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REMEDIES IN TORT

Klar

Release No. 4, April 2024

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This five-volume national work provides thorough coverage of the law relating to recovery in tort actions in Canada. The first three volumes focus on specific torts while the fourth volume covers substantive and procedural issues common to all tort litigation. The first volume also includes the Master Table of Contents. The final volume includes a Table of Cases, and a comprehensive index.

What's New in This Release

This release features updates to Chapters 6, 16, 20, 27, 30, and 32.

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Highlights

Negligence (General) — Standard of Care -- Social Importance — Plaintiff suffered a dislocated shoulder after being subject to a side-tackle by defendant in soccer game; side-tackles not prohibited by rules of game however trial judge determines defendant breached standard of care because particular side-tackle dangerous, reckless and subject to sanction by referee; defendant had used both feet to slide into plaintiff from behind when there was no possibility of defendant making contact with ball; additionally, injury in this game beyond acceptable risk that plaintiff assumed to accept; upheld on appeal. *Cox v. Miller*, 2024 CarswellBC 7, 2024 BCCA 3.

Developing Torts — Misfeasance in Public Office — Elements of Cause of Action — Representative plaintiffs brought misfeasance claims against various government bodies in respect of their failure to respond to indigenous protests in Caledonia; pursuant to the Crown Liability and Proceedings Act, the plaintiffs failed to seek leave to bring claim; plaintiffs allege requirement violates s. 96 and is unconstitutional; application judge finds a violation; appeal by Crown allowed; the leave requirement does not touch on the core jurisdiction of superior courts: *Poorkid Investments Inc. v Ontario (Solicitor General)*, 2023 ONCA 172, leave to appeal to the SCC dismissed with costs, *Poorkids Investments Inc., et al. v. Solicitor General of Ontario Sylvia Jones, et al.*, 2023 CarswellOnt 18848.