

NEWS BOARD

CELEBRATING OUR 40th YEAR IN BUSINESS

\$13-million jury award for boy who fell through apartment flyscreen

A Toronto jury has awarded \$13 million in damages to a 10-year-old boy who fell from the fifth-floor window of an Etobicoke, Ontario apartment building in June 1997.

The boy was two years old at the time of the accident. According to the *Toronto Star*, his parents left him in the care of his aunt, who lived in the same apartment building. He was left on a bed that was pushed up against and at the same level as the open window. He broke or fell through a hole in a flyscreen and landed on the grass, very close to a cement walkway.

He suffered multiple serious injuries, including permanent brain injury, as a result of which he will require care for the remainder of his life.

The boy's family commenced a legal action against the occupier of the apartment and the building owners, managers and superintendent. The jury trial commenced in October 2005 and lasted almost 12 weeks, with a three-week break for the holidays.

The jury of three men and three women heard that the boy's aunt had reported the damaged screen to the building superintendent but that no repairs had taken place.

The jury concluded that the defendants had breached their duty of care to the plaintiff. Liability was apportioned 10 per cent against the occupier and 90 per cent against the building owner. If the occupier has no assets or insurance coverage, the building owner may have to pay the entire award.

The jury assessed damages at \$13 million, including more than \$11 million for the cost of future care—a record award in Canada. Plaintiff's costs and damages for future guardianship costs are still to be determined by the judge alone. This verdict establishes several precedents, includ-

ing the record award for future care, so we think an appeal is highly likely.

Other recent verdicts

Tow truck must pay most of \$9-million award for downtown Toronto collision

A young girl who was terribly injured in an automobile collision in downtown Toronto has secured a substantial settlement.

The car in which the girl was a rear-seat passenger was driven by her aunt. She was driving through an intersection controlled by a stop sign

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Celebrating our 40th anniversary

This year we will celebrate our 40th year in business. We thank all our clients and suppliers for their current and past support.

We also remember our founder, Ian Mason Elliott, who sadly passed away in 2002 but whose principles of honesty and integrity are the foundations of our business.

Our thanks also go to our staff, of whom we are very proud.

In 2005 we welcomed a new partner, Newport Partners Income Fund. With Newport's support, we hope to serve Canadian brokers for many years to come.



Ian Elliott