

Legislative  
Assembly  
of Ontario



Assemblée  
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1ST SESSION, 42ND LEGISLATURE, ONTARIO  
68 ELIZABETH II, 2019

# Bill 118

## An Act to amend the Occupiers' Liability Act

**Mr. N. Miller**

**Private Member's Bill**

1st Reading      May 27, 2019

2nd Reading

3rd Reading

Royal Assent



## An Act to amend the Occupiers' Liability Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### **1 The *Occupiers' Liability Act* is amended by adding the following section:**

#### **Limitation period - injury from snow, ice**

**6.1** (1) No action shall be brought for the recovery of damages for personal injury caused by snow or ice against a person or persons listed in subsection (2) unless, within 10 days after the occurrence of the injury, written notice of the claim, including the date, time and location of the occurrence, has been served on one or more of the persons listed in subsection (2).

#### **Same**

(2) The persons referred to in subsection (1) are the following:

1. An occupier.
2. An independent contractor employed by the occupier.
3. In the case of a tenancy described in subsection 8 (1), a landlord.

#### **Exception**

(3) Failure to give notice is not a bar to the action in the case of the death of the injured person as a result of the injury.

#### **Same**

(4) Failure to give notice or insufficiency of the notice is not a bar to the action if a judge finds that there is reasonable excuse for the want or the insufficiency of the notice and that the defendant is not prejudiced in its defence.

#### **Commencement**

**2 This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.**

#### **Short title**

**3 The short title of this Act is the *Occupiers' Liability Amendment Act, 2019*.**

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### EXPLANATORY NOTE

The Bill amends the *Occupiers' Liability Act* to provide that no action shall be brought for the recovery of damages for personal injury caused by snow or ice against an occupier, an independent contractor employed by the occupier or, in the case of a tenancy described in subsection 8 (1) of the Act, a landlord, unless, within 10 days after the occurrence of the injury, written notice of the claim and of the injury are served. The Bill also sets out exceptions to this rule.