



MANITOBA ORDER IN COUNCIL

DATE: **April 3, 2019**

ORDER IN COUNCIL NO.: **113/2019**

RECOMMENDED BY: **Minister of Agriculture**

ORDER

1. The Minister of Finance is authorized to pay the amount of \$150,000.00 to the law firm of Tapper Cuddy LLP in trust in settlement of a claim against the Government of Manitoba and certain public officers.
2. This payment should be made from the contingent liability (G/L Account 3110410) which was established in 2017/18.
3. The Minister of Finance may sign any documents and do anything necessary to finalize the settlement.

AUTHORITY

The Financial Administration Act, C.C.S.M. c. F55, states:

Settlement of claims

41(3) When a claim is made against the government, whether or not proceedings have been commenced, and the Minister of Finance is satisfied

(a) on the opinion of a legal officer of the government that the claim, if pursued in a court of competent jurisdiction or before a tribunal or an arbitrator, could reasonably be expected to result in an order requiring the government to pay money; and

(b) that it is in the public interest to settle the claim;

the Minister of Finance may, subject to subsection (4), pay the amount in settlement of the claim out of the Consolidated Fund.

When amount exceeds prescribed amount

41(4) No claim, other than a liquidated amount that the government is obliged to pay under the terms of a contract authorized under an Act of the Legislature, shall be paid under subsection (3) without the approval of the Lieutenant Governor in Council if the amount of the settlement is greater than the amount prescribed by regulation under subsection (5).

Regulation by L.G. in C.

41(5) The Lieutenant Governor in Council may by regulation prescribe the amount for the purposes of subsection (4).

The Settlement of Claims Payment Limitation Regulation (Man. Reg. 62/97) under *The Financial Administration Act* states:

Limitation on payments in settlement of claims

1 For the purpose of subsection 41(4) of *The Financial Administration Act*, a claim that exceeds \$10,000. shall not be paid without the approval of the Lieutenant Governor in Council.

BACKGROUND

1. A Statement of Claim was filed in the Court of Queen's Bench against the Government of Manitoba and certain public officers.

2. The Minister of Finance is satisfied, on the opinion of a legal officer, that the claim if pursued could reasonably be expected to result in an order requiring the government to pay money. The Minister of Finance is also satisfied that it is in the public interest to settle this claim.