

Occupiers' Liability

Date: Monday, September 28, 2015 | 9:00 am – 12:15 pm

Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Program Chairs: **Amanda J.H. McBride**, McBride & Shields Professional Corporation
Andrew Ottaway, Gilbertson Davis LLP



Live Webcast

This program contains 0 Professionalism Hours
This program is eligible for up to 3.25 Substantive Hours

Join us for a discussion of recent occupiers' liability trends and the latest case law by a panel of experienced insurance law practitioners, ensuring that you are fully versed on the most critical developments in occupiers' liability. Hear about the interplay of the *Occupiers' Liability Act* with legislation that applies to workplace safety and recreational vehicles, gain practical insight into evidentiary issues and the standard of care, and get the plaintiff's perspective on laying the groundwork before commencing a claim. Register now for this essential update.

8:30 am Registration and Coffee

9:00 am Welcome and Opening Remarks from the Program Chairs

9:05 am **Public Access to Private Lands: *The Motorized Snow Vehicles Act* and the *Occupiers' Liability Act***

Paul F. Famula, Crawford and Company (Canada) Inc.

Ontario has an extensive network of trails over both Crown land and private property that are accessed by recreational users each year resulting in some unique challenges when occupiers' liability claims arise. Learn about the applicable standard of care and the proposed legislative amendments that will impact these types of claims.

9:25 am **Occupiers' Liability Claims in the Workplace**

Millie Katyal, Gorbet & Associates

Examining the interplay between the *Occupational Health and Safety Act* and the *Occupiers' Liability Act*.

9:45 am **Case Law Update**

Stephen W. Sargent, Toronto Transit Commission - Legal Dept

Assessing the impact of the latest cases, including a discussion by TTC counsel of *Nandlal v. Toronto Transit Commission*.

10:15 am Networking Break

10:30 am **"Duty to Defend" Applications**

Jason Mangano, Blaney McMurtry LLP

Recent case law has identified several factors to be considered in determining when an insurer has a duty to defend. Enhance your understanding of the issues from both the insurer's and the insured's perspective, what happens when an insurer denies a defence, and the potential impact on allocation of defence costs if all the claims are not covered by the policy.

11:05 am **The Plaintiff's Perspective: What to Consider Before Commencing a Claim**

Ryan A. Murray, Oatley, Vigmond Personal Injury Lawyers LLP (Barrie)

Properly investigating and preparing a claim before launching an action will minimize surprises and ensure a quicker resolution. Gain insight from experienced counsel on practical considerations including:

- Identifying the proper defendants
- Ensuring that evidence is collected quickly and properly
- Assessing the need for experts

11:30 am **Evidentiary Issues: Proving the Standard of Care**

Kate E. Mazzucco, McLeish Orlando LLP

What do you do when the defendant's position is that "there are no standards"?

Identify the evidence required to prove that the defendants did not meet their duties and get practical advice on the doctrine of spoliation and post remedial measures.

12:00 pm Q&A and Closing Remarks

12:15 pm Program Concludes

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd

Questions? pd@oba.org