ALEXANDER HOLBURN

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E-NEWSLETTER

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In This Issue:

1. *Evans v. Anderson*, 2023 BCSC143

On November 11, 2017, the Plaintiff attended a dinner party at the Defendants' apartment. During the course of the visit, the Defendants' dog bit the Plaintiff on the forehead and cheek, resulting in two small, faint scars. The Plaintiff sued the Defendants in *scienter*, negligence, and pursuant to the *Occupier's Liability Act*, [RSBC 1996] Chapter 337 (the "*OLA*"). In defence of the claim, the Defendants argued (a) that their dog did not have a propensity to cause injury and that they were not, in any event, aware of such a propensity; (b) that the injury was not reasonably foreseeable; and (c) that they met the standard of care expected of an ordinary, reasonable, and prudent person in the circumstances.

In consideration of the claim in scienter, the Court stated the principle that scienter presumes that domesticated animals are harmless, and liability requires proof that a defendant actually knew - prior to the events underlying a claim - that the animal had a propensity to cause the type of damage alleged. To establish a claim in scienter a plaintiff must prove:

i) that the Defendant was the owner of the dog;

ii) that the dog had manifested a propensity to cause the type of harm occasioned; and

iii) that the owner knew of that propensity.

In the case at hand, while the first part of the test was satisfied, the Court found that the second and third branch were not satisfied. The Court accepted that there was a history of the Defendants' dog nipping at ankles and legs, and of being aggressive towards other dogs. However, this evidence was not sufficient to establish a propensity to cause the type of harm occasioned to the Plaintiff. Although the second part of the test was not satisfied, the Court addressed the third part of the test, namely whether the owner knew of the propensity. The Court considered that the dog had gone through dog training and there was no indication that he required a muzzle. Moreover, the dog's veterinarian had never advised that the dog should be muzzled or kept apart from others. The claim in scienter failed.

The Court then moved on to consider the claims in negligence and pursuant to the *OLA*. The two causes of action were analyzed together, with the Court noting that the duty of care owed by the Defendants was to take reasonable care to see that the Plaintiff, as a guest in their home, would be reasonably safe from injury. The Court further relied on *Agar v. Weber*, 2014 BCCA 297 for the principle that the standard of care under the *OLA,* and at common law for negligence, is the same: "to protect others from an objectively unreasonable risk of harm." Furthermore, whether a risk is reasonable or unreasonable is a question of fact.

In the course of its analysis, the Court reaffirmed that the standard of care is not one of perfection. An occupier is not an insurer against every eventuality that may occur on a premise and it is not necessary that the Defendants remove every possibility of danger.

Predictably, given its decision on the issue of *scienter*, the Court found that the Defendants had acted prudently. From the time of the dog's adoption, he had been under the care of a veterinarian, and had undergone training which addressed, in part, his nipping. After his training, the dog had no subsequent instances of nipping. No one, including lay witnesses who spent time with the dog, suggested that the dog should be muzzled or kept separate.

Ultimately, the Court found that the dog's actions on the night the Plaintiff was injured were out of character, unexpected, and "contrary to his usual habits". Broadly speaking, and applying an objective test of foreseeability, the harm caused was not within the range of likely consequences, in light of the facts of this case.

The Plaintiff's claim was dismissed.

2. *Saloojee v. Gibsons, 2023 BCSC 249*

The Plaintiff, who was 17 at the time of the loss, suffered catastrophic and permanent injuries when he and a friend were pushing on a dead tree in a park located in the Defendant municipality of Gibsons, B.C. Part of the tree broke off and hit the Plaintiff in the back and neck, severing his spine at C-5, and rendering him tetraplegic. The Plaintiff alleged that his injuries were a result of the negligence and breach of duty of the Town of Gibsons. His claims were grounded both in negligence and the *Occupiers Liability Act*, R.S.B.C. 1996, c. 337 (the "*OLA*").

