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<p>ANNOTATED BRITISH COLUMBIA OCCUPIERS LIABILITY ACT Eric Wagner Release No. 2, August 2024</p>

This handy research tool contains a number of features to help you work with the Act more effectively. Inside you will find: the annotated Act; Table of Concordance — for the *Occupiers Liability Act*, R.S.B.C. 1979, c. 303, and R.S.B.C. 1996, c. 337, with amendments listed for quick reference; Annotations; Synopses; Appendices which contain other related Acts and valuable guides; Checklists; and a Table of Cases.

What’s New in this Update:

This release contains two decisions touching on severability of liability from damages.

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Highlights:

Brandt v. Bye, 2024 BCSC 736 and *Tepel v. Membreno-Navarrete*, 2024 BCSC 633. The *Brandt* decision also addressed objections to portions of the affidavit evidence and the law regarding dog attacks. It is not a decision under the Act, since it proceeded under negligence, but the considerations are the same and the reasons are too instructive not to include. The discussion regarding the affidavits is informative for anyone preparing or challenging affidavit evidence. The *Tepel* decision contains an excellent discussion of foreseeability in general and more specifically in relation to an assault in a home. The decision in *Harrison v. Fraser Health Authority*, 2024 BCSC 71 concerns a slip in fall in a winter parking lot. The reasons provide a nice summary of the applicable principles. In addition, with the defendant's consent, the plaintiff relied upon her testimony at her examination for discovery. This is obviously not proper procedure, but it was allowed. The summary trial application was dismissed with the court noting an inability to resolve conflicts in the evidence. The reasons are worth a read for anyone hoping to avoid such conflicts or point them out, depending on the circumstances.