

Winter and liquor can lead to lawsuits

By Sandy Zaitzeff

Parties and winter weather can result in many lawsuits. Here's a look at how to eliminate your risk of being sued.

From Homeowner's Bliss to Misery

Your eave troughs have been leaking and you meant to patch the holes before winter set in, but you never got around to it. The drips form patches that freeze and become miniature skating rinks across your sidewalk. You and your family know these slippery spots and avoid them. Unfortunately, your neighbours, party guests or mailman don't and one of them takes a tumble and injures themselves. Can you be sued?

Yes!. And you are more likely to be held responsible for creating this hazard than for a natural one caused by weather conditions.

You've been preparing for a party all day and just haven't had time to get outside to shovel the

steps and sidewalks properly. One of your guests commences a lawsuit after they fall leaving your home. Are you responsible? After, isn't snow an Act of God?

Did you know of the danger? For instance, if you had cleared the sidewalks and steps prior to the party, but it snowed during your party - you probably didn't know. However, if it snowed that morning and by evening you still hadn't cleared your sidewalks, you knew. You may have carelessly caused or permitted a dangerous situation to exist on your property.

You consider most of your house guests and neighbours personal friends. Personal friends wouldn't sue you...would they?

Personal friendship does not stop a lawsuit from coming. In some cases, a severe injury and loss of income may leave no other alternative. So keep all driveways, steps and sidewalks safe and free from ice and snow.

The House Party You Wish You Never Had

The party is being held at your house and in legal terms, you will become what is known as a "social host". Along with serving alcoholic beverages, you will ensure that everyone is having a good time. However, if one of your guests has had "one too many" and is injured or injures someone else while driving home - you may become liable for the accidents caused by your guests.

In the past, "social hosts" were not legally responsible for the actions of their drunken guests. However, recently a number of courts have decided that "social hosts" may be held responsible because it is the hosts duty to stop serving alcohol to anyone who appears to have had enough and to perhaps look after this guest.

So, if one of your guests is obviously impaired - you'd better close the bar. And if your friend Harry

says he'll never speak to you again if you take his car keys - don't look the other way. Take the time to provide a ride or call a cab. You not only minimize your risk of being sued, you'll probably be helping to keep a good friend alive to join you in another party.

Darned If You Do and Darned If You Don't

You've made arrangements to attend a party with another couple. Throughout the evening, your chauffeur is drinking heavily. By the end of the evening, he informs you that he's "drank himself sober"

and fully intends to drive home. You don't want to cause an argument and it's only a few blocks... so you go with him (against your better judgement) and he causes an accident. Could you be held responsible, when you weren't even driving the car? Surely the "social host" should have cut your friend off!

Unfortunately you could be held partially responsible. Firstly, you have a moral and legal responsibility to prevent your friend from driv-

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Company charged after diesel fuel spill in Longlac

The Ontario Environment Ministry has charged a Mississauga company and its employee with improperly discharging diesel fuel from field equipment to the ground on an access road east of the Town of Longlac.

Mr. James W. Radies is an employee of Ledcor Industries Ltd. The charges allege that, on March 12, 1988, a diesel fuel overflow occurred in some field equipment being used by Mr. Radies, resulting in a fuel spill to the ground, from where fuel flowed into a nearby pond which discharges into Taffey Lake.

Ledcor Industries Ltd. and Mr. Radies each face one count under section 13(1) (a), the Environmental Protection Act (EPA), which relates to the dis-

charge of a contaminant that is likely to cause impairment of the environment; one count under section 14 (1) (a) of the act which relates to failure to notify the ministry. The defendants further face one count each under section 16 (1), the Ontario Water Resources Act

(OWRA), which relates to the discharge of a contaminant that may impair water quality; and one count each under section 16 (3) of the OWRA which relates to failure to notify the ministry.

A court date has been set for 12:30 p.m., Jan. 11, at Longlac Provincial Offences Court.

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WANT TO APPEAL YOUR ASSESSMENT?

You still have time to appeal your 1988 assessment if you feel your home or business property has been improperly assessed. Your assessment is important because the amount of property tax you will pay in 1989 depends on it. The assessed value of your property is multiplied by the municipal and school mill rates to determine your property taxes.

Notices of Property Valuation were mailed to property owners and tenants whose assessments have changed since last year. Open house information sessions were held in your area to give you the opportunity to ask questions and correct any errors.

The Assessment Roll was delivered to your municipality on December 20, 1988 and will be used to calculate the taxes you will pay in 1989. You can review the Roll at your municipal office during regular business hours. If you believe your property has been improperly assessed and you have not yet registered an appeal, you still have until January 10, 1989 to mail or deliver your appeal to the Assessment Review Board. **And remember, even if you did not receive a Notice of Property Valuation, you still have the right to appeal.**

Appeal deadline — January 10, 1989

The Assessment Review Board is an independent tribunal under the jurisdiction of the Ontario Ministry of the Attorney General. It is intended to provide you with an additional opportunity to have your assessment reviewed if, in your opinion, it is not fair and equitable with the assessment of similar properties in your area. The Review Board is more informal and relaxed than a regular court of law. You may present your own case, retain a lawyer, or ask a relative or friend to speak as your agent.

To help you in filing your appeal, Notice of Appeal forms are available from the Assessment Review Board, your Regional Assessment Office, or your municipal office. You can also use the reverse side of a Notice of Property Valuation, or write a letter giving the property address and roll number along with your reasons for appealing. Appeals should be forwarded to the Regional Registrar of the Assessment Review Board at the address shown below.

If you appealed your previous assessment, it will be necessary to lodge an appeal against your assessment with the Assessment Review Board each year, if the appeal against your previous assessment has not yet been settled, or your 1988 Notice of Property Valuation does not reflect the most recent decision of the Board.

In those parts of Ontario designated for French Language Services, you can appear before a bilingual (English/French) Appeal Board. Please check the space provided on your appeal form if you wish to use this service.

Pour obtenir des informations en français, veuillez contacter le bureau du registrateur régional indiqué ci-dessous.



Ministry of Revenue

Ontario

Regional Registrar
ASSESSMENT REVIEW BOARD
MINISTRY OF THE ATTORNEY GENERAL
85 Great Northern Road
Sault Ste. Marie, Ontario P6B 4Y8