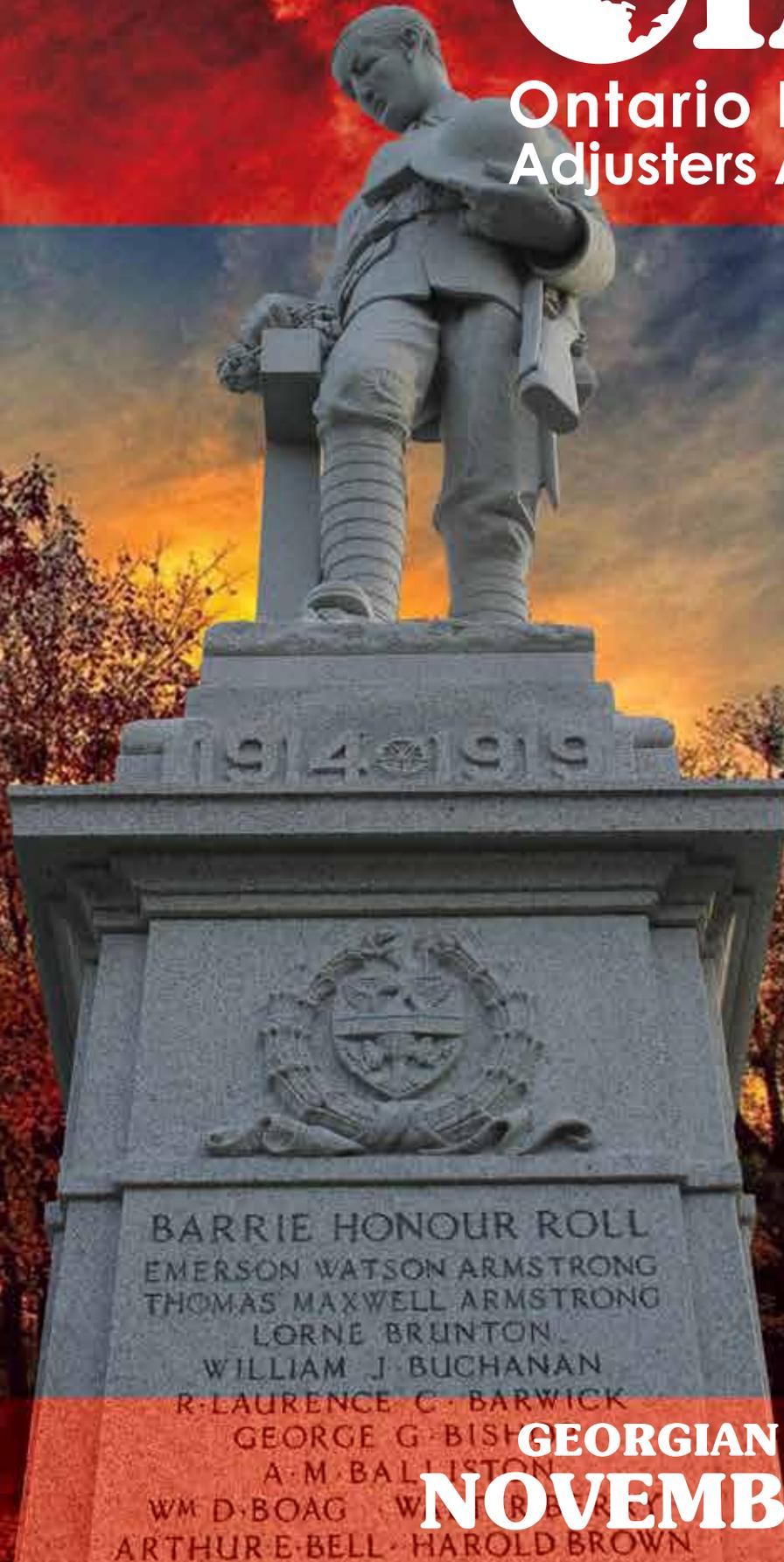




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President’s Message.....3
 Ladder Safety6-7
 Pumpkin Bash at the Cooperators11
 Daylight Savings Time10
 November 3rd Meeting.....12
 And The Winner Is13
 Pumpkin Bash at the Cooperators15
 November Fun Facts16
 Novembrrrr - Farmers Almanac Predictions17
 How We Remember.....20
 Remembrance Day Story.....21
 November Recipies22
 Georgian Bay Traveller24
 Making Roads Safer One Tire at a Time26-27
 Word Jumble and Word Search29
 Answers to Word Jumble and Word Search.....36



Take our OIAA Georgian Bay President Challenge and WIN!

We have hidden a picture of our president and its somewhere in the OIAA Georgian Bay Chapter Newsletter.

It could be anywhere or any size, lurking in a photo or hiding in a headline (but it’s not the one on the president message page)! We will hide one in every issue for the 2015-2016 term.

How to enter

Once you spot on OIAA Georgian Bay Chapter president, email Newsletter committee Pete Carver pcarver@puroclean.ca & Helene Towsley htowsley@hbgrpins.com and tell us where you have spotted “the president”. Your name will go into a monthly draw. You must be present at the monthly meeting in order to redeem your prize.

Prizes

\$25 Gift Certificate will be given away during the next monthly meeting.



**Here is what she looks like!
 Can you find her?**

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It's coming

The white stuff ! Time to get ready for it. Get out the fuzzy slippers, warm sweaters, put away the lawn furniture, put on the winter tires. Getting ready for winter is not as fun as what we get to do when it gets here. We are lucky to be where we are. Georgian Bay residents get more of the white stuff than those that are south of 89 and therefore we get to play more. Snowmobiles, skies, toboggans and tubes. The saying "if you can't beat'em-join'em" does not even cover what we get to do in our great territory in the snow so get ready to play.

I hope everyone is enjoying our upgraded Newsletter each month. I am loving the photos and would love to see more, keep sending them in (see below).

Our first meeting was well attended and it was nice to see some new faces this year. Our dinner meetings and speakers get better and better and these nights are a great opportunity to market as well as get educated and take an afternoon off from our cell phones (even for a short time).

Our meetings are a great excuse to ask a client or co-worker to come out and meet new members of our ever growing association or rekindle friendships from the past. I have said it before, we see our co-workers and customers more than we see our families so why not spend some 'fun' time with them and not just 'work' time? Our industry is always changing and it is important to stay connected to the changes but it is also important to remember to go back to the basics of our jobs too.