Turning to the issue of liability, the Court re-stated the test to succeed in a negligence action, namely that a plaintiff must show that (a) a defendant owed the plaintiff a duty of care; (b) the defendant's behaviour breached the duty of care; (c) the plaintiff sustained damage; and (d) that the damage was caused, in fact and law, by the defendant's breach.

In considering whether a duty of care exists, the Court cited the Anns/Cooper test, which was noted to apply to municipal entities. The Anns/Cooper test involves two analytical stages. First, a Court is to consider whether there is a prima facie duty of care between the parties. If it is determined that there was a sufficient proximity between the parties to ground a prima facie duty of care, the Court then considers, secondly, whether there are residual policy concerns that should negate the duty of care. In the case where a defendant is a public entity, the duty of care will apply unless there is a valid basis for its exclusion. Immunity of "true" or "core" policy decisions provides such a basis.

The Town raised a core policy immunity defence both to the claims in negligence and under the *OLA*. It asserted that it made a bona fide policy decision with respect to the maintenance, repair, and improvement of recreational trails in the subject park, for budgetary reasons. On this basis, it claimed immunity. The Plaintiff argued that a core policy defence was not available in respect of a claim advanced under the *OLA.* In determining the ability to raise an immunity defence, the Court adopted the reasoning in the Ontario Court of Appeal decision in *Kennedy* v. *Waterloo County Board of Education*, 1999 CanLII 3746 (ONCA), and found that although the duties imposed under the *OLA* were statutory, the Town could indeed raise a core policy defence. The Court made it clear that the issues of the duty of care and standard of care are to be decided separately for the claims advanced under the *OLA*, and on the basis of common law negligence principles.

Turning to the Town's core policy defence, the Court found that the decisions in question in this case were not "core policy decisions". The Plaintiff's claims were related to decisions not to restrict access to areas of the park or to erect warning signs advising park visitors and users of dangers of playing off the maintained trails and of falling branches; and not to the Town policy to only conduct an inspection of maintained trails. The core policy defence was not available.

In considering the applicable standard of care, the Court considered section 3 of the *OLA,* and in particular:

1. Section 3 (1) of the *OLA*, which provides that "an occupier of a premises owes a duty to take care that in all of the circumstances of the case is reasonable to see that a person…on the premises…will be reasonably safe using the premises"; and

2. Sections 3.2 (b) and 3.3 (c) of the *OLA*, which state - in section 3.2, that a person who enters any of the categories of premises described in subsection (3.3) – which includes "recreational trails reasonably marked as recreational trails" (section 3.3 (c)) - is deemed to have willingly assumed all risks and the occupier of those premises is subject only to the duty of care set out in subsection (3) if, in part, "the entry is for the purpose of the recreational activity (section 3.2 (b)) and "the occupier receives no payment or other consideration for the entry or activity of the person…"(section 3.2(b)(i).

The Court noted that the *OLA* does not define "recreational activity", "recreational trails", or "reasonably

marked". The Plaintiff argued that section 3(1) of the *OLA* described the applicable duty of care. The Town argued that the applicable standard of care was set out in section 3(3) of the *OLA*, which as a result, the duty imposed upon it was merely a duty not to act with reckless disregard to the Plaintiff's safety. The Town argued that the presence of crushed gravel and benches along the trail were sufficient to mark it as a "recreational trail." The Court disagreed, providing that crusher dust was insufficient to "reasonably mark" the trail as a recreational trail. Accordingly, the normal standard pertaining to an occupier, under section 3 (1) applied. The Town owed a duty to the Plaintiff to take care that in all of the circumstances was reasonable to see that the Plaintiff would be reasonably safe while using the park on the date of loss.

