

DON'T VICTIMIZE THE VICTIM

Reported case: Burris v. Disabled Consumer Society of Colchester and Kinsmen and Kinette Clubs of Canada, Truro Club

Citation: 2008 NSSC 121

At Issue: Can the victim of a “cash and grab” robbery be liable for the injuries to an innocent bystander?

The Court: Nova Scotia Supreme Court

Judgment Rendered: April 22, 2008

Factual Summary: The plaintiff attended a bingo hosted by the Kinsmen and Kinettes at a hall owned by a local charitable organization. She was standing outside the hall during a break when a man entered the hall, grabbed two handfuls of cash from the attendants just inside the door, and ran back out. On his way out, the man ran into the plaintiff, knocking her over. The plaintiff claimed the defendants were negligent in the way they operated the bingo hall and handled the money, thereby giving rise to the incident in question.

Disposition by Lower Court: The judge’s decision was based largely in public policy. He felt that it was not appropriate to make victims of theft liable to the injuries caused by a fleeing criminal. It would be virtually impossible for any operator to take steps to guarantee that cash would not be stolen when there is cash on hand. He also decided it would be unreasonable to suggest that there is a duty of care which requires cash funds to be concealed or locked away at all times, and to impose such a standard would create a commercially unreasonable result for commercial or charitable operations.

Appellate Decision: n/a