I find talking (and listening) at our meetings takes me to thoughts of my claims and I always come away thinking of something I can do on an existing file that will move it forward better. Talking out loud and listening to other's opinions and stories on their claims, never fails to bring me ideas and solutions to my own files.

Stay tuned for more educational seminars we are planning and I always welcome your thoughts and suggestions about what YOU would like to learn or talk about so please reach out to me anytime.

Send your photos, stories, recipes and jokes to one of the Editors of our Great Newsletter Helene Towsley or Pete Carver (see their contact info on The Executive Officer's page).

Be Safe,

Leslie J. Guerette, President
 lguerette@cl-na.com





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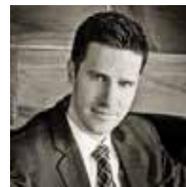
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Ladder use is common to most activities involving restoration and inspection of claims, as well as maintenance in buildings.

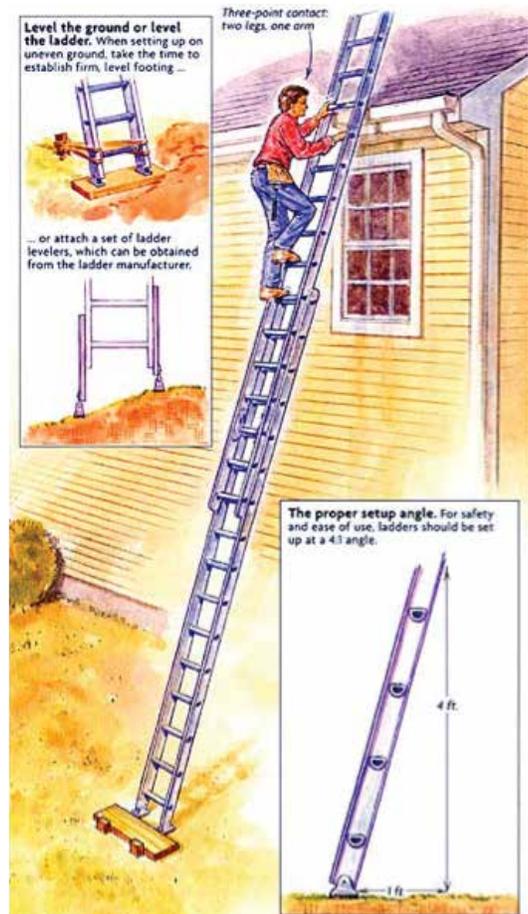
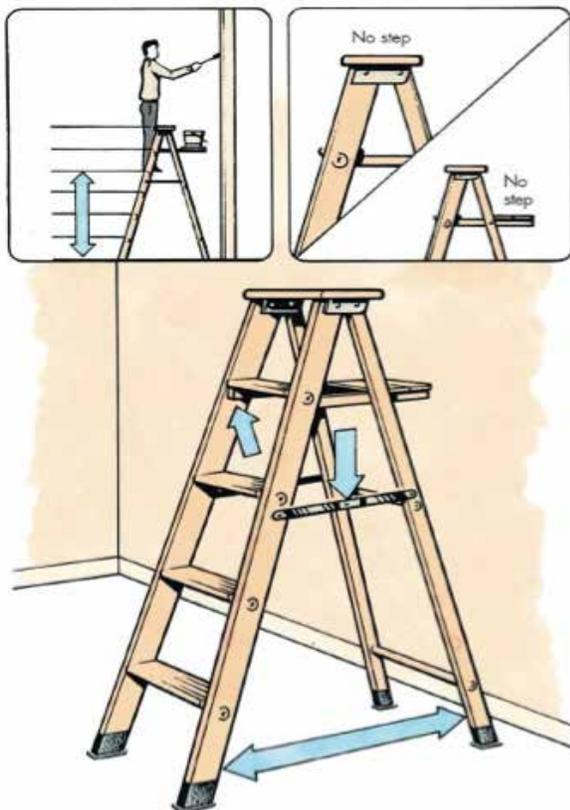
The first point to be noted is that the Ministry of Labour has placed the decision to use a ladder squarely on the shoulders of the employer.

This means that the first point in any investigation will be directed towards the employer in the event of an incident.

When choosing to use a ladder for any task, the following points **MUST** be considered.

- Is a ladder the safest piece of equipment to use in this case?
- This decision CANNOT be based on ease or speed of production.
- A ladder used for access and egress is fine, however it must be secured at top and bottom.
- Any work over 3 metres, fall protection must be used.
- Is the ladder CSA approved and rated for the task?
- Can the worker attain 3 point contact when required ?(3 point contact must be continuous while ascending or descending the ladder)
- Are the workers properly trained in the use of ladders ?
- Does the "Site Specific Health and Safety Program" address the hazards of using a ladder?
- Will the work being done adversely affect the stability of the ladder in any way?

- Has a Site Specific Hazard Assessment been completed and submitted to the supervisor?
- Where possible, it is recommended that a manufacturers ladder stabilizers be used.
- A ladder with a built in work platform, built in accordance with CSA Standard CAN3-Z11 is preferred over a standard extension ladder.
- Grade 1 ladders are the preferred ladders to be used on a construction site, and only in accordance with the manufacturers specs.
- To be clear, where an employer intends to allow the use of a ladder for any work, the preferred method is to use a scaffold as per section 125(1) of the regulations. If however the assessment determines there is NO RISK, or all hazards identified have been mitigated. The EMPLOYER shall ensure that the ladder and it's use comply with the regulations and that ALL precautions for the protection of the worker have been taken.
- The Ministry of Labour is very clear in its assessment of a step ladder. The top piece is NOT the top step! Basically it's a hinge. The top step is the one below that. So when it states you cannot stand on the top step, that means you must be at least two steps down.



Equipment:

- Can scaffold or other equipment be used in the application?
- Is the ladder suitable (type and grade etc.)
- Is the ladder in good repair?
- Can it be secured top and bottom (extension ladder)?
- Will the ladder extend 3 rungs above the top contact point?
- Can it be positioned so the worker works without overreaching?
- Is there no danger of electrical contact?
- Is the work zone secure from possible impact from equipment etc.
- Is there a firm level surface to set up the ladder?
- Will accessories be required such as stabilizers?