With the applicable standard of care identified, the Court was left with deciding whether the Town had breached the standard of care. Assisting the Court in this determination were various expert reports opining on forest resource management and the management of wildlife trees, and the process of identifying "dangerous trees" that had potential impact on "targets", which included established trails. After careful consideration of the expert opinions, the Court found that there was no identifiable "target" in or around the area of the loss that required the Town to undertake a danger tree assessment beyond what it had already carried out. Since no danger assessment was required, the standard of care did not require the Town to either restrict access to areas of the park, or post warning signs.

The Town had satisfied its duty to take care that, in all of the circumstances, was reasonable to see that the Plaintiff was reasonably safe while using the park.

In light of its findings on the duty of care, the Court commented only briefly on causation. It opined that, even if the Town had been found to breach its duty of care, the Plaintiff still would have to establish that its negligence caused his injuries. On the evidence before the Court, the Plaintiff had failed to show, on a balance of probabilities, that but for the failure of the Town to either post a warning sign, or restrict access to the area of the forest, he would not have been injured.

The Plaintiff's claims were dismissed.

3. *Chin v. 0880984 B.C. Ltd.*, 2023 BCSC 297

This action arises from a slip and fall that occurred on the premises of the defendant 0880984 B.C. Ltd. (the "Defendant"). The 56-year-old plaintiff, Hedy Chin (the "Plaintiff") had attended at the Defendant premises, an auto repair shop, for vehicle repairs. It was a rainy day. She first attended in the reception area of the premises and was subsequently taken by an employee into the "employee only" shop area to discuss the work that her vehicle required. While leaving the shop area of the garage, and on her way back to the reception area, the Plaintiff fell upon a concrete surface, causing herself injury. The mechanics of her fall, including the cause, were at issue at trial.

As with claims brought pursuant to section 3 (1) of the *Occupiers Liability Act*, R.S.B.C. 1996, c. 337 (the "*OLA*"), the onus was on the Plaintiff to prove, on a balance of probabilities, that the Defendant had breached its duty of care; and to establish that some act or failure on the part of the Defendant resulted in her injury. The Court was not entitled to resort to "speculation" when determining the cause of the Plaintiff's fall and subsequent injury. The Plaintiff was required to prove the nexus between her fall and the Defendant's failure to discharge its duty of care.

Practically, in order to succeed in her claim, the Plaintiff had to first show what hazard or condition caused her slip and fall; and secondly, that the Defendant's breach of its duty of care caused the hazard or condition to be present.

In describing the mechanics of the fall, the Plaintiff noted that she had not observed any wetness on the ground in the area of the loss but had observed fluids on the ground in the area of her vehicle. While in the course of walking towards the reception area, she described "suddenly" falling forward onto the ground, causing her fists, arms, elbows, and knees to impact with the ground. A lay witness provided evidence that he observed the Plaintiff trip over a piece of machinery. Despite this, the Court accepted that it was more likely that the Plaintiff "slipped" rather than "tripped".

With the Court accepting that the Plaintiff "slipped", it then turned to determining the cause of the slip. While the Plaintiff was unable to state definitively what caused her fall, she did provide evidence that after being discharged from the hospital, she observed dirt and grease at the corner of the sole and heel of her shoe. It was the view of the Court that it was open to it to draw an inference as to why the Plaintiff fell, based on her observations, which supported the proposition that there was water, road grime, and vehicle fluids present on the premises floor. Having concluded the Plaintiff slipped due to fluids on the shop floor, it then considered whether the Defendant breached its duty of care owed to the Plaintiff. It ultimately decided that there were three failures on behalf of the Defendant that gave rise to a breach of the standard of care, as follows:

1. The Court held that it would have been reasonable for the Defendant to have a schedule or system of cleaning its shop floor, particularly on rainy days, and particularly if customers were to be allowed into the shop area. However, there was no clear evidence that the Defendant had a reasonable system of cleaning in place that was implemented on the day of the incident.

2. In inviting the Plaintiff into the "employee only" shop area of the premises, the Defendant had a duty to continuously accompany the Plaintiff and to keep her safe, which it failed to do.

