

Beware of Bears...!



While camping is an outdoor activity enjoyed by those of us who don't need a five star hotel to have fun, campground owners still owe their visitors a duty of care to ensure that they are reasonably safe. The duty of care applies to both the little things that may cause visitors harm, and the big ... including bears.

The Alberta case of *Brodie v. Canada (Attorney General)*, 2010 ABQB 678 serves as a helpful reminder.

In *Brodie*, two men sued Parks Canada after they were attacked by a bear at Lake Louise Campground. The men argued that Parks Canada had breached its duty to ensure that they were reasonably safe.

Thankfully for Parks Canada, it had taken a number of steps prior to the attack to help ensure that its visitors were safe, including:

- Posting a warning at the campsite entrance in large black letters on a yellow background that read: "Caution/Avis Bear in Area- Travel with Caution";
- Warning the men when they arrived that there was a bear in the area and to use the campground with caution;
- Advising the men when they arrived that they were not to keep any food or garbage in their tent and where to store their food and garbage;
- Posting bear warnings on garbage and food bins throughout the campground;
- Increasing park patrols when it learned of the presence of a bear on the campground in the days leading up to the attack; and
- Following its bear management plan, which was endorsed before the Court by two bear management experts as being acceptable.

Given this evidence and other evidence that was led before the Court, the Court found that Parks Canada had discharged its duty to ensure that the men were reasonably safe.

This decision serves as an important reminder that risks need to be managed, even if your business is "out in the wild". Whether liability will be found will also turn on the facts of each particular case. As issues arise, it is therefore important to revisit your management plans and to assess whether what is being done is sufficient to ensure that your visitors are reasonably safe.

This article is for the sole purpose of providing general information. It is not meant to be and does not constitute legal or other professional advice.

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Alexander Holburn is the provider of Legal Services to the members of the BC Lodging and Campgrounds Association. We have specialized rates in place for BCLCA members and would be pleased to assist with your legal needs. We are a full-service law firm based in downtown Vancouver, and our lawyers operate across 22 practice areas. We advise on both commercial and personal legal matters throughout B.C. and beyond.

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