

## SLIP, TRIP AND FALL FROM INSURANCE BUREAU OF CANADA

***As a homeowner or tenant, you may be held liable for slips, trips and falls on your owned or rented property. Know what hazards to look out for, and understand your legal liability and what to do if someone is injured.***

As a homeowner, you're responsible for keeping your property and areas such as stairs, walkways and driveways reasonably safe for people who use them. Before a courier, babysitter, delivery person or repair technician visits, be on the lookout for common hazards such as:

- Ice and snow – use salt, shovel and/or sand to keep walking surfaces clear within bylaw timeframes
- Unexpected elevation changes, surface cracks or gaps – fix issues within your property line and/or report issues on municipally-owned property such as uneven sidewalks
- Slippery surfaces such as wet floors or tile flooring – put down a non-slip covering
- Missing or loose handrails on stairs – arrange repairs
- Debris such as slippery and wet fall leaves – keep walking paths clear
- Lighting – ensure all areas are adequately lit

### YOUR LEGAL LIABILITY

You may be held liable for slips, trips and falls if you don't provide a reasonable standard of care in keeping your property free from hazards. If you are hosting a yard or garage sale, consider what you can do to prevent the potential for harm.

As a tenant, liability may be shared with your landlord. Who is held liable depends on the circumstances of the loss. The following criteria are considered:

- Was the danger foreseeable?
- Was the homeowner's conduct in accordance with acceptable standards of practice?
- Did the danger exist for an unreasonable amount of time?
- How easily could the danger have been prevented?

The best way to avoid liability is to prevent losses from occurring in the first place. Be diligent in keeping your property free of hazards. Regular maintenance is one of the most effective ways to defend yourself against a claim or lawsuit should one occur.

In the case of a shared space when you are a tenant, ensure your lease agreement clearly states your responsibilities.



### WHAT TO DO IF SOMEONE SLIPS, TRIPS OR FALLS

1. Assist the injured person in finding medical treatment. Call an ambulance if necessary.
2. Record the names and contact information of any witnesses. Obtain and record detailed descriptions of the incident from the victim and witnesses.
3. Refer any discussions with the claimant to your insurer. **NEVER ADMIT LIABILITY!**
4. Take pictures of the area where the incident occurred. If possible, photograph the footwear that the injured person was wearing.
5. Document the incident. This may help to establish a defense for a claim presented at a later date and help your insurer analyze the cause of the incident.
6. Report the incident to your insurer. Provide them with:
  - a. Details of the incident
  - b. Information about what you did to avoid the incident.
7. Investigate potential causes and take steps to prevent and/or respond better to similar incidents in the future.