



“YOUR ADVANTAGE”
Club Insurance Program
2008-2009

POTTRUFF & SMITH
INSURANCE BROKERS INC.

This coverage summary is not a policy of insurance, nor a complete representation of the policy including its terms, conditions, warranties, coverages and exclusions.

“YOUR ADVANTAGE”

Club Insurance Program 2008 - 2009

Club Court Coverage Insurance Program

Director's & Officers Liability Insurance Program

Welcome to the 2008-2009 Club Insurance Program! The OTA offers an important **direct cost benefit** for member clubs; two low-cost comprehensive group insurance programs.

The **Club Court Coverage** and **Director's & Officers Liability Insurance Programs** offer broad coverage and group pricing based on volume purchasing power – allowing members to save hundreds of dollars a year! Plus, there is a “no hassle” application process and payment plan.

Coverage is provided by the OTA endorsed broker Pottruff & Smith Insurance Brokers Inc.

Why Should Your Club Be Insured?

- Spend your time **on** the courts, not **in** the courts! Many community clubs are unincorporated, exposing the personal assets of executive and members, in addition to the club, for claims arising from bodily injuries or property damage. Legal costs alone could bankrupt an uninsured club, so even when the club is not to blame for an accident, it can be bankrupted by the onerous costs involved in defending claims.
- Without insurance, the club must also set aside significant capital reserves to cover unexpected property damages from events beyond its control such as fire, severe weather or simple theft. Does your club have a spare \$5,000 handy to pay for such losses?
- The most serious claims arise from injuries on the court. No club can absorb the tens of thousands of dollars a bodily injury claim creates to pay for injuries to the claimant, defense costs and the hundreds of hours of personal time required to defend the club.
- Finally, the municipality in which the club is located requires insurance as part of the contract to use municipal property or facilities.

These programs are designed primarily for **community, non-profit clubs**. Commercial or other clubs not fitting this profile are encouraged to inquire about **custom-designed, low priced insurance programs** that are available through the OTA's official insurance broker, **Pottruff & Smith Insurance Brokers Inc.**

Please contact **Jeff Aubé (ext. 331)** at **416-798-8001** or **1-888-768-8001** or email at jaube@pottruffsmith.com



Fact Sheet

The Programs

1. Club Court Coverage

A. Commercial General Liability Insurance – Covers claims arising from bodily injury, property damage, personal injury, and advertising injury. It is frequently offered in a package with Property Insurance.

B. Property Insurance - “All Risks” coverage for loss or damage to club property by events such as fire, theft and severe weather.

C. Money Insurance - Covers loss occurring from the theft or destruction of currency owned by the club.

2. Directors & Officers Liability Insurance

“D&O” is protection for the personal liability of the club’s executive committee in defense of claims as a result of wrongful acts in the administration of the club such as allegations of poor management practices or wrongful termination of an employee.

Eligibility

Bona fide OTA member clubs, subject to a completed insurance application and payment in full, submitted to the OTA office.

Policy Period

April 1, 2008 to April 1, 2009, or following receipt of the application and payment at the OTA office

Proof of Coverage

A Certificate of Insurance is issued to each member club. The Master Policy is issued to the OTA office. For specific coverage details, a copy of the policy can be requested by calling the OTA office

The Insurers

Club Court Coverage

ING Canada is the largest Property/Casualty Insurer in Canada and a leader in group and association programs.

D & O Liability Insurance

Encon Insurance Managers Inc. is the pre-eminent provider of Directors & Officers Liability coverage in Canada, representing a consortium of large “A” rated insurers.

The Administrator

Pottruff & Smith Insurance Brokers Inc. has been providing quality, cost-effective group programs tailored specifically for each client for over 30 years. Pottruff & Smith offers the full range of insurance products – Home, Auto, Business, Life, Disability, Group Benefits, and Travel Insurance.

Contacts

The OTA Program

Please call the **OTA** office at **416-514-1103** or **1-800-387-5066, ext. 1103** for **Jay Neill** or e-mail Jay at jneill@tennisontario.com.

