed me this type of situation happens all the time and they had many calls that night about the exact same issue. There was no point in them making an emergency visit since I already fixed the issue, but it should be something I look at evaluating further. My next call was to bring in a restoration contractor and inform my insurance company of the incident. The contractor arrived that evening and removed the baseboards, laminate flooring and underpad, removed some wet contents, while manipulating others and placing them on Styrofoam blocks. Drying equipment was then installed which was to remain for approximately 3 days. Great, I've done everything I can do and it could have been much worse. But why did it happen in the first place?

Sump pump failures can occur for a variety of reasons. An under sized sump pump can't handle the higher volumes of water that accompany major storm and/or melting events. A sump pump motor can burn out due to overuse. Heat is an enemy to your sump pump and the water in a sump pit helps cool a submersible style sump pump. A sump pump should always be plugged into its own dedicated circuit and extension cords should never be utilized in the connection. Cheap pumps made with inexpensive materials are more prone to failure, especially when they're needed most during periods of high usage. Power outages can obviously render the pump inoperable unless either a battery backup or hydraulic pump system is installed. A clogged intake can prevent the pump from extracting water from the sump pit or sump liner. A frozen discharge line can block pumping during very cold weather, forcing the water back into the basement.

The float switch is what turns your sump pump on and off in response to the water level in the sump pit. Sooner or later the float switch on a sump pump may fail. There is no way to predict when it will happen, and there isn't any way to tell when it is starting to fail. The only thing you will know for certain is that it has failed and that is because you will have water all over your basement.

There are basically three types of float switches; tethered, vertical or electronic. A tethered style float is like a beach ball that "floats" on top of the water. When the water in the pit rises, the float rises with it. When the level gets high enough, a switch inside the float closes and turns on the pump, draining the pit. When the water level drops low enough, the switch inside the float opens and turns the pump off. This cycle is repeated thousands of times during the life of the switch. This style of float switch can fail for any number of reasons. Many times the float simply gets stuck between the pump and the wall of the sump pit. That's because the pump vibrates slightly whenever it runs, and can "walk" across the bottom of the pit, eventually trapping the float between it and the side of the pit. This is likely what happened in my loss. Other times, after so many up and down cycles, the switch stops responding to the rise and fall of the water in the pit. Sometimes it stops working while the pump is running. When this happens, the pump is left switched on so that it runs continuously until it burns out the motor. You can't do regular maintenance on a float switch, you can only replace it once it fails.

The vertical style switch is great if you have a sump pit that is narrow and/or too shallow for a tethered style float switch. It is going to operate the pump more often but will not allow the water level to get too deep. It will not allow the switch to get stuck between the pump and pit liner like a tethered style switch.

An electronic float switch has no moving parts and will take up a lot less space. It is perfect for a small sump pit and often includes options like a built-in water depth alarm, etc. An electronic float switch should not be used if the sump pit receives water from a laundry or wash sink as the soap can coat the electrodes causing it to malfunction. Likewise, soap scum can accumulate on the rod of a vertical style switch and cause sticking of the float.

In my case, it was probable that my tethered style float switch simply got stuck on the side of the sump pit and was unable to float up to the angle required to trigger the pump to operate. Keeping the tether line on this type of float switch as short as possible is critical and although my sump pump operated for 3 years without issue, this night proved to be different. My sump pump also operated without issue for a number of weeks after the loss once I corrected the issue.

As a precaution I had a licensed plumber install a new top of the line primary sump pump, a secondary backup sump pump equipped with a battery backup system and backflow preventers on both pumps. Both pumps were equipped with vertical style float switches rather than tethered, which I would highly recommend. The backup was equipped with an audible alarm which alerts you if the secondary pump turns on (installed at a higher level within the pit than the primary), which could be an indicator of a problem with the primary pump. We highly recommend everyone have this type of system installed to give you peace of mind, and prevent flooded basements.

Subrogation against the manufacturer or installer was not a realistic possibility due to the circumstances of my loss. There was no manufacturing deficiency with the sump pump or float switch that would involve the manufacturer or any installation deficiency that could involve the installer. The system was installed correctly and operated normally for several years prior to the loss and several weeks after the loss once the issue was corrected.

There are times when subrogation is a possibility. We evaluate and examine these types of losses and often find manufacturing or design defect or installation error. This allows insurance companies to be successful in subrogating these types of claims.

Being through this type of loss personally has given me a much greater understanding of what people go through emotionally during a claim. Your entire life is interrupted and you sometimes feel like it will never get back to normal. Although everyone worked as quickly as possible, it still took over two months to get our basement back, which actually isn't too bad compared to what some people experience. It has certainly helped me to better relate to the people we encounter every day. We continue to work as quickly as possible to provide the critical answers needed to help expedite the process on our end as much as possible.

