

Causes of Action



- **Strict Liability**
 - When something that is an abnormal use of property escapes, no matter care given to contain it, you are responsible for damages
 - abnormal use of land for defendant's own purposes
 - mere existence creates a risk of harm
 - escape occurs
 - damage was consequence of escape

- Defences of a Strict Liability action include:
 - statutory authority
 - an act of God
 - sabotage
 - plaintiff's consent
 - common benefit
 - default of the plaintiff

- Strict Liability Cases
 - Rylands v. Fletcher (WATER and MINE SHAFT)
 - needs water for mill - builds a reservoir
 - reservoir escapes and fills neighbouring mine shaft
 - not negligent because hired professionals (THEY were negligent)
 - not trespass because unintentional and not negligent
 - not riparian rights
 - not nuisance because defendant had to have known damage was possible
 - SO, creation of a new cause of action
 - Gertsen v. Metro Toronto (WASTE LEAK)
 - leak of putrescible waste into garage
 - explosion when starts car in garage