Coverage Questions

Call **Pottruff & Smith** at **416-798-8001** or **1-888-768-8001, ext. 331** for **Jeff Aubé** or email Jeff at jaube@pottruffsmith.com.

Claims

To report a new claim, or for claims advice, simply call Pottruff & Smith at the numbers above and ask for the Claims Department. We are available to take your claims report 24 hours a day.



Questions and Answers

Question

We cover our courts with a dome during the winter. High winds occurring during a recent storm damaged the material of the dome and created a hole in the roofing. Does our insurance policy cover this damage?

Answer

Yes! The Club Court program provides coverage for "all risks" of direct damage including damage caused by natural events such as wind and hail. The policy also covers loss resulting from fire, theft, vandalism and water damage, just to name a few. The program also covers catastrophic events such as sewer back-up, flood and earthquake.

Question

Why does our club need insurance? The local municipality owns our clubhouse, and we don't own the land in the park where our club is situated.

Answer

Tennis clubs using municipally owned property are normally required to carry their own Commercial General Liability insurance as a condition of the agreement between the club and the municipality. Some municipalities even require the club to provide insurance on building or equipment used by the club but owned by the municipality.

However, even in the absence of municipal requirements, the club is still liable for bodily injury or property damage caused to others as a result of the club's operations, making liability insurance an essential. Property insurance would also be necessary to cover the club's own equipment, computers and money.



Club Court Coverage Program Coverage & Premiums

A. COMMERCIAL GENERAL LIABILITY INSURANCE ~ *Bodily Injury and Property Damage Claims includes:*

<p><i>Injury to Participants</i></p> <p><i>Claims Arising from Tennis-Related Activities</i></p> <p><i>Products Liability</i></p> <p><i>Host Liquor Liability</i></p> <p><i>Employers Liability</i></p> <p><i>Non-Owned Automobile Liability</i></p> <p><i>Personal Injury</i></p> <p><i>\$10,000 Medical Expenses</i></p> <p><i>\$100,000 Tenants' Legal Liability</i></p> <p><i>The Club</i></p> <p><i>Contract Pros</i></p> <p><i>The Pro Pac Program</i></p> <p><i>\$500 Deductible</i></p>	<ul style="list-style-type: none"> • Members and the public • Occurring anywhere in Canada and the U.S.A., provided the club premises is located in Ontario • For claims arising from the sale of equipment, food or beverage • Protecting against the liability imposed by the service of alcoholic beverages • Injury to employees not insured under Workers' Compensation • Liability arising from the operation of autos owned by club executive, employees or volunteers on club business • Covers against claims alleging libel, slander or wrongful detention • Out-of-pocket costs incurred as a result of an injury suffered on club premises – regardless of the club's liability for the injury • Costs to repair or rebuild damage to a rented building or premises where the club is liable for such damage or has accepted responsibility in a lease • Liability protection for all club activities naming the club, the executive, employees, employed professionals, coaches and volunteers • May be covered if declared on the insurance application • The policy can extend your club's liability insurance to contracted professional for club-related activities at the club courts or while away from the courts working on behalf of the club • If a club Pro hires his or her own employees or sub-contractors, there is no coverage for the employees or sub-contractors of the Pro. • The OTA Pro Pac Insurance Program is available to provide more complete coverage for the Pro, his or her employees, sub-contractors, as well as to cover the Pro for activities not sanctioned by the member club • The deductible applies to each claim, but only for property damage or tenants legal liability claims
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Premiums *Subject to 8% Ontario Retail Sales Tax*

Commercial General Liability Limit	10 or Fewer Courts + Pro's	11 or More Courts + Pro's
\$ 2,000,000	\$ 315	\$ 600
\$ 5,000,000	\$ 420	\$ 725