3. While it was the typical practice of the Defendant to set up "slippery when wet" signs in the reception area when it was raining, there was no evidence that there were any signs displayed in the shop at the time of the loss. If there had been signs, the Court opined that it would have been a reasonable conclusion that the Plaintiff would have taken greater care for her safety than she did.

The Court found no basis for a finding of contributory negligence against the Plaintiff.

The Defendant was liable for the damages suffered by the Plaintiff, which were to be quantified in a later proceeding.

4. *Pavlovic v. Just George Cleaning and Maintenance Inc.*, 2023 BCCA 219

The Appellant sustained a wrist fracture when she slipped on a City of Vancouver sidewalk located adjacent to premises owned by a strata corporation. The Respondent, Just George Cleaning and Maintenance, provided maintenance service to the strata pursuant to an oral contract. The maintenance included the removal of ice and snow from the City sidewalks adjacent to the property by 10:00 am every day. The Chambers Judge dismissed the Appellant's claim on the basis that the Respondent did not owe a duty of care. The Appellant appealed the decision of the Chambers Judge on the basis that they erred in their proximity analysis.

Of note, the Appellant had initially advanced claims in negligence and occupiers liability against the strata, the strata's management company, the City of Vancouver, and the strata's maintenance and caretaking service provider. The Plaintiff then discontinued her action against all Defendants except for the negligence claim against the Respondent. The Respondent then applied for an Order severing liability from damages, and for judgment by way of summary trial limited to the question of whether it owed the Appellant a duty of care.

In the underlying decision, the Court allowed the Respondent's application and dismissed the action, applying the Anns/Cooper duty of care analysis to conclude that there was insufficient proximity between the Appellant and the Respondent to impose a duty of care. The Judge relied heavily on the decision in *Der v. Zhao*, 2021 BCCA 82, in which the Court of Appeal held that the strata, as the owner of the residential property adjacent to the sidewalk, did not owe a duty of care to sidewalk users to remove snow and ice from the sidewalk. *Der v. Zhao* reaffirmed that the passage of a snow removal bylaw did not shift liability for a lack of snow-clearing efforts from the municipality to the adjacent property owner.

The Appellant submitted to the Court of Appeal that the trial Judge erred (a) in her analysis of the Anns/Cooper test in failing to recognize that a duty of care existed; (b) in finding it unnecessary to consider whether there was a precedent for a duty of care framed in reference to contractual terms; (c) in the characterization of the proximity issue; (d) in the application of proximity considerations that attached to a private homeowner as reviewed in the *Der v. Zhao* decision rather than a professional contractor; and (e) in incorrectly conflating duty and standard of care.

The Court of Appeal affirmed that the lower court Judge's conclusion on the Anns/Cooper analysis was correct, and that the case of *Der v. Zhao* was determinative on the question of proximity. The Chambers Judge was correct in finding that no duty of care existed in the circumstances of this case. It was therefore unnecessary for the Court to address whether there were any residual policy concerns that would negate a finding of prima facie duty of care.

The appeal was dismissed.

5. *Revelstoke (City) v. Gelowitz*, 2023 BCCA 139

The Respondent was rendered a quadriplegic after making a shallow dive into a lake and striking an obstacle in the water. The Respondent had been camping at Williamson Lake Park and Campground, which was owned by the City of Revelstoke. The Park was located on the west side of Williamson Lake. The place from which the Respondent dove was located on the east side of the Lake on undeveloped land owned by a third party. The Respondent had accessed the lake from the City-owned property, via a trial that connected the north end of the lake to the eastern shore. The City did not maintain the trail.

There was no designated swimming area on the Park side of the Lake, and therefore no restrictions on where people could swim. It was within the City's knowledge that Lake users routinely swam across the Lake to the eastern shore to jump back into the Lake from several rocks locally known as "Big Rock" and "Little Rock".

