

Is Bar Owner to Blame for Customer's Getting Hit in Face with Beer Bottle?



It's 2 AM. A customer is sitting in a bar minding his own business when he's hit in the eye by a flying beer bottle. It's all sudden and totally unexpected. And the person who threw the bottle is never determined. But for all the uncertainty, the customer decides he has enough evidence to sue the bar owner for negligence. He turns out to be wrong. Negligence isn't presumed, it must be proved, explains the court. And the mere fact that an injury occurs isn't enough to meet the burden of proof. The court also rejects the contention that the bar owner's failure to have security personnel in place violated its duty to provide 'reasonably safe' premises under the *Occupiers' Liability Act*. There was no history of glass bottle throwing at the bar; and even if there had been, there was no evidence to suggest that posting a security guard would have prevented the incident [*Bucknol v. 2280882 Ontario Inc.*, 2018 ONSC 5455 (CanLII), Sept. 17, 2018].