B. PROPERTY INSURANCE ~ "All Risks", subject to certain standard exclusions

Contents

- Covers against "all risks" of damage to all property owned by the club at the club location including nets, posts, windscreens, fencing, benches, food & beverage, balls and other equipment and office contents
- Limit*
 - You select the required limit in \$500 increments
 - Minimum \$2,000 limit
- Covers*
 - Loss or damage for contents located at the Club premises or:
 - \$2,500 property in transit
 - \$5,000 property located temporarily elsewhere (i.e. club member's home, other tennis clubs or storage)
 - \$1,000 each person – personal property of club members and employees (contingent insurance only; certain conditions apply)
 - Replacement cost on contents except actual cash value on stock held for sale
 - \$1,000 deductible each loss; higher deductible for sewer back-up, flood, and earthquake; in some cases the deductible may exceed the value insured

Building

- Owned by the Club or for which the Club is obligated to insure by contract such as a clubhouse, utility sheds, bubble structures etc...
- Limit*
 - You select the required limit in \$500 increments
 - Minimum \$5000 limit
- Covers*
 - "All risks" of direct damage plus a "Bylaws Endorsement" to cover the increased cost of construction or demolition due to local by-laws
 - Replacement cost to repair, replace or rebuild, except actual cash value on bubble structures (actual cash value equals original cost less depreciation)
 - \$1,000 deductible each loss; higher deductibles for sewer back-up, flood, and earthquake (note that in some case the deductibles for sewer, flood and earthquake may exceed the values insured)

Tennis Court Surfaces

- Hard court, carpet clay, Har-Tru
- Limit*
 - You select the required limit in \$500 increments
 - Minimum \$5,000 limit
- Covers*
 - Actual cash value; payment based on age and condition
 - Protects your courts against malicious vandalism; excludes wear and tear, weathering, erosion, groundwater upheaval, faulty workmanship, or cumulative damage caused by court usage in an inappropriate manner, such as non-tennis activities (ball hockey, tables & chairs set-up)
 - \$1,000 deductible each loss; higher for sewer back-up, flood and earthquake

Rate....page 7



Premiums *Subject to 8% Ontario Retail Sales Tax*

Coverage	<\$25,000	\$25,000 - \$49,999	\$50,000 - \$100,000	> \$100,000
	Rate Per \$100 of Value (example – contents \$10,000 @ \$1.60 per 100 = \$160)			
Contents	\$ 1.60	\$ 0.90	\$ 0.75	\$ 0.60
Building	\$ 1.40	\$ 0.90	\$ 0.75	\$ 0.60
Tennis Court Surfaces	\$ 1.60	\$ 1.05	\$ 0.90	\$ 0.90

We strongly recommend you give careful consideration to the limits of coverage you choose and insure to full replacement cost of all your Club's buildings and equipment, cost price of stock and actual cash value of bubbles and court surfaces. The policy is subject to a co-insurance clause that may limit the amount payable if coverage is not at least 90% of the valuations noted above.

C. MONEY & SECURITIES INSURANCE

- Limit*
 - You select the required limit in \$500 increments
- Covers*
 - Broad Form Coverage against forms of loss or damage to currency such as theft, burglary, robbery, fire etc...
 - On club premises, a custodian's home or in transit
 - Includes loss by "mysterious disappearance"
 - Money in vending machines is covered provided the machine has a coin acceptance recording device
- Other*
 - All funds must be accountable by invoices, receipts, ledger books, or other accounting methods
 - Excludes loss or damage caused by criminal actions of club employees or volunteers
 - No deductible applies

Premiums *Subject to 8% Ontario Retail Sales Tax*

Coverage	Rate per \$1,000 of Coverage
Money	\$ 40.00



“YOUR ADVANTAGE”

Application Form CLUB COURT COVERAGE

This is not a binder of insurance

CLUB: _____
 MAILING ADDRESS: _____
 CITY: _____ PROVINCE: _____ POSTAL CODE: _____
 CLUB TELEPHONE: _____
 CONTACT PERSON: _____ E-MAIL: _____
 TELEPHONE: (H): _____ (B): _____ FAX: _____
 NUMBER OF PRO'S + COURTS: _____
 NAMES OF CONTRACT PRO'S (if more than three, please attach a separate list):

