

Legislative
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Bill 118

(Chapter 33 of the Statutes of Ontario, 2020)

An Act to amend the Occupiers' Liability Act

Mr. N. Miller

1st Reading	May 27, 2019
2nd Reading	June 6, 2019
3rd Reading	December 3, 2020
Royal Assent	December 8, 2020



EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 118 and does not form part of the law.
Bill 118 has been enacted as Chapter 33 of the Statutes of Ontario, 2020.*

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, unless, within 60 days after the occurrence of the injury, written notice of the claim 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:

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*.