

City Proves Due Diligence as to OHS Charges Related to Fatal Wall Collapse



A 14-year-old girl died of injuries sustained when a wall collapsed in a public washroom in a community park. The city was charged with violating the OHS law by not ensuring that the wall was safe. But the court found it not guilty, ruling that the city took reasonable precautions and followed standard practices when it relied on the professional standards of the engineers, architects and masons that built the washroom and its privacy wall. The court also ruled that the city had proven a reasonable mistake of fact due diligence defence. The MOL had charged the architect and engineer but those charges were dismissed because they were filed after the statute of limitations had expired [*The City of Guelph*, Feb. 12, 2013]. (Download the unreported decision below.)