

This insurance covers the legal liability arising out of the ownership, use or occupancy of insured premises. This type of exposure can generally be broken down into two groups: inside and outside (see our inside tip sheet for more information) hazards. Regardless of the size or type of occupancy, the nature of the physical hazards are basically the same. The difference is in the level of exposure to the general public.

To identify and assess hazards and their level of exposure, a general knowledge of how the premises being assessed operates and an imagination to foresee how possible injuries may occur is needed.

### Safeguards Necessary to Control Outside Hazards:

Several outside hazards may exist for a property. Post mounted signs, roof mounted signs, roof structures such as billboards, antenna, roofs used as patios, chimneys in poor condition, roof overhangs, etc are all items which could create a liability hazard:

#### Fencing and Gate Control:

- Fences are the most basic protection and serve two purposes: deterrent to burglary and vandalism and a means for controlling access onto property.
- Chain link fences should be at least nine-gauge wire with mesh openings not larger than four square inches. Minimum height should be eight feet, however in many cases municipal bylaws require fences of only five to six feet in height.
- There should be a top guard or overhang, consisting of three strands of barbed wire, spaced six inches apart on metal arms. Some municipal bylaws may prohibit overhang outwards over public streets.
- Gates should be securely mounted and tightly positioned between posts and a top guard should be provided. Gates should be equipped with a lock comprising a heavy-duty padlock and true hardened chain. The fence should be extended to within two inches of hard ground and below the surface on soft ground. If equipped with an automatic gate opener, appropriate warnings signs should be posted and a cancelling device should be provided to stop it from closing if obstructed.
- In some cases, fences may be alarmed for burglar protection purposes.

## Preventing Outside Premises Liability Losses



#### Fire Escapes:

- Exterior escapes are generally not allowed, especially on new buildings.
- The exception to the rule is where it is impractical to install any other acceptable method of exit. This is sometimes the case with existing buildings. In this case fire escapes are allowed in care or detention facilities not more than two storeys in height or in other occupancies not greater than five storeys.
- Must be metal or concrete construction except for wooden ones on wood frame construction. Access should be from corridors through doors at floor level. In some residential situations, access can be through a window providing it is large enough and within three feet of the floor. Exit points to fire escape must be functioning and in good repair. Access onto a fire escape landing should be at least ten square feet.
- Must be in good condition and repair with no missing or broken railings, steps or platforms; steps should have non-slip surfaces.



#### Lighting:

- Good exterior lighting after hours is one of the most effective deterrents against burglary losses, for security when walking after dark, and to prevent slips, trips and falls. Pay special attention to lighting in parking lots, crosswalks, driveways and walkways.
- If used at night, the parking lot lighting should be adequate to illuminate obstacles and dark areas.

### Parking Area and Surfaces:

- Parking areas and driveways should be kept clear of ice and snow.
- Good drainage in parking lots helps prevent icy patches from pooling water.
- Uneven surfaces or potholes should be repaired immediately.
- Parking bumpers should be installed to help reduce or prevent vehicles from coming into contact with the building or blocking walkways. If on the edge of a ditch or ravine, proper barricades need to be in place to guard against vehicles driving over the edge.
- Proper delineation should be maintained to effectively maintain adequate spaces between parked vehicles.

### Playgrounds:

- In Canada playgrounds should be designed and installed in accordance with the Canadian playground standard, CAN/CSA-Z614 Children's Playspaces and Equipment. This is a national standard that provides requirements for playspaces and equipment intended for use by children from the age of 18 months to 12 years. It promotes and encourages the provision and use of playspaces that are well-designed, well-maintained, innovative, and challenging.
- Playground standards, such as CAN/CSA-Z614 strive to strike a balance between challenging play and serious injury reduction. The requirements this standard covers includes many areas, such as: material and structural requirements, appropriate protective surfacing material, hazard identification, inspection and maintenance, and specific equipment performance requirements.



Cutline

### Sidewalks and Driveways:

- Uneven walking surfaces can create tripping hazards which could lead to injury. Surfaces should be smooth and level, and of a slip resistant material.
- Any uneven surfaces, including interlocking stones or broken concrete, should be repaired immediately.
- Drainage pipes from rain gutters or water run off should be directed away from walking surfaces to prevent ice. Gutters and downspouts should always be in place when the eaves of the building overhang the walkway.

### Snow and Ice Removal:

- Snow and ice create a severe slip and fall hazard. Many injuries have occurred because of exterior stairways, walkways, crosswalks, driveways and parking lots that have not been cleared soon after a storm.
- Many municipalities have bylaws requiring property owners to clear sidewalks adjacent to their property within 24 hours following a snow storm. Not clearing ice and snow on your property or adjacent walkways may be considered as negligent should a liability claim occur.
- While personnel are often effective in clearing snow and ice on smaller properties, a contract with a snow removal company or individual is often a better method of ensuring snow and ice removal takes place as soon as possible following a storm.
- A log book should be kept and maintained with the date, time and action taken. This will show due diligence on behalf of the owner in the event of a slip and fall claim.

### Traffic Controls:

- Control of the traffic flow and parking is important in helping to prevent accidents. Traffic control features should include:
  - Separate entrances and exits
  - Properly delineated parking spots
  - Painted and identified speed bumps
  - Parking barriers when necessary
  - Speed, direction & traffic flow signs
  - Convex mirrors to see around corners
  - Sufficient pedestrian crosswalks
  - Controlled intersections (stop signs)
  - No obstacles obstructing vision

### Walls:

- If exterior walls are in poor repair, items such as bricks, tiles, mortar and wall finishes such as stucco could fall off and strike persons passing below or damage property. Repairs to damaged wall finish materials should be completed immediately.



### Yards Areas:

- Yard areas should be free of general debris and garbage. Areas at the rear of buildings are generally susceptible to the accumulation of debris over a period of time. A clean up schedule should be in place to ensure continuous maintenance of the outside area.
- Equipment, vehicles and storage can act as an allurements for children. To control this, yard areas where this material may be present should be fenced or the equipment secured to prevent it from being used as "play equipment".
- Bushes and grasses should be kept trimmed to prevent them from overgrowing walkways and driveways causing a tripping hazard. Trees should be kept trimmed and in good condition so they do not hang too low causing a head-bumping hazard.

### Codes and Standards:

The requirements of the various codes are determined in part the classification of the occupancy as defined in the National and Provincial Building Codes. These occupancies are divided into groups and divisions, but overall they are classified as:

- Group A – Assembly Occupancies
- Group B – Care or Detention Facilities
- Group C – Residential Occupancies
- Group D – Business or Personal Services Occupancies
- Group E – Mercantile Occupancies
- Group F – Industrial Occupancies

In respect to items such as the installation of railings, the codes state details such as when they are required and minimum height requirements. Other typical requirements include items like size of riser and treads on stairs, number of fire exits and where they are to be located, maximum and minimum widths and heights of doors and hallways, positioning of emergency lighting and exits signs, the size of exit signs, including their lettering and maximum occupancy loads, and the number of persons that can safely occupy a building.

Commercial establishments are subject to different codes and standards that provide the minimum requirements for personal safety of the occupants including occupiers, tenants, invitees, licensees and even trespassers. Several of the safety requirements are set out by the Provincial Building and Fire Codes, Canadian Safety Standards and municipal bylaws, but in many cases, sound premises liability protection simply requires a little common sense. If something is broken, fix it. If something could cause personal injury or property damage then replace, remove or repair it.

*For more information, please visit [www.intactprevention.com](http://www.intactprevention.com)*

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