

Regional Municipality of Durham Reliance Letter



Reliance Letter
Regional Municipality of Durham
Planning and Economic Development Department
605 Rossland Road East
Whitby, ON L1N 6A3
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Toll Free: 1.800.372.1102
www.durham.ca

Reliance Letter (to be presented on each company's unique letterhead)

At the request of [Property Owner or Developer's Name] and for other good and valuable consideration, [ABC Engineering Ltd.] represents and warrants to the Regional Municipality of Durham ("Region") that the reports and work are completed in accordance with Ontario Regulation 153/04 (O.Reg.153/04), unless stated otherwise in the documents, for the purposes of filing a Record of Site Condition in accordance with O.Reg. 153/04 and was completed by or under the supervision of a Qualified Person within the meaning of the *Environmental Protection Act* and O.Reg. 153/04, as amended from time to time.

[ABC Engineering Ltd.] agrees that the Region may rely upon the reports listed herein referenced by the Region as [File # XXX], including the representations, assumptions, findings, and recommendations contained in the reports:

- Phase One Environmental Site Assessment, date, report type, author (QP), company (mandatory)
- Phase Two Environmental Site Assessment, date, report type, author (QP), company (if applicable)
- Other Environmental Site Assessment Documentation, PSF, RA (if applicable)

[ABC Engineering Ltd.] further agrees that in the case of any inconsistency between this Reliance Letter and any limitations set out in the aforementioned reports, this letter shall take priority.

[ABC Engineering Ltd.] understands and agrees that it is appropriate to extend reliance to the Region in relation to the reports listed herein so as to assist the Region in its assessment of the environmental suitability of the site and/or request to use non-potable groundwater standards.

[ABC Engineering Ltd.] further agrees that it will promptly notify the Region upon receipt of notice by the Ministry of the Environment, Conservation and Parks that the Ministry intends to audit any report listed herein and if so, to provide the Region with written confirmation of the results of the audit (Only applicable if filing the report as part of RSC or RA).

[ABC Engineering Ltd.] represents and warrants that it complies with all applicable insurance provisions contained within O.Reg. 153/04, as amended.

[ABC Engineering Ltd.] shall provide the Region with proof of insurance and maintain a minimum Professional Liability insurance coverage of \$2,000,000 per claim and \$4,000,000 aggregate.

[ABC Engineering Ltd.] agrees that its liability to the Region shall not be limited to an amount less than the Region's minimum insurance requirements set out immediately above.

[ABC Engineering Ltd.] shall indemnify and save harmless the Region and its elected officials, officers, employees and agents from and against all claims actions, causes of action, losses, expenses, fines, costs, interest or damages of every nature and kind whatsoever, arising out of or allegedly attributable to the negligent acts, errors, omissions, misfeasance, nonfeasance, fraud or willful misconduct of the Consultant/Company, its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the delivery or performance of the work and reports provided to the Region that is subject to this Reliance Letter. This indemnity shall be in addition to and not in lieu of any insurance to be provided by the Consultant/Company in accordance with this reliance letter.

Signed and Sealed by Qualified Person:

_____ Date: _____

Signed by person authorized to bind Consulting Firm:

_____ Date: _____

Signed by Property Owner or Authorized Officer: _____

Name (please print): _____

Name of Company (if applicable): _____

Title of Authorized Officer: _____

Address: _____

Telephone: _____

Fax/Email: _____

Date: _____

Note: Edits to this document are only permitted in areas within the square brackets e.g.
[ABC Engineering Ltd.]