

Occupiers' Liability Act: Litigation and Coverage Insights

Insurance Law



Webcast

Date: Tuesday, September 21, 2021 | 12:00 pm to 2:00 pm

Location: Webinar Only

Agenda: 12:00 pm Program Commences
2:00 pm Program Concludes



Substantive Hours: This program contains up to 2h 00m of Substantive content.

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Join our panel of knowledgeable faculty in this two-hour webinar dedicated to litigation and coverage issues in the context of winter maintenance and other *Occupiers' Liability Act* claims. Consider the implications of the recently implemented 60-day notice provision for snow and ice injury claims under section 6.1 of the *Occupiers' Liability Act* from plaintiff, defence and municipal perspectives. Learn about how the courts are addressing coverage disputes between insurers and the practical aspects of handling these matters. Get updated on recent summary judgment and other notable decisions dealing with *Occupiers' Liability Act* issues.

Program Chairs: **Christine Galea**, Dolden Wallace Folick LLP
Marcus Knapp, Ricketts Harris LLP

12:00 pm Welcome and Opening Remarks

- Allocation of Defence Costs
- Concurrent Insurance Coverage

12:05 pm **60-Day Notice Provision for Winter Maintenance**

Claims

Moderator: Christine Galea

Dennis Ong, Aviva Canada Inc.

Scott Hamilton, Loopstra Nixon LLP

Jasmine Daya, Jasmine Daya & Co.

- History and purpose of the new provision
- Content and service of the 60-day notice
- Exceptions to the notice requirement: "reasonable excuse" and "not prejudiced"
- Impact and implications of the new provision on winter maintenance claims

1:25 pm **Break**

1:30 pm **Case Law Update**

Michael Kealy, Moodie Mair Walker Lawyers

- Summary Judgment and other decisions involving *Occupiers' Liability Act* claims, including:
 - *Hosseinkhani v. QK Fitness Inc.*, 2019 ONSC 70; and
 - *Ali v. Smart REIT*, 2019 ONSC 2824

1:50 pm Questions and Concluding Remarks

12:45 pm **Coverage Issues**

Moderator: Marcus Knapp

Mark Barrett, Dolden Wallace Folick LLP

Jason Mangano, Blaney McMurtry LLP

- Additional Insured provisions
- Duty to Defend arising out of the "Named Insured's" operations

2:00 pm Program Concludes

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Questions? pd@oba.org