There were no "No Diving" signs posted in the area of the loss. The Respondent executed his shallow dive off of "Big Rock" and was presumed to have struck a tree stump upon his entry into the water.

At trial, the trial Court found that the City owed a prima facie duty of care to the Respondent. As an invitee to facilities owned and controlled by it, the City had a duty to warn of the risks of diving associated with the use of the facility. The City was found liable in negligence and the Respondent contributorily negligent. It apportioned liability 35% to the City and 65% to the Respondent. In doing so, the trial Judge rejected the City's argument that the location of the dive – off of land owned by another party – was relevant to finding that the City owed a duty of care.

In the course of the underlying trial, the City submitted that imposing a duty of care to warn of hazards on property that the City did not own would (a) create indeterminate liability, and (b) would expand the scope of liability faced by property owners for risks they did not create on property owned by others. In rejecting these submissions, the trial Judge stated that the Respondent was not alleging that the City owed him a duty to warn of the specific hazard of diving on the eastern shore, but rather that it had a duty to warn invitees generally of the risk if diving into a lake.

The City appealed the judgment, arguing that the trial Judge erred in (1) finding that the asserted duty of care fell within an existing category of a recognized duty; and alternatively (2) in concluding that a duty of care was established on a full Anns/Cooper analysis.

In considering the City's appeal, the Court noted that the trial Judge had found the duty of care to fall within an analogous category of diving cases, describing the duty as one of owners of waterfront facilities to warn invitees of dangers associated with their use of their facilities including those associated with diving into the water. It was the contention of the City that existing categories of recognized duties were to be construed narrowly. In imposing the duty the lower Court did upon the City, it unjustifiably expanded the pre-existing category of cases. The Court of Appeal deemed the location of the Respondent's dive to be relevant in the question of a duty of care. The diving cases relied upon by the lower Court were distinguishable on the basis that they all involved diving from facilities which the defendants owned, maintained, or controlled. The trial Judge had, therefore, erred in finding that the location of the loss was irrelevant to the establishment of a duty to care. The Court of Appeal, therefore, had to consider the trial Judge's Anns/Cooper analysis.

Turning to stage 1 of the Anns/Cooper analysis of the lower Court, it was accepted that it was reasonably foreseeable that there was risk of injury to Park users from diving into the Lake. The City had, in fact, erected "No Diving" signs in various areas along its controlled shoreline. The City also had a Risk Control Survey undertaken, which put it on notice of the potential for underwater hazards in the Lake. Proximity was established. The Court of Appeal upheld this finding on the basis that (1) the risk of injury from diving into the Lake from the Park foreshore and the known rocky outcroppings on the eastern shore were reasonably foreseeable to the City; (2) there was sufficient proximity between the City and the Respondent further to the City's invitation to access the Lake from the Park; and (3) it was reasonably foreseeable to

the City that failing to warn Park users of the risks associated with diving into the Lake from the Park foreshore and nearby eastern shore could cause harm to those invited to access the Lake from the Park. The Court cautioned, however, that these findings were reached in response to "the unique contextual factors arising from the evidence", which included the distance across the Lake being short; the knowledge that swimmers were known to swim across the Lake and jump from the rocks on the eastern shore; and that a raft located in the middle of the Lake was maintained by the City which facilitated access to the eastern shore.

The Court made it abundantly clear that "there may undoubtedly be other circumstances in which a relationship of proximity will be severed where an individual suffers an injury from a place that is not owned or controlled by the owner of a waterfront facility, not routinely accessed from the facility, or is simply too far away from the facility".

The City had a duty to warn the Respondent, as a Park user, of the known risks of diving in the area of loss. The City was not required to post warning signs on the eastern shore, but only to post visible "No Diving" signs in appropriate locations in the Park that warned of underwater hazards in the Lake.