Worker:

- Is the worker properly trained?
- The tasks do not put sudden and undo force on the ladder (e.g. using hammer drills, pulling cable or rope etc.)
- Must maintain 3 point contact while climbing or descending
- Faces the ladder when climbing or working
- Does not over reach sideways or below the knees or backwards to receive materials or tools or place materials
- Always stands with both feet on the ladder
- Works keeping his/her centre of gravity between the side rails
- Can attain 3 point contact when required, while working
- Wears fall protection equipment when working over 3 metres
- Has reviewed company policy on ladder use

Supervisor:

- Has communicated the rules and regulations to the worker
- Has mitigated all risks associated with use of the ladder
- Has inspected the equipment weekly
- Has ensured proper training was provided to the workers
- Has ensured all proper procedures are being followed
- Has taken every precaution reasonable to protect the workers
- Has documented all of the above

Employer:

- Has a safety policy regarding ladder use (employs 6 or more workers)
- Ensures workers are adequately trained
- Appoints a competent supervisor
- Has taken every precaution reasonable to protect the worker

Use of a Ladder

The primary use of a ladder in construction can be divided into 3 main categories;

1. Climbing or descending
2. Receiving/placing/removing tools and materials
3. Working from a ladder

Depending on the type of work being carried out, the risk assessment will have to account for all possibilities.

Documentation of training, competency, and intended use will all factor into the assessment.

Note that training is not necessarily a formal classroom training but may simply be a review of safe procedures by such means as a "Tool Box Talk". Documentation is still critical.

Risk Chart:

	A	B	C	D
1	Critical	Critical	Critical	Moderate
2	Critical	Serious	Moderate	Minor
3	Serious	Moderate	Minor	Negligible
4	Moderate	Minor	Negligible	Negligible

Severity:

1. Fatality or Permanent Disability
2. Lost Time Injury
3. Reportable Injury
4. Minor Injury

Probability:

- A. Likely
- B. Probable
- C. Possible
- D. Unlikely

Risk of using ladder for the task of:

_____ is _____ (e.g. C3).

Steps taken to prevent injury or incident;

Supervisor: _____

Worker: _____

Date: _____



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November
Be present.
Let the day flow with grace.
Expect nothing. Give thanks.
Surrender. Be open.
Speak only kindness.
Impart only love.
Never forget, you're not alone.
Give so you may receive.
See goodness in others.

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COURAGE
 IS WHAT IT TAKES
 TO STAND UP
 AND SPEAK
 COURAGE IS ALSO WHAT IT TAKES
 TO SIT DOWN AND
LISTEN

SIR WINSTON CHURCHILL



It's about to become nighttime a whole lot earlier. Daylight Saving Time ends Sunday at 2 a.m. Many Americans and people across the world will get an "extra" hour of sleep as clocks change from 2 a.m. back to 1 a.m.

The United States has for decades changed its clocks back by one hour in the fall, and forward an hour in the spring. The practice ensures long days in the summer, when nightfall often falls after 9 p.m., and short days in the fall and winter months,

with many cubicle dwellers leaving their offices long after sunset. So why do we do this to ourselves? Here are 10 facts about why you might not get to spend much time in the sun for the next few months.

- 1.** Daylight saving is a tradition started in the United States in 1918 to conserve fuel.
- 2.** Daylight Saving Time starts on the second Sunday of March.
- 3.** We used to "fall back" in October, until Congress changed it under the Energy Policy Act of 2005 to November.
- 4.** When we "fall back", the East Coast returns to Eastern Standard Time.
- 5.** Before the 2005 shift, Daylight Savings Time started on the first Sunday of April and ran through the last Sunday of October.
- 6.** Germany was the first country to adopt Daylight Savings on April 30, 1916. Related
- 7.** Roughly 78 countries around the world observe Daylight Savings Time, but not Russia, China, India and Japan.
- 8.** In the United States, Arizona and Hawaii have opted out of Daylight Savings Time.
- 9.** Several overseas territories, including Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands and American Samoa, also skip Daylight Savings Time.
- 10.** In the Northern Hemisphere, days are already short in the winter. The winter solstice falls on Dec. 21, the shortest day of the year.

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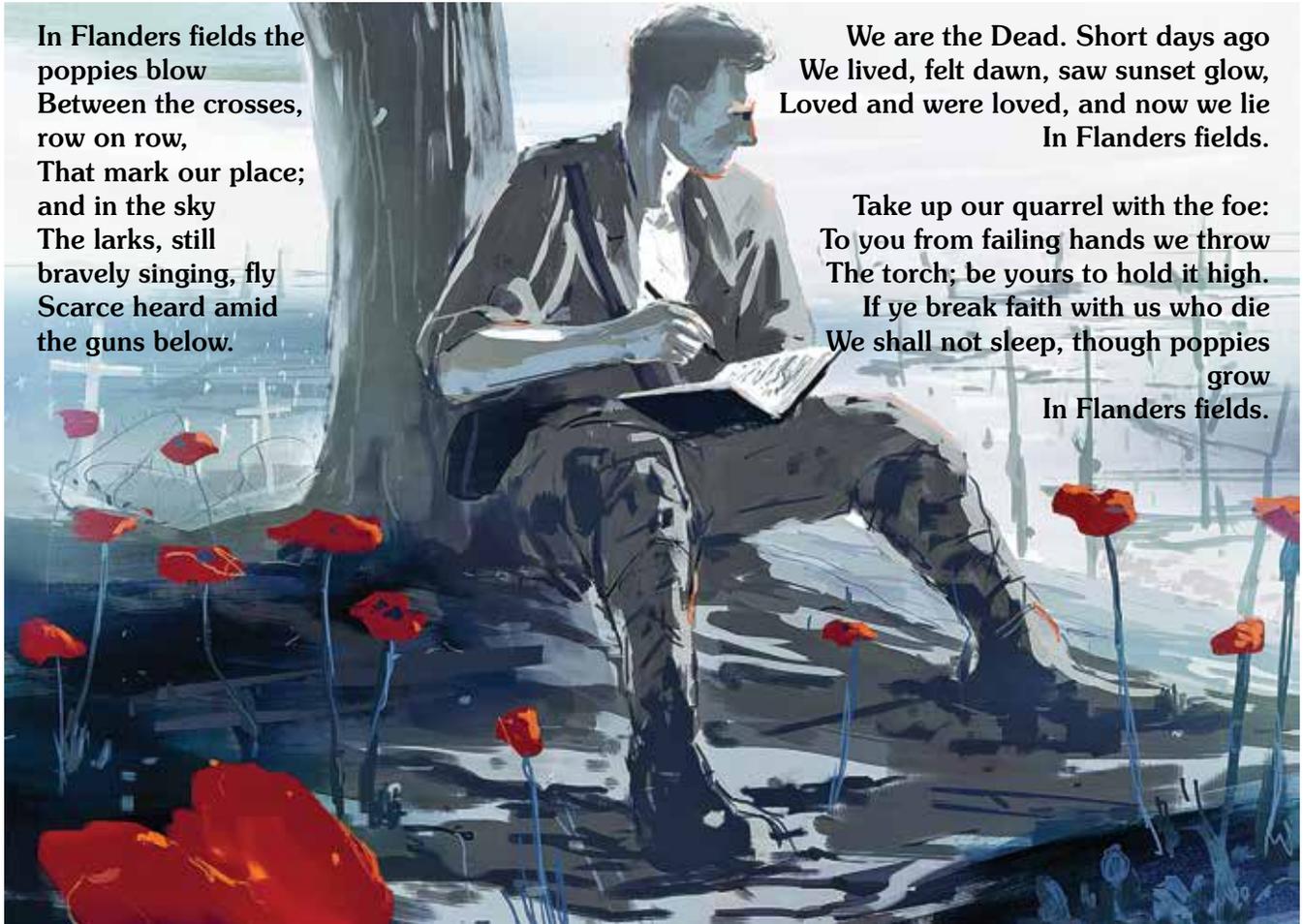
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claims, restaurant losses
and data recovery.*

