

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO  
69 ELIZABETH II, 2020

# Bill 118

## An Act to amend the Occupiers' Liability Act

**Mr. N. Miller**

### Private Member's Bill

1st Reading      May 27, 2019

2nd Reading     June 6, 2019

3rd Reading

Royal Assent

*(Reprinted as amended by the Standing Committee on Regulations and Private Bills  
and as reported to the Legislative Assembly November 16, 2020)*

*(The provisions in this Bill will be renumbered after 3rd Reading)*



This reprint of the Bill is marked to indicate the changes that were made in Committee.

The changes are indicated by underlines for new text and a ~~striethrough~~ for deleted text.

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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, or an independent contractor employed by the occupier to remove snow or ice, ~~in the case of a tenancy described in subsection 8 (1) of the Act, a landlord,~~ unless, within 1060 days after the occurrence of the injury, written notice of the claim ~~and of the injury are~~is served. The Bill also sets out exceptions to this rule.

## 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.~~

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

#### Notice 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 60 days after the occurrence of the injury, written notice of the claim, including the date, time and location of the occurrence, has been personally served on or sent by registered mail to at least one person 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 to remove snow or ice on the premises during the relevant period in which the injury occurred.

#### Copy of notice

(3) An occupier that receives notice under subsection (1) shall personally serve a copy of the notice on, or send the notice by registered mail to,

- (a) any occupiers of the premises during the relevant period in which the injury occurred; and
- (b) any independent contractor employed by the occupier to remove snow or ice on the premises during the relevant period in which the injury occurred.

**Same**

(4) An independent contractor employed by an occupier to remove snow or ice on the premises that receives a notice under subsection (1) shall personally serve a copy of the notice on, or send the notice by registered mail to, the occupier that employed the independent contractor.

**Exception**

(5) Failure to give notice in accordance with subsection (1) is not a bar to the action in the case of the death of the injured person as a result of the injury.

**Same**

(6) Failure to give notice in accordance with subsection (1) 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.

**Notice effective against all persons**

(7) For greater certainty, the limitation on bringing actions after the 60-day period set out in subsection (1) no longer applies if notice is provided in accordance with that subsection to any person listed in subsection (2), even if the action is to be brought against a person that did not originally receive the notice.

**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, 2020*.**