

PUBLICATION

Considerations after you've slipped and injured yourself

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With the recent run of poor weather in Alberta, we have seen an increase in slip and fall accidents. Having experience with this type of injury claim, we offer some practical considerations should you ever fall in a parking lot or on a privately owned sidewalk or walkway.

The first question we usually get asked by an investigating party is what the injured person slipped on. It is not unusual for an injured person to be focused on their injury but from a legal perspective, we need to understand the root cause of that injury. Determining *what* you actually slipped on is a critical consideration in determining legal liability.

In a recent court decision, *Reichert v Home Depot Canada Inc.*, the injured plaintiff gave evidence that he slipped and fell on a half inch of accumulated snow that was covering the entire Home Depot parking lot. The snow had fallen and accumulated in the hours immediately preceding the plaintiff's fall. There was no evidence that there was ice accumulation under the snow and only trace amounts of snow had fallen in the weeks preceding the plaintiff's fall. The temperature during those days ranged from approximately 3 to 15 degrees Celsius.

The contractor engaged by Home Depot to provide snow removal services gave evidence that the parking lot was in "good condition" three days before the injured plaintiff slipped and fell. The contractor agreed that "good condition" meant that the parking lot was safe and free from slipping hazards.

The plaintiff's case was ultimately dismissed by the court. The court accepted the plaintiff's recollection that there was only a half inch of accumulated snow and that it was indeed snow that he slipped on. The court accepted that the contractor was only obliged to plow after 2" of snow accumulated, pursuant to its contract with Home Depot and general industry standards for commercial snow removal in parking lots.

Often, after a fall an injured person will rightly be focused on getting to medical care centre or home. It is understandably, not going to be the natural instinct to examine your physical surroundings. However, if you a family member or friend could visit the site as soon as possible after your accident, it is very helpful to gather the following information:

1. The name and contact information of anyone who witnessed your fall and any first emergency responders.
2. Photographs of the area you slipped and fell.

3. If possible, measure the size of the ice patch or other hazard, and include the measurement tool in the photographs.
4. Photographs of the clothing and footwear you wore at the time of the fall (if possible, preserve that clothing and footwear for later inspection).

If you have been involved in a slip and fall accident, you can contact any of our Personal Injury lawyers. We offer a free initial consultation and we'll give you an honest assessment of your claim and talk about the best approach.