Coverage and Premiums		
	Limit Chosen	Premium
A. COMMERCIAL GENERAL LIABILITY (see p 5)	\$2 million/\$5 million	\$ _____
B. PROPERTY (increments of \$500 only) (see p. 6)	XX	XX
Contents (minimum limit of \$2,000)		\$ _____
Building (minimum limit of \$5,000)		\$ _____
Tennis Court Surfaces (min. limit of \$5,000)		\$ _____
C. MONEY & SECURITIES (see p. 7)		\$ _____
	Sub-total of A, B, C	\$ _____
	Add 8% Tax	\$ _____
	Add OTA Administration Fee	\$ 15.00
	Add GST & PST on Administration Fee	\$ 1.95
Total payable to Ontario Tennis Association	Total	\$ _____

Please complete and return this Application Form along with your payment in full to:

Ontario Tennis Association
1 Shoreham Drive, Suite 200
Toronto, Ontario M3N 3A7
Attention: Jay Neill

The OTA Insurance Program policy is valid from April 1, 2008 to April 1, 2009. This application must be received no later than March 26, 2008 to ensure coverage effective April 1, 2008. All coverage will lapse as of 12:01 am April 1, 2008 for members who have not filed completed applications with payment. Confirmation of coverage will be provided by Certificate of Insurance.

Date Coverage Required to Take Effect: _____ Date Signed _____
 Name: _____ Signature: _____



Directors & Officers Liability Program Coverage & Premiums

FOR NON-PROFIT OTA MEMBER CLUBS ONLY

Community Tennis Club Executive Liability Protection

- Protects the personal liability of the club executives and the club itself for losses resulting from poor management decisions or allegations of poor decisions
- Extends to outside directorships of non-profit organizations where there is no agreement to indemnify the director
- Includes Employment Practices Liability to protect the club and executive against liability of wrongful termination, discrimination and harassment among other events
- Protects the Fiduciary Liability of the club or executive for wrongful management of a benefit plan such as group insurance or pension

Who are "Directors & Officers"?

- All directors of the club and "officers" such as club president, vice-presidents, treasurer, membership director etc...
- Club incorporation is not a guarantee of protection of directors and officers because of statutory laws that make directors and officers **personally liable** for the management of a corporation

Indemnification for Directors and Officers

- The financial burden is shifted to the organization whereby the club has agreed to indemnify its officers and directors for loss
- The D&O liability policy will protect the club when it has to make such an indemnification

Cost Effective Coverage

- Individual D & O Liability premiums generally start at \$2,500.00 or more
- Since 1998, the OTA has offered low-cost group D & O insurance for OTA non-profit member clubs (excluding country clubs)
- Current pricing level requires the participation of at least twenty clubs

Eligibility

- Club Court Coverage Program not required for eligibility

D & O COVERAGE

<i>Limits</i>	<ul style="list-style-type: none">• You choose the limit• \$1,000,000 or \$2,000,000 each claim• \$5,000,000 annual aggregate; all participating clubs
<i>Type</i>	<ul style="list-style-type: none">• "Claims Made" policy covering claims occurring after the retroactive date and reported during the policy period
<i>Deductible</i>	<ul style="list-style-type: none">• No deductible!
<i>Covers</i>	<ul style="list-style-type: none">• Directors, Officers (Club Executive), and the Club itself
<i>Policy Period</i>	<ul style="list-style-type: none">• April 1, 2008 – April 1, 2009; or following the receipt and acceptance of the completed application by the program insurer and your full payment to the OTA



Premiums *Subject to 8% Ontario Retail Sales Tax*

Liability Limit Per Claim	Premium
\$ 1,000,000	\$ 625
\$ 2,000,000	\$ 800

*For-profit clubs may apply for individual policies – contact: Jeff Aubé (ext. 331) at 416-798-8001 or 1-888-768-8001 or email: jaube@pottruffsmith.com



“YOUR ADVANTAGE”

Application Form

This is not a binder of insurance

DIRECTORS & OFFICERS LIABILITY INSURANCE

CLUB: _____

MAILING ADDRESS: _____

CITY: _____ PROVINCE: _____ POSTAL CODE: _____

CLUB TELEPHONE: _____

CONTACT PERSON: _____ E-MAIL: _____

TELEPHONE: (H): _____ (B): _____ FAX: _____

All of the following questions must be answered and will be treated with strictest confidentiality. Please note that eligible clubs are community clubs and non-profit clubs, excluding country clubs.

