

From: <http://www.northvancouverpolitics.com/2016/05/liability-for-dnv-recreational-trails.html>

Wednesday, May 18, 2016

Liability for DNV recreational trails? Revisited...



*"Ladies Only Trail" roller coaster jump ramp on Fromme Mtn.
(DNV- approved?)*

Back in June 26 2012, I wrote about this very topic:

<http://www.northvancouverpolitics.com/2012/06/liability-for-dnv-recreational-trails.html>

It is a topic that needs to be revisited. The following verdict may become a game-changer for the District of North Vancouver and other municipalities:

County liable for man's catastrophic biking incident in Bruce Peninsula, court rules

Colin Perkel, The Canadian Press
Published Tuesday, May 17, 2016

TORONTO -- A man rendered quadriplegic after a mountain biking accident won his battle Tuesday to hold the Ontario municipality that operated the adventure park fully liable for his injuries.

In its decision, the Ontario Court of Appeal rejected an appeal by the municipal County of Bruce that it was not at fault, and that the victim, Stephen Campbell, was at least partly responsible for his catastrophic injuries.

"The reality is that several riders had been injured, including seriously injured, on the wooden

obstacles in the trials area before (Campbell's) accident," the Appeal Court said.

"Had the municipality adequately monitored previous accidents and been aware of the number of accidents at the park -- and on Free Fall in particular -- actions would have been taken that would have prevented (Campbell's) injuries."

Read more: <http://toronto.ctvnews.ca/county-labile-for-man-s-catastrophic-biking-incident-in-bruce-peninsula-court-rules-1.2905967>

The District of North Vancouver also operates and funds a mountain biking "adventure park" of sorts on Fromme and portions of Seymour. They allow various "amusement park"-like structures to be built, along with putting various amenities in place for the mountain bikers.

There have been many injuries and even one death coming from those DNV-approved man-made MTB structures in the public forests. We know that mountain biking is already an inherently dangerous sport, without the added "liability" structures.

Those man-made mountain biking structures bring into the picture much bigger liability issues, I believe.

The District of North Vancouver lacks the pertinent parks staff, rangers, etc. to oversee the building and day to day activities. It's still very much a wild west in the woods. What happens if an injured mountain biker should sue DNV. someday?

What will this Ontario court decision mean for BC municipalities, especially the District of North Vancouver? Only time will tell. Thoughts?

Written and Posted by Mocrael at [18:36](#)

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4 comments:

Anonymous said...

The irony of the risks on the North Shore is that Mark Wood, Program Manager for the North Shore Mountain Bike Association, recently suffered a catastrophic neck injury riding on NSMBA trails and is facing months of rehab. The NSMBA and DNV are remaining silent about the injury as Wood's legal counsel has advised he will likely sue both the NSMBA and the DNV for over \$1 million due to "reckless disregard" by the DNV in maintaining the trails. Would DNV Councillor Mathew Bond, who reads and posts on this blog care to respond?

[Wednesday, May 18, 2016 8:36:00 pm](#)

Anonymous said...

There was a presentation to DNV Council some time ago on public safety which included cliff jumping. I wonder if that activity might be covered by the court decision.

[Thursday, May 19, 2016 9:22:00 am](#)

Anonymous said...

Why would Wood want to bite the hands that feed him?

[Thursday, May 19, 2016 1:33:00 pm](#)

Anonymous said...

Wood would not be biting anyone's hand. He suffered a catastrophic workplace injury on the job and on his employer's premises. He should be receiving a full salary on short term disability for several months, and then long term disability paid by the employer. Based on the extent of his injuries he will not be back on a mountain bike for some time, if ever. The question would be the dual liability of his employer who is ultimately responsible as employer and the land manager, the District of North Vancouver, with its deep pockets and reckless disregard for people using Fromme trails. Hopefully Wood is getting sound legal advice and not relying on anything he hears from either the NSMBA and/or certainly the District. And certainly no one in the riding community should be saying things like, "Hey do not do anything that would limit the use of the trails."

[Thursday, May 19, 2016 7:32:00 pm](#)