



Claim Case Studies & Legislation: Arena Figure Skating Accident

Facts

A 12 year old girl was at the local municipally owned and operated community centre. She was a member of the figure skating club and was participating in a class session which was supervised by coaches retained by the club. During the lesson, the girl's toe pick caught a depression in the ice which was in the area of a goal post hole, causing her to fall on the ice and fracture her hip.

Issue

Is the Municipality liable for any portion of the girl's damages?

Legislation

The standard of care that is imposed on a municipality is governed by statutory legislation (Occupier's Act) and/or the common law, which requires a municipality to see that a person will be reasonably safe in using the premises.

Findings

The judge was of the view that the Municipality arena staff should have inspected the area of the four goal posts after the ice was resurfaced. He found that the Municipality failed to implement an appropriate system of inspection; failed

to provide adequate time between ice hockey and figure skating to allow for walk-on inspections; failed to require staff to conduct walk-on inspections; and failed to meet its obligation to warn the club of potential hazards with respect to the goal post areas.

The Court's Ruling

The Municipality failed to meet its obligations under the *Occupiers Liability Act* to ensure that the ice surface was reasonably safe for its intended purpose.

The damages amounted to over \$600,000, which was predetermined and agreed upon prior to trial. Only the apportionment of liability was decided by the Court. The Municipality was found 75% liable, with the remaining liability apportioned between the figure skating club and the professional coaches, 15% and 10% respectively.

Lessons Learned

This claim illustrates the need for and the importance of implementing risk management policies and procedures as they relate to the maintenance and operation of your municipal facilities.

These risk management procedures should include:

1. A formal system of inspection including the completion of checklists that identify all relevant items to inspect by the appropriate staff person. All actions taken as a result of such inspections should also be documented and logged.
2. Immediate action should be taken in the event of a noted maintenance problem or identified hazard. If the hazard or condition cannot be immediately corrected or removed, it should at least be marked to warn others of its existence.
3. Educate and communicate policies and procedures to staff (full and part time) as it involves them individually. Stress the importance of staff's compliance in this process. Document all provided internal memorandums, communications and training sessions.
4. Continuous monitoring and reviewing of policies and procedures to ensure they meet and reflect current legislation, court rulings, and available municipal resources to readily achieve the standards that are being created.

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