

Riskboss Alert

Slips, Trips, Tumbles & Falls Occupier's Liability Act Changes

RISKBOSS

Preventing the Predictable

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Riskboss™ (www.riskboss.com) often receives alerts from the police services, government authorities and other agencies that may be of interest to residential condominium property managers and boards of directors. Riskboss offers periodic alerts to institutions, organizations, commercial and condominium property managers and board members to assist in identifying risk to the communities and to provide solutions to mitigate that risk. Riskboss hopes the following information assists you. Please feel free to distribute this document to other property managers and community-based associations that may benefit from the content. Please contact us any time with any issue that you may want researched regarding crime, disorder and risk.

Occupier's Liability Act

The Occupier's Liability Act (OLA) has been in existence since 1990 in Ontario. Prior to that, Common Law was the prevailing law that governed the rights of those who slip, trip, tumble and fall and the obligations of property owners. The OLA defines who is an occupier and codifies the duty of care required by all occupiers to protect all attendees on their property.

Popularized by television and online commercials purporting that unless you win a case, there will be no legal fees, insurance for multiplex residential buildings and commercial towers have increasingly and dramatically risen over the past decade. Being the leading cause of injuries for all age groups, it is reported that there are over one million slip and fall injuries report each year in the United States representing twelve percent of all emergency room visits with staggering medical bills exceeding thirty-four billion dollars every year. With the average payout for a simple slip and fall being \$30,000 to \$50,000, this can have a big impact to budgets as most cases (98%) are settled out of court.

The urgency of condominium Boards and building owners to ensure that robust CCTV equipment covering all key areas of a property cannot be understated.

Countless lawsuits have been unfortunately remedied far too early because of a lack of objective and unequivocal evidence that CCTV cameras generally supply. Also, far too many cases have been negatively affected by the lack of timely notification to an occupier who, when finally served with civil action, try to secure CCTV evidence only to find that the footage had been overrun and permanently lost.

Recent changes to the OLA effective January 29, 2021 are very important to condominium Boards, property managers as well as property owners. **The time limit for notification to an occupier for such tragedies has been narrowed to sixty days.** This assists the industry greatly in that property managers and building owners can secure crucial evidence before it is irrevocably lost. Such incidents on municipal property maintain a ten day notice limitation period.

Most slip and fall incidents are preventable. There is no time like the present to ensure that your CCTV camera equipment covers all areas that may be of concern and that recording devices extend well past ninety days to ensure essential evidence is secured.

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