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## Slip and Fall Injury on Ice and Snow > Ontario Summary Judgment Motion Denied

Our harsh Ontario winters still produce plenty of snow and ice which leads to many slip and fall accidents and injuries. See our Bougadis, Chang blog for the links and details herein - <http://www.bcbarristers.com/en-US/blog.aspx>

If you injure yourself in a slip and fall accident, where you fall is an important issue. If you fall on a City sidewalk, then you must immediately give written notice to the City of the particulars of your fall. It is also best for you to immediately consult with a personal injury lawyer to decide whether to start a lawsuit against the City and others.

If you slip and fall on private property, you may have more time to react than against a City, but you should also speak to a personal injury and insurance lawyer to discuss how you will legally deal with the issue.

In slip and fall cases, there is often a rigorous defence as liability and the issues of causation and negligence are hotly contested.

In [Burlock v. Hamilton \(City\)](#) (2009 Ontario Superior Court of Justice), the plaintiff slipped and fell on ice and water from melting snow on a City of Hamilton sidewalk, in front of a private residence.

The defendant homeowner brought this early summary judgment motion against the plaintiff, hoping to achieve an early end to the plaintiff's lawsuit against the homeowner – the City did not participate in this motion.

The homeowner's defence was that it was snowing at the time of the fall and that there was no negligence attributable to any of the homeowner's actions regarding this fall, as it took place on the City of Hamilton's sidewalk.

As with all summary judgment motions, both sides are expected to put their 'best foot forward' in terms of presenting all relevant evidence for the motions Judge to consider. In this motion, the learned Judge found there to be triable issues for the Trial Judge and denied the motion. This means that the Burlock case can continue through the usual litigation steps towards Trial against both the defendant homeowner and the defendant City.

**The City as a Defendant.** Readers should note that slip and fall cases against a City can be difficult, given the burden of proving negligence in typical snow and ice cases. See our [March 18 blog](#) for one recent example. Another example of a vigorously contested decision resulting in a finding of no negligence against the City is the [Ondrade v. Toronto \(City\)](#) case (2006 Ontario Superior Court of Justice).

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