

F **INSURANCE** *Matters*

DON'T BE STUPID!!

Yes, that's a quote from Shania Twain and perhaps a little harsh but all kidding aside, the following is an unfortunate example of what could happen to you if you are not adequately insured.

I recently represented a young woman who suffered a very serious fracture of her wrist when she fell in someone else's yard. To make matters worse, the fracture involved her wrist joint and as such her surgeon predicted the early onset of arthritis. Considering she was only 46 and just starting a career as a nurse's aide, this was not welcome news. She was already experiencing daily pain which was aggravated by her work and any other repetitive activity. What would her wrist be like in 20 years?

My client fell as a result of stepping on a piece of linoleum that had been left in the defendant's yard during renovations. On the morning of my client's attendance to deliver a gift, she unknowingly stepped on the lino, which had become covered with a 1-inch blanket of snow.

The Court found the homeowner liable for my client's loss. The Judge found that she had breached the duty of care she owed to visitors to her yard under the provisions of the Occupiers Liability Act. That Act requires occupiers of property to take care to ensure that their property is reasonably safe for visitors that may attend. That is one of the reasons we shovel, sand, and/or salt our driveways etc.

Like the homeowner in this case, we don't plan to leave our property in a dangerous condition however we are not perfect and occasionally make mistakes. If that occurs, and someone is injured due to slipping on ice for example, or in my client's case lino, then we are legally responsible to compensate that person for his/her loss.

Thankfully, we can guard against such risk by purchasing liability insurance. Liability insurance will pay for the loss suffered by your unfortunate visitor as well as the expense you will incur if it is necessary to hire a lawyer to defend the claim advanced against you.

Liability insurance is inexpensive and is almost always included in the fire insurance coverage that you purchase. If you choose not to purchase fire insurance you can, and should, still purchase liability insurance. The homeowner in my recent case did not. She is now in the unfortunate position of being personally responsible for paying my client's judgment. Plan ahead so you don't risk your financial future! *



BY MERV SADDEN

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**FULTON &
COMPANY** LLP
LAWYERS & TRADE-MARK AGENTS

PERSONAL INJURY LAWYERS

LYLE BACKMAN, Q.C. FRANK SCORDO
DENNIS HORI MERV SADDEN
LEN MARCHAND

300 - 350 Lansdowne Street, Kamloops, BC Phone: 250-372-5542 Fax: 250-851-2300

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