

Jay Skukowski and Ned Bozalo successful at the Supreme Court of Canada

Date: February 13, 2025

Congratulations to our partners Jay Skukowski and Ned Bozalo for their win before the Supreme Court of Canada on January 30, 2025. Jay and Ned were successful responding to a leave application arising from an appeal they had won before Ontario's Court of Appeal on June 14, 2024, in *Crete v. Ottawa Community Housing Corporation* 2024 ONCA 459.

The Supreme Court of Canada's refusal to grant leave to appeal in *Crete v. Ottawa Community Housing Corporation* confirms that Ontario landlords are not liable for slip-and-fall injuries on ice in areas used exclusively by individual tenants if the lease requires the tenant to clear snow and ice. The case involved a tenant who fell on icy steps and argued that the lease provision requiring snow removal was void under the *Residential Tenancies Act* ("RTA"). The Ontario Court of Appeal upheld the provision, ruling that landlords are only responsible for clearing snow from common areas, not areas used solely by individual tenants. The Court distinguished this case from *Montgomery v. Van*, 2009 ONCA 808, emphasizing that the RTA does not prevent landlords from assigning snow removal duties for exclusive-use areas to tenants.

View the Court of Appeal decision [here](#).

PEOPLE

- Ned Bozalo
- Jay Skukowski