**Unintentional Torts:**

* Injuries caused by an accident or an action that was not intended to cause harm
  + Negligence
  + Special types of liability
    - Strict liability
    - Occupiers liability
    - Vicarious liability

Negligence:

* Is careless conduct that causes foreseeable harm to another person
* Must prove
  + Duty of care
  + Breach of duty
  + Causation
  + Damages

Duty of Care:

* You owe a duty to foresee and avoid actions that might cause harm to others
* FORESEEABILITY is key
  + Also look at as “remoteness”
* Liability Insurance: insurance that covers part or all of the damages awards in a tort case
* Good Samaritan Law: a legal principle that prevents a rescuer who has voluntarily helped someone in distress from being sued if he or she actually causes that person harm - does have some limitations.

Breach of Duty of Care:

* Standard of care is the degree of caution a reasonable person in your position would exercise
* Reasonable person - a person who exercises a sensible level of reason, intelligence and care

Causation:

* The breach must be the “cause in fact” of the damages
* Cause and effect = the “but for” test

Damages:

* Defendant is liable for all damages caused by negligence
* “Thin skull rule” - only liable for hastening of deterioration

Negligence:

* Social and commercial hosts
* Read childs v. Demorneaux p.428

Special Types of Liability

* Occupiers Liability
  + Invitees & licensees - must ensure property is reasonably safe and warn of dangers
  + Trespassers - must not set traps or create deliberate dangers or act with reckless disregard
  + Children - reasonable precautions to protect from allurements
* Vicarious Liability
  + Employers are liable for the negligence of employees acting within the normal course of their duties
* Strict Liability
  + If you bring in something dangerous and non-natural onto your property and it escapes and causes damage, you are liable
  + Cowles v. Balac, African Lion Safari Ltd. p.433
  + Product liability: deals with negligence on the part of manufacturers
* Defences to Negligence
  + Contributory negligence: Negligent acts by the plaintiff that helped cause the plaintiff’s injuries
  + Waiver: a document signed by the plaintiff, releasing the defendant from liability in the event of an injury
  + Inevitable accident: a defence that claims an accident was unavoidable due to an uncontrollable event (ex. Act of God)