

# Slippery conditions

RIGHT SIDE OF THE LAW

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**T**his winter has seen way more snow and freezing rain than last year. As a result we have seen a rise in slip and fall accidents.

There are a few things people need to remember during this time. People assume that they have to be careful when driving their vehicle, but equal attention and care needs to be paid when walking. The court will hold you partially responsible for your fall if you are not keeping a proper lookout.

For example, if you are running to catch the bus when it's slippery out

and you fall, it will be partially your fault. You have a duty to proceed with caution and be mindful of conditions.

Another way you will be found partially at fault is if you aren't wearing proper footwear. I love my high heels, but in the winter heels with slippery bottoms are not deemed reasonable by the courts. Wear shoes or boots with proper tread - I assure you one of the first questions always asked by opposing counsel is what kind of shoes were you wearing.

The most important thing to remember is to take pictures of the area where you took your spill. If the area where you fell was particularly icy and had not been attended to with salt or sand, take a picture. This will help when you are attempting a claim.

A slip and fall can only be successful if the owner of the property was negligent in

maintaining their property. A picture illustrating the poor conditions is priceless.

One more important note, any city claims must be put on notice immediately. Do not delay. If you have a viable claim, call a lawyer or report the claim to the correct municipality within days of the fall. This will protect your limitation period.

If you are in doubt whether your fall is your fault, contact a lawyer immediately to get an opinion. During these icy times proceed with caution, wear good shoes and keep a eye out for potential dangers. Let's all get through this winter in one piece. ■

*Sandra Zisckind provides an educational article for viewing, it should not be construed as legal advice. If you need Legal advice, please contact a lawyer or Sandra Zisckind at 416 850 PAIN*



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