

Dam Public Safety - Liability

Occupiers Liability Act

Negligence

Strict Liability

Occupier's Liability

- Urban vs. Rural
- Trespasser vs. visitor
- Child vs. Adult

Occupier's Liability Act

- Lower duty of care owed to adult trespasser
- Reasonable Care owed to visitor
- Occupier must take reasonable steps to ensure reasonable safety of child trespasser
- Defenses

Occupier's Liability

Is your property rural or urban?

- Is the dam within urban boundaries?
- Is the Dam within a public park or recreation areas?

Occupier's Liability

Visitor or trespasser?

- Would people know not to go there?
 - Signs
 - Fences
 - Lighting

Occupier's Liability

What would kids do?

- Do you have something that would entice children?
- How old are the children?

Negligence

To be Liable in Negligence:

- Owe a Duty of Care
- Breach the Standard of Care
- Defendant's negligence caused plaintiff's injury
- Reasonably foreseeable

Negligence - Duty of Care

- You owe a duty of care to persons who are so *closely* and *directly* affected by your act that you ought reasonably to have them in contemplation as being so affected when you are directing your mind to the acts or omission which are called in question.

Negligence - Standard of Care

- Objective Standard
- A statutory breach will be considered as evidence of a breach of the standard of care

Strict Liability

- *Ryans v. Fletcher*
- You will be liable if:
 1. If you collect something on your property, and if it escapes it is likely to do mischief
 2. It escapes and causes damage
 3. It's not natural