1. Our club is: Non-profit For-profit
2. Our club is: Incorporated Not incorporated
3. 2007 gross revenue (membership fees, etc.): \$_____
4. 2007 operating: Surplus: \$_____ or Deficit: \$_____

Cumulative- Surplus: \$_____ or Deficit: \$_____
5. Our club's total assets including cash: \$_____
6. Have any claims been made or is any claim now pending against any person(s) proposed for this insurance? (Executive, employees, or volunteers)? If yes, please provide details:

7. Have any suits or legal actions been filed by or on behalf of the club against any person(s) proposed for this insurance? If yes, please provide details:

Coverage and Premiums

	Limit Chosen	Premium
DIRECTORS & OFFICERS LIABILITY	\$1 million/\$2 million	\$_____
	Add 8% Tax	\$_____
	Add OTA Administration Fee	\$ 10.00
	Add GST & PST on Administration Fee	\$ 1.30
Total payable to Ontario Tennis Association	Total	\$_____

Please complete and return this Application Form along with your payment in full by March 26, 2008 to:
Ontario Tennis Association, 1 Shoreham Drive, Suite 200, Toronto, Ontario M3N 3A7
Attention: Jay Neill

Coverage will not be afforded for any claims of which any person has knowledge nor any claims resulting from any facts or circumstances of which any person proposed for this insurance has knowledge. If your club has incurred a continuous deficit, or if you have answered yes to either of questions 6 or 7 above, the application will be subject to review, and the program insurer reserves the right to refuse coverage or to modify policy rating.

The OTA Insurance Program policy is valid from April 1, 2008 to April 1, 2009. All coverage will lapse as of 12:01 am April 1, 2008 for clubs who have not filed completed applications and payment in full. A Certificate of Insurance will be sent to you as confirmation of coverage, provided that the application is accepted by the program insurer. You will be notified if the application is not accepted or if further information is required.

Dated: _____

Signed: _____

Club President (no other signature is acceptable)



“YOUR ADVANTAGE”

Two Additional Coverage Recommendations

To INDOOR, COMMERCIAL, and BUBBLE FACILITIES

Boiler & Machinery Breakdown Insurance

OTA member clubs with indoor facilities, including tennis bubbles, should be aware of an important coverage exclusion with respect to Property insurance.

Mechanical and electrical equipment, including certain fired and unfired pressure vessels used in the heating, air conditioning, lighting and power of an indoor facility are not covered under most Property insurance policies, including the “Your Advantage” Club Insurance Program. Losses as a result of damages caused by explosion or breakdown of objects such as boilers and related pipes, compressors, electrical panels, transformers, and certain types of heating equipment are not covered. There is also no coverage for any resulting damage to other property owned by, or under the control of the club such as electrical panel short-outs, compressor explosion, or a boiler tube crack. The sole exception to this situation is if fire ensues, then only the damage caused by fire is covered.

This equipment would include inflating fans and other equipment in bubble facilities.

Clubs leasing municipally owned clubhouse buildings may be responsible under a lease agreement to carry both Property and Boiler & Machinery insurance.

The solution is to purchase a **Boiler & Machinery insurance** policy, which is available on an individual basis through the “Your Advantage” Club Insurance Program insurance broker, Pottruff & Smith.

Business Interruption (Loss of Income) Insurance

Business Interruption Insurance (loss of income and increased expenses as a result of an insured loss) can be included under this policy, and specific inquiry should be made to Pottruff & Smith. Please note that business interruption insurance should also be carried under the club's Property insurance component of the OTA Club Insurance policy.

For More Information Or To Apply For Coverage

Please contact **Jeff Aubé (ext. 331)** at Pottruff & Smith Insurance Brokers Inc. at **416-798-8001** or toll-free at **1-888-768-8001** or e-mail: jaube@pottruffsmith.com.