In Flanders fields the
poppies blow
Between the crosses,
row on row,
That mark our place;
and in the sky
The larks, still
bravely singing, fly
Scarce heard amid
the guns below.

We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie
In Flanders fields.

Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies
grow
In Flanders fields.





So what have we learned?

- There are two types of lightning – both can cause significant damage.
- That all new T-5 ballast in overhead lights now have an electronic component and will react to lightning.
- For water claims, to improve the recovery process – unplug everything and for small electronics, remove all batteries if possible, to avoid corrosion.
- If your laptop is left in the cold, when you bring it inside, remove it from the carrier bag to avoid condensation build up, which can cause extensive damage - cameras too.
- All commercial grade cooking and refrigeration equipment is robust and unless it's a major loss, equipment can most often be recovered. We learned restaurant equipment is often under-insured.
- That SMART Homes and cottages are just the beginning of the 'electronic' phenomenon in the home with advancements coming fast and furious, creating the need for more electrical protection for all connected devices. Installing a whole house surge protector on an electrical panel will provide extra protection.
- Home appliances - washers, dryers fridges, stoves, TV's can most often be recovered from light water and smoke damage and this is an ideal claims service, to help keep our environment 'green'.
- The recovery of data and pictures can be done and for our presenters, they have a 90% success ratio.





September Find The President Winner — Dorothy Lowry
Crawford Adjusters

Congratulations Dorothy



October Find The President Winner — Lorna Price
The Co-operators

Congratulations Lorna



November 50/50 Winner — Scott Andrews

Congratulations Scott



OIAA GEORGIAN BAY
MONTHLY MEETING

Thursday March 2, 2017

**Barrie Golf and Country Club
635 St. Vincent Street
Midhurst**

Social: 4-5 pm
Speaker: 5-6 pm
Dinner: 6 pm

Speaker: To Be determined

Cost: Members \$35.40 plus HST = \$40
Non Members & Guests \$44.25 plus HST = \$50
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Catastrophic
Winner of the Pumpkin Carving Contest
Accident Benefit Claims Department

The Whole Gang

All The Pumpkins

Best Costume
Mary Jean Finley

Voodoo Witch
Crystal Cunningham



The name 'November' is believed to derive from 'novem' which is the Latin for the number 'nine'. November is the eleventh month of the year in the Gregorian Calendar and one of four Gregorian months with the length of 30 days.

November begins on the same day of the week as March every year and also February except in leap years.

November Gemstone: Topaz
November Flower: Chrysanthemum



1512 - Michelangelo's paintings on ceiling of Sistine Chapel in Vatican, Italy were first exhibited. He started the work in 1508.



1889 - Debut of the first jukebox, the 'nickel-in-the-slot phonograph', at the Palais Royale Saloon, San Francisco. It could only be loaded with one cylinder (song) at a time

1892 - William "Pudge" Walter Heffelfinger was the first professional (paid) US Football player. He got \$25 and a \$500 bonus for a single game.

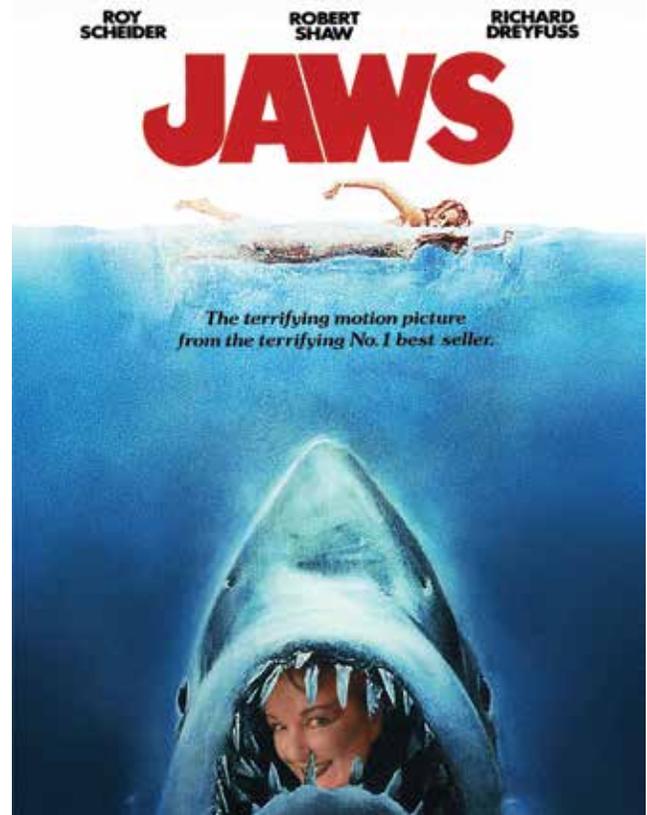
1918 - Armistice signed by the Allies and Germany comes into ending WW I

1924 - First US NHL franchise, Boston Bruins was founded. The Montreal Canadiens and Toronto Maple Leafs were the first to form and addition of the Chicago Blackhawks, Detroit Red Wings and New York Rangers made the Original Six teams

1963 - Jack Ruby shot and killed President Kennedy's suspected assassin, Lee Harvey Oswald. It was the first live murder shown on American television

1967 - "Cool Hand Luke" starring Paul Newman, George Kennedy, and Strother Martin, was released. "What we've got here is failure to communicate."

