

SUPREME COURT OF NOVA SCOTIA

Citation: Hill v. Cobequid Housing Authority, 2010 NSSC 294

Date: 20100726

Docket: Tru No. 259625

Registry: Truro

Between:

James Hill, of RR#1, Noel, in the County of Hants,
Province of Nova Scotia

Plaintiff

v.

Cobequid Housing Authority and
Nova Scotia Housing Development Corporation

Defendant

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Judge: The Honourable Justice A. David MacAdam

Heard: May 17 and 18, 2010, in Truro, Nova Scotia

Subject: Personal injury; *Occupiers' Liability Act*, S.N.S. 1996, c. 27;
occupiers' duty to maintain premises

Summary: The plaintiff slipped and fell in the parking lot of a seniors' residential apartment building owned by the defendant housing authority, where he was visiting his mother. While the plaintiff's evidence was that the parking lot was covered with ice, there was evidence that it was largely clear and that salt and sand had been put down in it, in accordance with the defendant's procedures. The plaintiff injured his left shoulder and left hip in the fall. He had a prior injury to his right shoulder.

Issue: Were the defendants liable for the plaintiff's injuries? If so, what was the measure of damages?

Result:

In view of the system put in place by the defendants, and the lack of evidence that it was not followed on the day of the fall, the plaintiff did not establish that there had been a breach of the defendant's duty under s. 4(1) of the *Occupiers' Liability Act*. Despite the failure to establish liability, the court provisionally assessed damages.

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