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**ANNOTATED BRITISH COLUMBIA  
OCCUPIERS LIABILITY ACT**

**Eric Wagner**

**Release No. 54, May 2020**

This handy research tool contains a number of features to help you work with the Act more effectively. Inside you will find: the annotated Act; Table of Concordance — for the *Occupiers Liability Act*, R.S.B.C. 1979, c. 303, and R.S.B.C. 1996, c. 337, with amendments listed for quick reference; Annotations; Synopses; Appendices which contain other related Acts and valuable guides; Checklists; and a Table of Cases.

**What's New in this Update:**

This release includes annotations to the Annotated *Occupiers Liability Act* and an updated Incident/Issue Index.

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## Highlights:

- The BCCRT is flooded with claims regarding dogs. Each of these notes that a pet owner may be liable for their pet's action pursuant to occupier's liability, the doctrine of scienter, and negligence. The vast majority of such claims are dismissed. The requirements of the Act are seldom met. Only noteworthy "dog decisions" are digested in this work, since the reasons are usually quite formulaic in dismissing the claim for failure to prove what must be proven.
- The reasons in *Gill v. Wang*, 2019 BCSC 2319 (regarding an assault and battery claim) are a reminder to plaintiffs to consider claiming pursuant to more than just the Act. Similarly, defendants should be prepared to defend on multiple fronts, since arguments in the alternative are quite predictable.
- The reasons in *Goddard v Bayside Property Services Ltd.*, 2019 BCCA 148, confirm that it is not necessary to lead direct evidence of causation. It is open to a trial judge to draw a reasonable inference of causation by considering all of the evidence, the absence of evidence, and in light of "human experience and common sense."
- The decision in *Janus v. The Central Park Citizen Society*, 2019 BCCA 173, is an illustration of the unfortunate result that can follow if a person does not follow the proper procedure. In that matter, the plaintiff was left without a remedy. It should be used as an illustration of the need to obtain good legal advice as early as possible.
- The previously digested decision in *Apps v. Grouse Mountain Resorts Ltd.*, 2019 BCSC 855, has been overturned on appeal. The Court of Appeal's reasons (2020 BCCA 78) are a "must read" for anyone who is dealing with a warning sign and/or a waiver of liability.