1979 - Blockbuster film 'Jaws' was shown on TV for the first time, on ABC. Originally released in 1975, it was the first modern day "blockbuster."



1980 - Voyager 1 space probe discovered the 15th moon of Saturn. We've counted 62 moons and dozens of moonlets around the planet to date.

2004 - Godzilla got his star on the Hollywood Walk of Fame.



Farmer's Almanac 2017 Winter Outlook

While winter officially starts on December 21, 2016, the Farmers' Almanac predictions point to some snow and cold conditions in mid-November in the Northeast, Great Lakes, and Midwest. However, the good news is that the frigidly cold temperatures really won't take hold until much later in the season.

Downright Frigid February

The Farmers' Almanac, which breaks the country into 7 zones, and offers predictions for three-day intervals, forewarns of a mixed bag of wintry weather for both December and January. But it's really February when the frigid temperatures take hold (northern tier states could see ambient air temperatures as low as 40 degrees below zero!). This is the month you want to make sure your heat works, your long johns are washed, and your slippers are nearby.

What about Snow?

Get the snow blowers ready in the East and umbrellas in the West! An active storm track will deliver above-normal precipitation

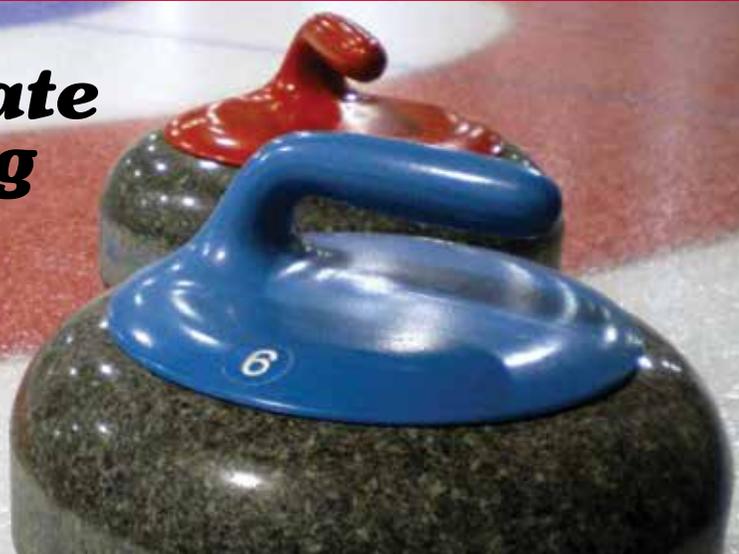


to the Southeast, Northeast and New England states throughout most of the winter, especially February (see above!). In addition, another active storm track from the Pacific will deliver a dose of above-normal precipitation across the Western States. Meanwhile, near or below-normal precipitation will cover the nation's midsection.

Save The Date For Curling

Feb 17, 2017
Barrie Curling Club
175 Essa Rd. Barrie

for more information contact
Rob Rennie 1.647.289.7354





OIAA Georgian Bay Chapter

2016 OIAA Christmas Party

December 2, 2016

Cocktails at 6, Dinner at 7 and dance to follow.

Come and Join us at Casino Rama
5899 Rama Road, Rama



\$65 per person, payable by cheque only

Preferred Room Rates of \$159 per room on a first come first serve basis

Special Midnight Draw, but you must be present to Win !!!

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Kristin Dusome at
kristindusome@winmar.ca
2 Centennial Drive, Penetanguishene, ON L9M 1G8





2016 Georgian Bay Christmas Dance

Additional Information

Accommodations

The OIAA has reserved a block of rooms for Friday December 2nd at a rate of \$159 + tax. (a small quantity of rooms are also available for Dec 3rd).

*These rooms must be booked by November 11th
after which time the rate increases to \$209 and up.*

Call Casino Rama Hotel: 1-800-832-7529, REF# THEL16A (OIAA)

*** Limited quantity available; first come- first serve ***

*We will hold a draw after the deadline
and one lucky person who has booked by the deadline
will get their room for free!*

*Please let Kristin/Barb know
when you have completed your booking.*

Gifts and Prizes

We will not be collecting for toy drive/ food bank this year; please consider donating directly to your local charity.

*Anyone wishing to provide door prizes, we
would suggest they be limited to gift cards
(NO liquor can be brought into the facility).*



Remembrance is part of modern British life, culture and heritage. It becomes a particular feature of the public calendar each year when public, private, formal and informal Remembrance events take place throughout the UK.

TWO MINUTE SILENCE

Each year at the eleventh hour of the eleventh day of the eleventh month, we observe a Two Minute Silence. Armistice Day on 11 November marks the end of the First World War and is a day to remember and honour those who have paid the price for our freedom.

WHY THE ACT OF REMEMBRANCE MATTERS

Great Britain still believes strongly in remembering those who fought not only in World Wars, but the more than 12,000 British Servicemen and women killed or injured since 1945.

The Royal British Legion supports silences

observed during both Remembrance Sunday services and on 11 November, Armistice Day, itself. The act of Remembrance rightly has a place in - and impact on - our lives, no matter which day of the week it might fall upon.

THE CENOTAPH

The Cenotaph in Whitehall is the site of the annual National Service of Remembrance, held at 11.00am on Remembrance Day

Originally conceived as a temporary structure for the London Victory Parade by Sir Edwin Lutyens in 1919, a permanent design made from Portland stone was built in 1920, undecorated except for a carved wreath on each end and the words "The Glorious Dead".

Taken from the Greek for 'empty tomb', a cenotaph is a tomb or monument erected to honour a person or group of persons whose remains are elsewhere.

Flags flanking the sides of The Cenotaph since 2007 represent the Royal Navy, the British Army, the Royal Air Force, and the Merchant Navy.



He was very old now, but could still hold himself stiffly at attention before the monument. His war, the one to end all wars, now just a fading part of history. Very few could remember, first-hand, the savageness of the ordeal that had sent millions of young men to their deaths. Cannon fodder, they'd called them, sent before the guns to be mown down -- blown apart by chunks of metal which had decimated their frail bodies. The cream of a generation; almost wiped out. He was haunted by the faces of the boys he'd had to order into battle, the ones who'd never come back. Yet one nameless ghost was able to bring a measure of comfort to his tormented mind. At the sound of the gun signaling the eleventh hour he was mentally transported back to the fields of Flanders.