The Court of Appeal further considered the submission of the City that the trial Judge failed to engage with the second stage of policy considerations, asserting a risk of indeterminate liability on waterfront owners if invitees injure themselves anywhere in the water. Of interest, the Attorney General intervened on the appeal to address this point, submitting that the trial Judge's articulation of the duty of care was too broad to be sustainable. The Court of Appeal rejected this assertion, stating that the specific facts of the case and the careful findings of the trial judge created no risk for indeterminate liability, and provided an easy way to mitigate by simply posting adequate signage on their own property.

Next, the issue of factual causation was considered. The trial Judge had concluded that the failure to post "No Diving" signs was the cause-in-fact of the Respondent's injuries. The trial Judge accepted the evidence of the Respondent that he would not have attempted a shallow dive in the face of signs warning against diving. The Court of Appeal accepted that, on the record, the risks of diving in the area of the loss were not clearly apparent to the Respondent. While the Respondent's own opinion was inherently self-serving and must be approached "with a healthy skepticism" the findings of the trial Judge were made on the evidence as a whole and supported the finding. It was not the role of the Court of Appeal to re-weigh the evidence and there was no palpable or overriding error in the Judge's conclusions.

Finally, legal causation was reviewed. The Court of Appeal found that the findings of the lower court were supported by the evidence and the legal analysis was sound. There was no basis to intervene with the lower Court's findings.

The appeal was dismissed.

6. *Ramos v South Coast British Columbia Transportation Authority*, 2023 BCSC 966

The Plaintiff suffered injuries, including a dislocated shoulder, when he fell on a low concrete ramp, situated 10 cm above the surface of the ground, leading to a maintenance shed in the passenger interchange area at the Port Coquitlam transit station. The Plaintiff advanced claims under the *Occupiers Liability Act* ("*OLA*"), and sought non-pecuniary damages, special damages, and a subrogated health care costs recovery claim.

The Plaintiff alleged that the Defendant knew or ought to have known that the raised edge of the concrete ramp posed a tripping hazard to passengers changing from the West Coast Express train to a connecting bus. He alleged that the Defendant was negligent in failing to abate the hazard by ensuring that the change in ground elevation to the ramp was visible to passengers. The Defendant resisted the allegations by suggesting that the Plaintiff was provided with a safe alternate route along a brick walkway connecting the train platform to the bus loop, and that the Plaintiff assumed the risk of injury by taking a shortcut across a patch of grass and on to the ramp. In the alternative, the Defendant argued that the elevation to the ramp was plainly visible to passengers.

The area of loss was situated between the train platform and the bus stop. Passengers disembarking from trains were directed towards an opening where two card readers were positioned. From this opening, a brick pathway crossed a landscaped space of approximately eight meters to where it met a sidewalk that adjoined the nearest bus loop that ran perpendicular to the pathway. There was grass on each side of the pathway. Near the pathway there was a metal shed. A concrete ramp provided access to the shed from the pathway.

On the date of loss, the Plaintiff had disembarked from a train with the intention of boarding a bus. Once through the card reader area he left the brick pathway and took a direct line to the bus stop. His path took him across the grass. As he crossed through the grass, he tripped over the edge of the concrete ramp. Photographs taken on the date of loss showed uneven lengths of grass flanking the ramp. The low end of the ramp was obscured by grass, and the full height of the ramp was partially obscured by grass.

The Court held that the Defendant's duty under the *OLA* was to take reasonable care to ensure that the premises were safe. What constituted reasonable care would vary on the facts of each case. The duty was premised on three elements:

a) actual or constructive knowledge of the hazard;

b) foreseeability of the consequences of failing to abate the hazard; and

c) the ability to abate the hazard.

The Court found that the Defendant's duty of care was not completely satisfied by providing a paved pathway between the train platform and the bus loop. This paved pathway did not negate the Defendant's duty to ensure that more direct routes to the bus stops were also reasonably safe.

