

Slip and Fall? Notify City Immediately to Protect Your Right to Sue

The Issue

- In Ontario, if you slip and fall on municipal property (i.e. a city sidewalk), you have 10 days to notify the City of your accident
- The rationale behind this is to allow a city to investigate your claims in a timely manner – i.e. if you slip and ice; if you trip and fall on an uneven / cracked sidewalk, etc.
- Is waiting 12 months to notify the city of your slip and fall too late? Can you lawsuit still proceed against the city despite the late notice?

Why This Matters

- If you're not a lawyer, how would you know about this 10 day notice period?
- If you're hurt and in the hospital, how would you learn about this notice period within 10 days?
- What if you only find out about this notice period when you finally recover enough to return back to your daily activities and go find and visit a lawyer?

The Details

In the Ontario Superior Court of Justice case of [Grant v. The Corporation of the City of Kingston and, 2013 ONSC 4689 \(CanLII\)](#), the plaintiff waited 12 months before giving the City of Kingston with notice of her slip and fall on a city sidewalk.

So the City brought a very early motion in the lawsuit to ‘dismiss’ or put an end to the lawsuit, primarily based on this very late notice – i.e. instead of notifying within 10 days of the accident, the plaintiff waited one year.

This case deals with whether the City could win this very early motion – called a summary judgment motion – and defeat the plaintiff’s lawsuit in its infancy.

The City of Kingston lost its summary judgment motion and then appealed that decision, to the above ruling by Mr. Justice J. M. Johnston.

Fortunately for the plaintiff, she was able to overcome these motions, which means she is allowed to proceed with her lawsuit. The City still may defend the lawsuit vigorously at every stage, but the plaintiff has a chance to move forward and seek damages for her injuries and loss.

Lawyers practicing in this area will note that the City did not present sufficient evidence of prejudice suffered by the City, due to the late notice given, to allow the motion judge to make a final determination at the summary judgment motion.

Conclusion:

If you’re injured, call a lawyer to review your circumstances as early as practically possible.

For more background information, see our previous blogs on this topic:

- [**Hurt? Notify The City Of Your Injury Claim Immediately... Or Risk the Loss of Your Right to Sue**](#)
- [**Poorly Maintained Road Caused Your Car Accident? Notify the City Immediately...To Protect Your Right to Sue**](#)
- [**Slip and Fall on Ice > 5 Months to Notify City is Reasonable**](#)
- [**Slip and Fall Injury on Ice and Snow > Ontario Summary Judgment Motion Denied**](#)
- [**Slip and Fall on City Property – Act Quickly if You Are Hurt**](#)

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