The battle had raged for over two hours, with neither side gaining any advantage. Wave after wave of soldiers had been dispatched from the muddy trenches and sent over the top. So many had died already that day that he decided he could not afford to lose any more men before reinforcements arrived. Perhaps they'd give the remnants a few more days of life. There came a slight lull in the battle due to the sheer exhaustion of the men on both sides.

During this interval, a young soldier came up to him requesting that he be allowed to go over the top. He looked at the boy who couldn't have been more than nineteen. Was this extreme bravery in the face of the enemy or was the soldier so scared he just needed to get it over with?

"Why would you want to throw your life away soldier? It's almost certain death to go out there."

"My best friend went out over an hour ago, captain, and he hasn't come back. I know my friend must be hurt and calling for me. I must go to him, sir, I must." There were tears in the boy's eyes. It was as if this were the most important thing in the world to him."

"Soldier, I'm sorry, but your friend is probably dead.

What purpose would it serve to let you sacrifice your life too?"

"At least I'd know I'd tried, sir, he'd do the same thing in my shoes. I know he would."

He was about to order the boy back to the ranks, but the impact of his words softened his heart. He remembered the awful pain he'd felt himself when his brother had died. He'd never had the chance to say goodbye.

"All right soldier, you can go." Despite the horror all around them, he saw a radiant smile on the boy's face, as if a great weight had been lifted from his shoulders.

"God bless you, sir," said the soldier.

It was a long time before the guns fell silent for the last time and each side was allowed to gather their dead and wounded. The captain remembered the young soldier. He looked through the many piles of bodies. Young men. So many as to give an unreal quality to the scene before him.

When he came to the makeshift hospital, he looked carefully through the casualties. He soon found himself before the prone body of the soldier, alive, but severely wounded. He knelt down beside the young man and gently laid a hand on his shoulder.

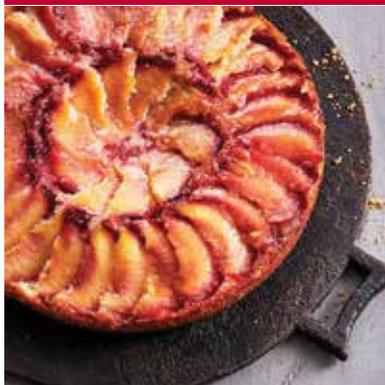
"I'm so sorry, son. I knew I was wrong to let you go."

"Oh no, sir. I'm glad you did and I'm glad you're here now so I can thank you. You see sir, I found my friend. He was badly wounded, but I was able to comfort him at the end. As I held him dying in my arms, he looked me in the eyes and said: "I knew you'd come."

The young soldier faded between consciousness and oblivion for some time before he finally slipped away. The captain stayed by his side until the end, tears streaming quietly down his cheeks. Only in war could the happy endings be so terribly sad.

As the bugle sounded "Taps", the old captain envisioned once again the young soldier's face. Looking up, he could almost hear the stone monument calling out to him: "I knew you'd come."





Financier Plum Cake

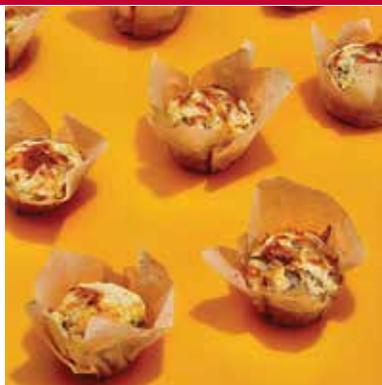
Prep 10 min -Total 1 hour - Plus 1 hour cooling time
Serves 8

Ingredients

3/4 cup unsalted butter, melted
2 tbsp brown sugar
2 medium plums, thinly sliced
1 1/2 cups icing sugar
1 1/4 cups ground almonds
1/2 cup all-purpose flour
1/4 tsp salt
6 egg whites, lightly beaten

Directions

POSITION rack in bottom third of oven. Preheat to 400F. Line the bottom of a 9-in. springform pan with parchment. Spray with butter, then sprinkle with brown sugar. Lay plum slices, overlapping in a circle, over sugar.
STIR icing sugar with almonds, flour and salt in a large bowl. Whisk in egg whites until combined. Gradually stir in remaining 3/4 cup butter. Scrape batter over plums, smoothing top.
BAKE until cake is golden and a cake tester inserted into centre of cake comes out clean, about 40 min. Remove cake and let stand for 10 min. Run a knife around inside edge, then release cake from pan. Place a large cooling rack upside down on top of cake. Carefully flip over. Peel off parchment. Cool on rack, about 1 hour



Smoked Gouda Dinner Muffins

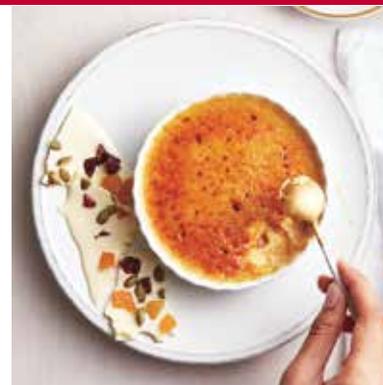
Prep 30 min -Total 55 min

Ingredients

1/2 cup canola oil, (+1 tbsp)
2 large onions, thinly sliced (about 3 cups)
2 cups all-purpose flour
2 tsp baking powder
1 Bosc pear, peeled and grated
1 cup grated smoked gouda, divided
1/2 tsp salt
2 eggs
2/3 cup buttermilk

Directions

HEAT a large frying pan over medium. Add 1 tbsp oil, then onions. Cook, stirring occasionally, until caramel coloured, 12 to 15 min. Let cool, then coarsely chop.
PREHEAT oven to 375F. Line a 12-cup muffin pan with paper liners. Stir flour with baking powder, pear, 3/4 cup cheese and salt in a medium bowl. WHISK eggs with buttermilk, remaining 1/2 cup oil and onions in a large bowl. Stir in flour mixture just until combined. Divide batter among muffin cups. Sprinkle with remaining 1/4 cup cheese.
BAKE in centre of oven until a skewer inserted into the centre of a muffin comes out clean, about 20 min. Serve warm or at room temperature. Muffins will keep well in freezer up to 1 month.