According to the Court, it was foreseeable to the Defendant that some passengers would leave the paved pathway and take a more direct path to their respective bus stops. Moreover, there was no apparent risk to passengers in leaving the paved pathway to take a more direct path to their bus stops. The grass areas on either side of the pathway were level, dry, and maintained.

The combination of a raised edge of a ramp and the uneven grass height created a trip and fall hazard upon the property, which may not have been readily detectable during normal walking.

The Defendant breached its duty of care and was liable to the Plaintiff for his injuries. It knew, or ought to have known, of the tripping hazard in this case. Moreover, it was foreseeable that passengers would leave the brick pathway to take a more direct route to the bus stops. The risk of injury was reasonably foreseeable.

The Defendant contended that the Plaintiff was contributorily liable for his loss. The Court disagreed. Of note, the Court opined that "one could not reasonably expect (the Plaintiff) while navigating his way through a busy transit station, to be looking at his feet. Rather, one would expect him to be maintaining awareness … of the bus traffic and other pedestrians around him". Additionally, the Court noted that a finding of contributory negligence required proof of foreseeability of harm to oneself. It found that the plaintiff could not foresee harm that was not readily visible.

Turning to damages, on the basis of a right anterior-inferior shoulder dislocation with a very small bony Bankart fragment fracture that was conservatively treated, ongoing right shoulder pain complaints, and right knee complaints, the Plaintiff was awarded general damages in the amount of $38,000. Additionally, $5,822.03 was allowed for out-of-pocket special damages, and $1,664.29 was awarded for the claim of the Ministry of Health. Costs were awarded at scale B.

Q2 Occupiers' Risk Management Tip

As an occupier, you may be faced with the unfortunate occurrence of an individual falling on your property. The steps that you take following an incident on your property will directly impact the ability of either your insurer, or counsel, to defend an occupiers' liability claim.

In the event that someone slips, trips, or falls on your property, an occupier should:

1. Provide immediate assistance to the injured person, including calling an ambulance if necessary.

2. Record the name of the injured person, their contact details, information pertaining to the injuries that they allege to have sustained, and any information they may offer on how the loss occurred. This information should be recorded, if possible, in a verbatim manner.

3. Record the names and contact information of any witnesses, including a description of how the loss occurred.

4. The loss area should be thoroughly inspected and documented with photographic evidence immediately following the loss. This includes documenting any alleged hazard that caused or contributed to the loss.

5. Complete a formal Incident Report which should include, at a minimum, the date and time of the incident, the date and time the incident was reported, the weather conditions, the specific location of the loss, the name of the individual completing the form along with their title and contact information, names and contact information of any witnesses, a description of the incident by the person completing the form, a description of the incident from the injured person or witness, a description of any injuries and assistance provided, whether an ambulance was called, a description of any corrective action taken, and the signature of the individual completing the report. The report should also indicate whether an ambulance was called to the scene. Whether photos of the loss area were taken, if the loss was captured by CCTV footage, and whether said CCTV footage was preserved.

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Patrick Bruce is a Partner in the firm's Insurance group. His practice is primarily litigation-based with an emphasis on insurance defence, insurance coverage and alternative dispute resolution. Patrick has experience with technically complex, multi-party personal injury, casualty, and liability claims. He has acted for large global insurers and their insureds across a wide range of industries, including complex personal injury claims, subrogated matters, property damage, construction claims, and other matters. In his capacity as counsel, Patrick's approach is to focus on first understanding his client's unique objectives before recommending a course of action to resolve claims efficiently and creatively. He works closely with his clients throughout the process and is committed to providing a high level of service on all matters.

ABOUT ALEXANDER HOLBURN BEAUDIN + LANG LLP

Alexander Holburn is a leading full-service, Canadian law firm with offices in Vancouver, British Columbia and Toronto, Ontario. We have operated in British Columbia for 50 years and opened our Ontario office in 2019. With over 100 lawyers, we provide a full spectrum of litigation, insurance, business, and personal law services for clients based in Canada, the United States, and Europe.

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