

Defences against Negligence

When you are being sued for negligence the plaintiff must prove

- a) you owed a duty of care
- b) you breached the standard of care
- c) you caused the injury



Defences against Negligence

In your defence you can also try to prove that the plaintiff contributed to the cause of the injury, knowingly accepted the risk, or waited too long to sue.



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Contributory Negligence

- The plaintiff contributed to their injury by “unreasonable” conduct
- This is only a partial defence
- eg. A skier stops in the middle of a run and someone else smokes them.



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Voluntary Assumption of Risk

- Plaintiff knowingly assumed potential risk associated with a particular activity
- This can be a full defence
- Usually People are asked to sign a waiver
- Not all waivers stand up in court



Defences against Negligence

Other Defences

Inevitable Accident:
something that the
defendant had no
control over

- A bee stings you while driving and you crash
- ICBC Case

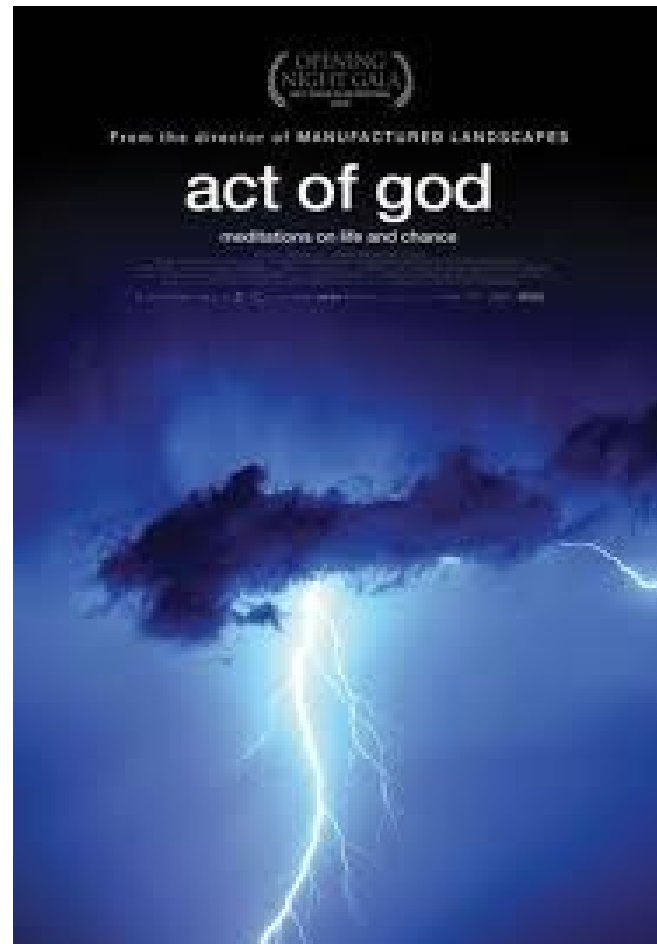


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Other Defences

Act of God

- A natural event that is both extraordinary and unexpected
- A tornado blows your car into someone else



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Valid Explanation

- An accident occurred despite taking every reasonable precaution

“Driving slowly you hit black ice and still crash”



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Other Defences

Statute of Limitations

- Suits must be filed within a “reasonable” amount of time

