

Developer Not Liable for Worker's Fall Through Skylight Hole



A worker was on the icy roof of a developer's construction site when he slipped and fell through plywood covering a hole that had been cut for a skylight. He was rendered a paraplegic as a result. The worker sued the developer, claiming negligent project development and supervision, vicarious liability for the negligence of its manager and violation of its duty of care under the *Occupier's Liability Act*. The court ruled that the OHS law didn't include duties for an owner/developer. In addition, the developer wasn't the principal contractor—the company it hired to manage the project was. The only duty the developer owed to the worker under the OHS and occupiers' liability laws was to hire a competent contractor, which it did. The contractor/manager failed to clear the roof of snow, ensure that an appropriate cover was designed for the skylight hole and ensure that the cover was properly secured. But the developer wasn't vicariously liable for the contractor's failures, added the court [*Heikkila v. Apex Land Corp.*, [2014] ABQB 589 (CanLII), Sept. 26, 2014].