

CASE NO.**VOL. NO.****PAGE**EMPIRE COMPANY LIMITED
and SOBEYS INC.

- and -

THORA MARCHE

(Appellants)

(Respondent)

CA164671

Halifax, N.S.

Oland, J.A.

[Cite as: Marche v. Empire Company Ltd. , 2001 NSCA 59]

APPEAL HEARD: February 2, 2001**JUDGMENT DELIVERED:** April 6, 2001**SUBJECT:** Occupier's Liability. Standard of Care.

SUMMARY: Respondent injured herself after slipping on a grape on the floor of a supermarket. Trial judge found that the appellants had not used reasonable care to prevent injury from an unusual danger. Appellants argued that the judge had set the standard of care beyond reasonableness to one of perfection and also submitted that he had misapprehended evidence.

RESULT: Appeal dismissed. Trial judge had instructed himself as to the proper standard of care and did not effectively impose a standard of perfection. There was evidence on which he could base his findings that the appellants' actions were not proportionate to the risk and fell below the reasonableness standard. Failure to specify exactly what would have met that standard did not constitute error. No misapprehension of the evidence or any palpable and overriding error which affected his assessment which justified intervention.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists 14 of pages.