

Apartment Building Safety Falls from windows and balconies

Overview

To reduce the risk the landlord must take preventive measures.

By following a proactive management plan, you can protect yourself and your business.

Falls from Windows and Balconies

In January 2006 the Ontario Supreme Court awarded \$17 million to the family of a two-year-old who was catastrophically injured 10 years earlier, in a five-storey fall from a window with a broken screen. The window was in the bedroom apartment of an aunt and uncle who had more than once reported the broken screen to the building superintendant, who in turn, had sought material to repair the screen from the property manager. The manager's failure to provide the material to effect the repairs greatly increased the legal liability of the landlord who, as a result, was found responsible for the child's injuries.

In the summer months particularly, apartment building tenants will keep their windows and balcony doors open, putting their children at risk of falling and sustaining serious injuries.

Studies have identified a number of factors that may help prevent falls from windows and balconies. By being proactive in providing tenants with safety tips such as these and by conducting regular safety inspections, landlords

will be in a better position to defend themselves if an accident involving a fall from a window or balcony should occur.

- Do not allow children to play near windows or on balconies unsupervised.
- Do not store furniture or items that can be climbed upon on balconies.
- Do not place furniture too close to windows as they can be a climbing hazard
- Screens alone are not adequate safety devices - they cannot always prevent a fall.
- Properly installed and maintained window and door safety devices that allow for a maximum opening of no more than 10cm (4 inches), can restrict a child's access to unsafe areas.
- Tenants should be asked not to remove previously installed window guards.

Most Canadian cities address the prevention of falls from windows and balconies through their Licensing and Standards departments. Most have no requirements for balcony doors, but windows must be restricted from opening more than four inches. Generally, cities set the standards and then expect the landlords to meet them.

Window guards restricting the window openings are mandatory in some jurisdictions and landlords must install and maintain them.

The National Building Code has requirements for houses and buildings less than 4 storeys. While there is no similar requirement for buildings four

storeys and higher, prudent property owners and managers should follow National Building Code requirements in these areas, regardless of the height of a building, as landlords could be found negligent if it is determined that they are not providing adequate safeguards to prevent falls from windows and balconies.

References

Provincial Tenancies Acts

For access simply go the specific provincial web site.

Example: Ontario is gov.on.ca

For other provinces, simply replace with the specific province abbreviation.

Additional Information:

Hardfact Apartment Building Security
(A-5766)

Apartment Building Safety and Security
Tips (A-5768)

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