

# Who Is Liable In A Slip And Fall Accident?



Slip and fall accidents are among the common types of incidents leading to personal injury claims as such falls may result in severe injuries, financial losses, and emotional distress. If you've experienced a slip and fall accident in Ontario, you may be wondering who is responsible and how liability is determined. This blog post will provide a comprehensive look into **the factors that determine liability in Ontario slip and fall accidents, the legal responsibilities of property owners, and what steps you should take if you've been injured.**

## **Understanding Slip and Fall Liability in Ontario**

Liability in slip and fall accidents in Ontario is generally determined based on what entities owe duties to persons visiting their property. Duties owed by owners and occupiers are set out in the [Occupiers' Liability Act](#), R.S.O. 1990, c. 0.2, which holds that all entities defined as "occupiers" under the act (e.g. property owners, tenants, or property managers) owe a duty of care to ensure that their premises are reasonably safe for visitors.

## **Key Factors in Determining Liability**

When it comes to determining liability in a slip and fall case, several factors are considered:

1. **Duty of Care:** The *Occupiers' Liability Act* establishes that an "occupier" must take reasonable steps to ensure individuals on their property are kept reasonably safe. Depending on the type of property, an occupier may be held to standards that require it to regularly inspect, maintain, and address any hazards that could lead to accidents.
2. **Breach of Duty:** If an occupier fails to maintain safe conditions, this may be considered a breach of duty. For instance, if a grocery store owner neglects to clean up a spill in a timely manner, they could be held responsible for any injuries resulting from the hazard.
3. **Causation:** The injured party must prove that the occupier's negligence directly caused their slip and fall accident. This involves showing that the hazard on the property (e.g., an icy walkway, wet floor, or uneven surface) was the primary reason for the fall.
4. **Contributory Negligence:** Ontario law also considers whether the injured person contributed to the accident. For instance, if someone was distracted by their phone or wearing inappropriate footwear, the court may find the injured person partially at fault. In such cases, the compensation awarded may be reduced based

on the degree of the injured party's own negligence.

## **Who Can Be Held Liable?**

In Ontario, liability for slip and fall accidents typically falls on one of the following parties:

1. **Property Owners:** Property owners (both residential and commercial) may bear responsibilities for maintaining safe premises through regular inspections and remediations for hazards, removing snow and ice, and ensuring all areas are accessible and safe for visitors.
2. **Tenants or Leaseholders:** In cases where a tenant or leaseholder rents property, they may share responsibility with the property owner. For example, if a tenant is responsible for managing certain parts of a commercial property, such as entrances or walkways, they might be liable if someone falls in those areas.
3. **Property Managers or Maintenance Companies:** Some property owners hire third-party companies to handle maintenance and safety. If a slip and fall accident occurs due to a maintenance issue, the property manager or maintenance company may be held liable.
4. **Municipalities:** For accidents occurring on public property, such as sidewalks or public parks, the municipality may be liable. However, Ontario law grants municipalities a certain level of immunity, and injured parties have strict notice periods requiring injured persons to notify the municipality within 10 days of the fall that the fall occurred.

## **Common Causes of [Slip and Fall Accidents](#)**

Slip and fall accidents can happen in various settings, and common causes include:

- **Icy or Snowy Walkways:** Property owners must clear ice and snow within a reasonable timeframe.
- **Wet or Slippery Floors:** Stores, restaurants, and other establishments need to promptly address spills or wet floors.
- **Uneven Surfaces or Loose Flooring:** Broken tiles, uneven stairs, or loose carpets can pose a tripping hazard.
- **Poor Lighting:** Inadequate lighting can make it difficult for people to see hazards.
- **Obstructed Pathways:** Items left in walkways or cluttered aisles can lead to trips and falls.

## **Proving Liability in a Slip and Fall Case**

To hold an occupier liable for a slip and fall accident, the injured party may need to prove:

1. **A Dangerous Condition Existed:** Evidence that a hazardous condition was present and directly contributed to the accident.
2. **Occupier's Knowledge of the Hazard:** Proof that the property owner or occupier knew or should have known about the hazard. This can be challenging to prove, especially if the hazard was temporary.
3. **Lack of Adequate Warning:** If the hazard could not be immediately addressed, there should have been warning signs to inform visitors of the danger.

## **Steps to Take After a Slip and Fall Accident**

If you've been injured in a slip and fall accident, it's essential to take the following steps to protect your rights and strengthen your case:

1. **Seek Medical Attention:** Prioritize your health and safety. Immediate medical attention is essential for both your well-being and documentation of injuries.
2. **Report the Incident:** Notify the property owner, manager, or staff of the incident. Ensure that an incident report is filed if possible.
3. **Document the Scene:** Take photos or videos of the hazard that caused the fall, as well as any visible injuries. If there are witnesses, collect their contact information.
4. **Keep Records:** Retain all medical bills, receipts, and other documents related to the accident and injuries.
5. **Consult a Personal Injury Lawyer:** Speaking with an experienced personal injury lawyer can help you understand your rights and the strength of your case.

You should also take photographs of the surrounding area. If you fell due to ice, for example, it would be helpful to have photographs of the nearby buildings, eavestroughs, and driveways to show where the water came from. Perhaps the water froze because of a broken downspout, clogged drain, or improperly graded driveway. Be on the lookout for local surveillance cameras that may have captured your fall, and be sure to keep witness information.

There are different timelines to notify the owners or occupiers of the property of your fall depending on the location and cause of your fall. For example, an individual that falls due to a cracked municipal sidewalk will need to notify the municipality within 10 days of the fall, whereas an individual that falls on ice in a privately-owned parking lot needs to notify the owner of the property within 60 days. See our section on timelines below to determine if any timelines apply to your case.

### **The Role of Insurance in Slip and Fall Claims**

Many property owners have insurance to cover liability for accidents on their premises. If you file a claim, it is often the insurer who will handle the compensation process. However, insurers may attempt to minimize or deny claims, so having an [experienced slip and fall lawyer](#) can help protect your interests.

### **Statute of Limitations for Slip and Fall Cases in Ontario**

In Ontario, the statute of limitations for filing a slip and fall claim is generally two years from the date of the fall. However, if the fall occurred on municipal property, you must provide the municipality with written notice of your intent to sue within 10 days of the fall. Missing these deadlines can affect your ability to recover compensation.

### **Compensation for Slip and Fall Injuries**

If you successfully prove liability, you may be entitled to compensation for:

- **Medical Expenses:** Costs related to treatment, medications, and rehabilitation.
- **Lost Wages:** Compensation for time missed from work due to injuries.
- **Pain and Suffering:** Damages for the physical and emotional impact of the accident.
- **Future Medical Care and Loss of Earning Capacity:** If the injury has long-term consequences.

### **[Slip and Fall Lawyer](#)**

Liability in slip-and-fall and trip-and-fall claims is often fiercely contested. Your personal injury lawyer should have the experience to know which entities are responsible for performing maintenance, which acts or regulations apply to the property, what types of expert engineers will be required to support a client's case,

and the ability to challenge the reasonableness of the defendant's designs, plans, policies, or procedures. Consulting with one of our [slip and fall lawyers](#) can provide you with valuable guidance and increase your chances of a successful claim.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

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