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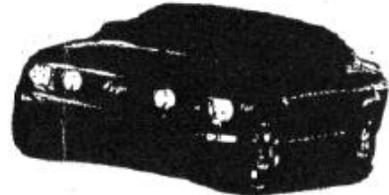


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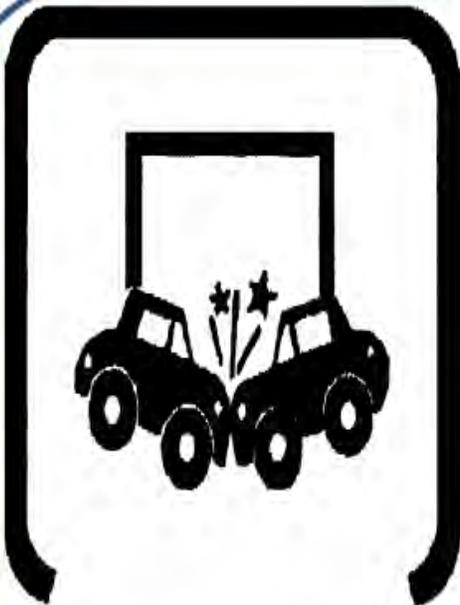
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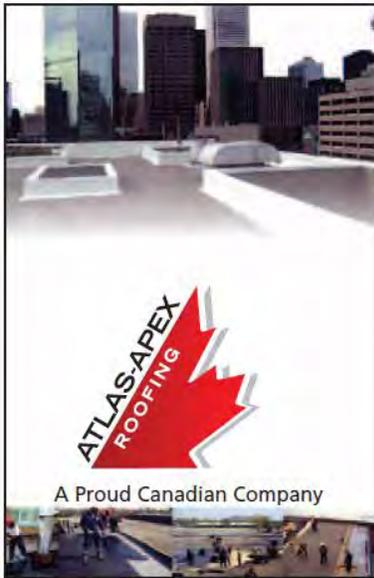
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JOHN COULL

When it comes to structural fire and explosion investigations, there is often a gap between the questions an adjuster asks and the information an investigator requires. Typically, the majority of statements are comprised of background information such as details pertaining to the witness' mortgage or how many children they have. This information is useful, not only for underwriting purposes, but also an investigation. However, what is even more useful to a forensic investigator is a quick preliminary dialogue I like to call the "initial consultation" whereby the adjuster captures honest, uncontaminated witness observations taken immediately after an incident has occurred. >>>

When an adjuster meets with a witness for the first time, what often happens is they ask the witness if they have a place to stay, tell them to keep their receipts, and suggest meeting in a few days to get a statement. But right at that moment, in the initial contact, is the perfect opportunity to collect key information that is vital to an investigation; fresh, honest observations about the incident that haven't been contaminated by outside sources like family, friends or neighbours influencing their experience. When you wait a few days to gather information, it is very common for witnesses to no longer know what is fact or fiction, and they are going to tell you what they have been told, not what actually happened. As investigators, we are not concerned with opinions, we want observations.

To remedy the issue, adjusters can leverage the initial meeting with the witness to conduct the "initial consultation," a quick two to three minute conversation. This is not a statement, that can be done later. An initial consultation is simply a quick discussion that provides an opportunity for an adjuster to ask a witness these 3 simple, but effective questions.

- 1. WHAT DID YOU SEE?**
- 2. WHAT DID YOU DO?**
- 3. WHAT DID YOU DO NEXT?**

While these questions may seem obvious, there is one key characteristic that differentiates them from the usual questions asked during the typical information collection process. If you really want to know what happened, don't ask what happened! Rather than letting the witness control the information path by telling their story from start to finish, asking a witness to provide their observations from a middle point puts the control back into the hands of the questioner. The end result is a factual, unrehearsed observation instead of a composed and rehearsed opinion with information the witness thinks is relevant.

When conducting an initial consult, treat it like a casual conversation and hold off on taking notes until afterwards. Using a pen and paper can make a witness realize that the information being collected is important which can in turn cause them to become guarded. It also gives them time to think about their response which is not what you want. Overall, your goal is to have a casual conversation that extracts honest information from an unthreatened source. You're not taking a statement, you're gathering initial, unbiased information. You're discovering the truth by determining the facts.



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John is the manager of the Mississauga Branch of Origin and Cause. Accepted as an expert witness in criminal and civil courts, as well as at Coroner's inquests, he specializes in structural fires and explosions.

During the course of his career he has conducted more than 3000 post-fire and explosion investigations. John's professional experience includes 18 years with the Toronto Police Service and eight with the Ontario Fire Marshal's Office.

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