White Chocolate Bark With Cranberry And Pumpkin Seeds

Prep 15 min - Total 35 min
Serves 8

Ingredients

200 g white chocolate, coarsely chopped
1 tbsp coconut oil
1/4 cup toasted pumpkin seeds
3 tbsp dried cranberries, roughly chopped
4 dried apricots, finely chopped

Directions

LINE a baking sheet with parchment. Microwave chocolate with coconut oil on medium in a medium bowl, stirring every 30 sec, until smooth, about 2 min.
POUR chocolate onto prepared baking sheet. Use a spatula to spread mixture into an 8 x 8-in. square. Smooth top.
SPRINKLE with pumpkin seeds, cranberries and apricots.
FREEZE until firm, at least 20 min. Break white chocolate bark into pieces, and serve with pumpkin crème brûlée.

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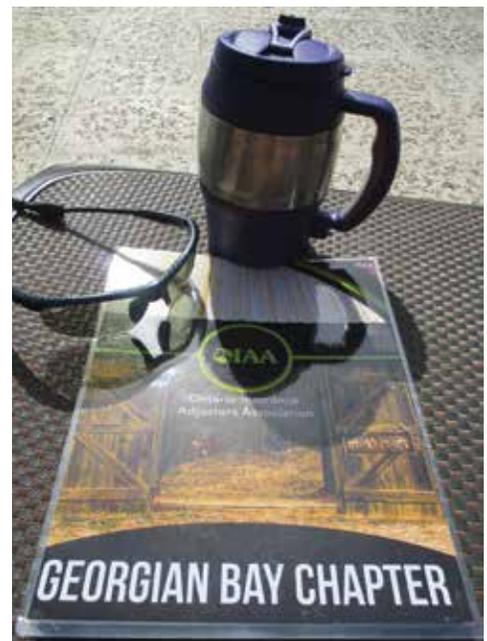
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Mayan Riviera - Mexico

The Riviera Maya is a stretch of Caribbean coastline on Mexico's northeastern Yucatán Peninsula. It's known for its numerous all-inclusive resorts, such as those in the town of Playa del Carmen, and its long beaches. To the south, Tulum is home to the preserved ruins of an ancient Mayan port city, perched on an outcrop above a white-sand beach.

Thank you to Peter Carver for his submission to the Georgian Bay Traveller



This ox was made of Indonesian dried wood from tropical jungles. Indonesian wood is dried at a particular way so that the wood can withstand the changes of humidity around the world.
This ox was made from dead trees which do not contribute to the cutting of live trees and the profits of the sale of this piece of art went directly to the local artists who made the direct sale without intermediary companies.



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The Government of Ontario is striving to make the roads in this province a safer place. In one of its latest endeavors, Ontario has implemented a new regulation in an effort to promote safer driving during those slushy and icy winter months.

The new regulation pertains to offering Ontario drivers an incentive to get winter tires on their vehicles. Under s. 14.1 (3)(1) of RRO 1990, Reg 664, Automobile Insurance, which is a regulation under the Insurance Act, companies offering auto-insurance policies are now obliged to offer a discount to drivers who buy and install winter tires on their vehicles. This regulation came into effect on January 1, 2016.

Prior to January 1, 2016, less than half of the auto-insurance companies in Ontario had already offered a discount for customers who had winter tires on their vehicles. Now, this discount is mandatory thanks to the newly implemented regulation.



In order for the regulation to apply, each vehicle must have four winter tires. Proof of winter tires is normally not necessary in order to obtain the discount. However, in the event of a collision, the insurer may then take measures to confirm that winter tires were in fact installed on the vehicle.

For some companies, this discount did not apply automatically after January 1, 2016 to pre-existing customers. Therefore, in order to receive the discount, a customer had to either renew their insurance policy or commence a new policy after January 1, 2016.

Though the regulation does not specify what the discount for sporting winter tires ought to be, the average going rate is a 5% reduction off of the collision portion of the auto-insurance policy.

Unfortunately, winter tires are not mandatory in Ontario, and to date the Ontario courts have held that failing to have same on a vehicle does not, as of yet, amount to contributory negligence.

However, there is case law from British Columbia which indicates that failure to have winter tires installed on a vehicle can be a consideration in a finding of liability in the event of a motor vehicle accident.

In *Hutton v Breitreutz*, the defendant's vehicle slid across the centerline of a highway into oncoming traffic and collided head-on with the plaintiff's vehicle. The defendant argued that she was not liable for the accident. She claimed that her vehicle hit a patch of

black ice, which caused her to lose control of the vehicle and the accident was therefore, unavoidable.

In finding that the defendant was completely liable for the accident, the judge considered the fact that witnesses at the scene of the accident neither observed black ice

on the road, nor did they observe themselves or others slipping on any ice on the road. The judge also considered the fact that the defendant was travelling too fast for the poor road conditions.

The most notable factor the judge considered in his finding of liability on the part of the defendant was that three of the tires on the defendant's vehicles were in poor condition and the defendant did not have snow tires installed on her vehicle. The judge added that the defendant did not take appropriate steps to confirm her tires were safe for winter driving as a reasonable and prudent driver would have.

Moreover, In *Hart v. Jacobsen* the defendant lost control of his vehicle during a winter storm and became stuck in the snow on the side of a highway. He was pulled out of the snow bank by a good samaritan,

but his vehicle was then left parked southbound in the northbound lane on the highway. The collision occurred when the plaintiff came around a bend and did not see the defendant's vehicle parked in the northbound lane.

In finding the defendant 100% liable for the collision, the judge took into consideration that expert witnesses determined that the defendant's vehicle was not appropriate for winter weather. Specifically, it was found that the defendant should not have been driving "all season tires" because they were inappropriate for northern driving.



Given the above two decisions, courts in British Columbia have considered the appropriateness of tires for winter weather when determining liability following a collision. Time will tell if Ontario courts will also begin to hold drivers responsible for vehicles that are ill equipped for

winter weather; however, given the recent case law and in light of the recent legislative changes, it appears likely that courts will begin holding drivers responsible, especially in the more remote and northerly jurisdictions in Ontario. Undoubtedly, this is a consideration that both plaintiff and defence counsel should be aware of moving forward.



