



# nerrej

## **Notice - What a property owner/manager knew about a dangerous condition**

September 09, 2010 - Spotlights

"Notice" is a critical aspect of any injury claim against a property owner/manager and is especially important in regards to slip and fall injuries which are the most frequent claims filed against property owners and managers.

It is important to remember that a property owner or manager is not liable solely because an injury occurred on their property. In fact, an injured party must prove the owner or manager either created the hazard that caused the injury or had knowledge of the hazard at the time the injury occurred and didn't take action to repair or remove the hazard. However, actual "Notice" of the hazard by the owner/manager is not required. The injured party only needs to show that the hazard existed long enough for the owner/manager to have discovered and corrected it through periodic inspections or maintenance of the premises.

Since "Notice" can be established based on what the owner/manager should have known, it is essential that the property owner/manager conduct regular and frequent inspections of all working and walking areas. Property managers and maintenance staff should keep an eye out for slippery surfaces, spills, highly trafficked areas, loose mats or carpeting, poor lighting, potholes, poor housekeeping, cables or wires and uneven floor surfaces. When an area is identified as having the potential for an accident, a warning sign should be posted and/or the area should be roped off until the hazard can be corrected.

Documentation and follow up are also an essential part of controlling the cost of claims associated with these losses. When deficiencies are noted, and repairs have been done, it is important to document all efforts to correct the situation. Evidence of your actions will help to aid in the defense of potential negligence claims.

Lisa Hartman, ARM is the director of claims and loss management at Albert Risk Management Consultants, Needham, Mass.

New England Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540