

# NEW SLIP AND FALL LAW IN ONTARIO: TIMING IS EVERYTHING

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Imagine having a serious injury because of someone else's negligence and not being able to sue because you didn't report the injury quickly enough. Imagine losing income and having rehab expenses and no way to recover those losses even though you did nothing wrong and somebody else did.

Unfortunately, that's a potential reality for people who are injured in Ontario as a result of slip (or trip) and fall accident. I've been a personal injury lawyer in Ontario for over 15 years. I consistently get calls from people who have been injured as a result of slip and falls. Falls typically result from ice, spilled liquids and uneven surfaces. Most commonly, these injuries are fractured ankles, fractured wrists and concussions. In some cases, they are life-changing injuries.

The first question I ask people is this: "Where did you fall?" The answer is very important. Whether you fell on private or public property determines which laws apply to your case and impacts how quickly you need to act.

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For a fall on public property such as a municipal or city sidewalk or roadway, the *Municipal Act* requires that you give notice of the fall to the municipality within 10 days of the fall occurring. The information that must be contained in the notice is very specific, as

is the manner in which the notice must be provided and to whom. Failing to provide the correct information to the correct person within **10 days** can result in you not being able to bring a personal injury claim.

For a fall on private property such as a mall parking lot or a grocery store, the *Occupiers' Liability Act* applies. It did not previously have a notice requirement but that has changed. Now, if you fall on private property you must give written notice within 60 days of the fall. Again, the notice requirements are very specific as is the manner of service and to whom notice must be given. Failing to comply may prevent you from bringing a personal injury claim.

If you are injured from a fall, don't be shy about calling a lawyer. It should not cost you anything and the lawyer will give you important information so that you can guard against these tight notice periods from expiring on you. And given how short these timelines are, don't wait - timing is everything!



Matthew K. Dale  
*Partner*

519-640-6323  
mdale@lerner.ca

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