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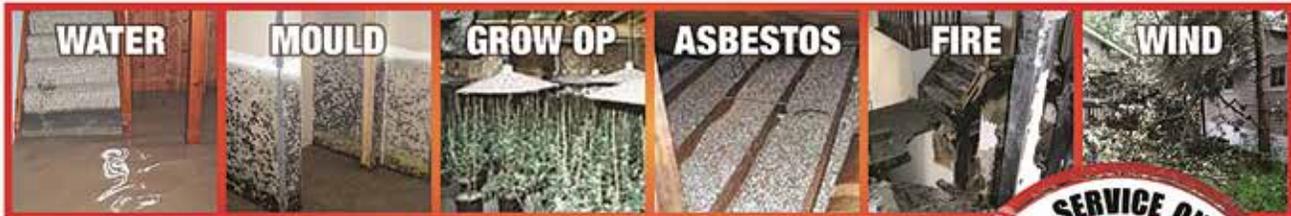
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Thomas A. Edison

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Audre Lorde

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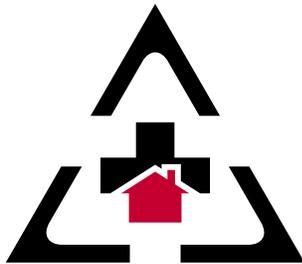
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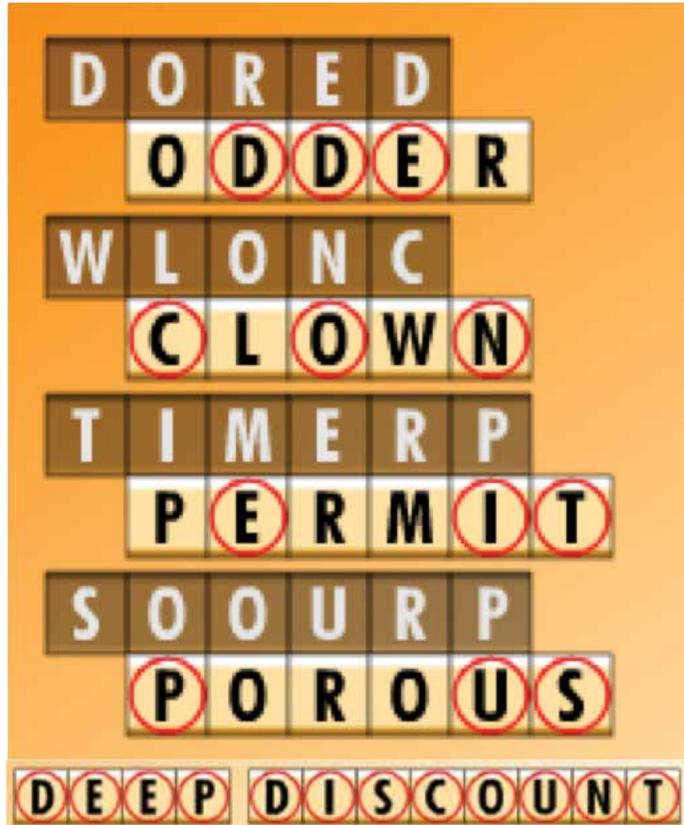
November comes
And November goes,
With the last red berries
And the first white snows.

With night coming early,
And dawn coming late,
And ice in the bucket
And frost by the gate.

The fires burn
And the kettles sing,
And earth sinks to rest
Until next spring.

Elizabeth Coatsworth

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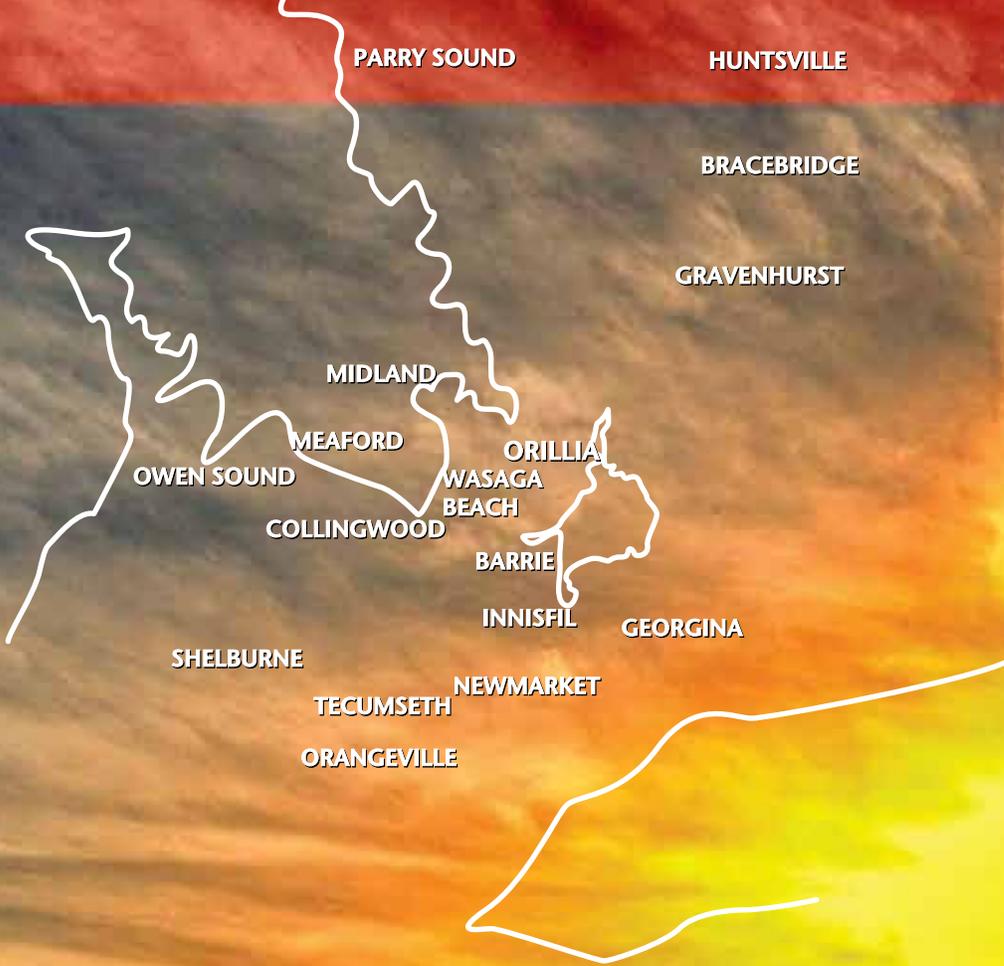


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