
“Housekeeping Losses” – What Can Be Claimed

Reported Case:	McIntyre v. Docherty
Citation:	2009 ONCA 448
At Issue:	What can be claimed in respect of "housekeeping losses" in a tort (motor vehicle accident) action.
The Court:	Ontario Court of Appeal
Judgment	May 29, 2009
Rendered:	
Factual Summary:	The plaintiff was a passenger in a vehicle who, as a result of an accident, suffered from chronic pain, fibromyalgia, depression and anxiety. Damages were the only issue at trial where the plaintiff claimed damages for "past housekeeping inefficiency" and past and future "lost housekeeping capacity".
Disposition Lower Court:	by A jury awarded the plaintiff \$5,000 for past housekeeping inefficiency, \$10,400 for past, and \$44,535 for future, lost housekeeping capacity.
Appellate Decision:	The focus of the appeal did not challenge the amounts of the housekeeping awards but rather the underlying legal principles. These principles included whether inefficiency damages should be a sub-heading of non-pecuniary damages, whether the respondent was entitled to an award for work performed by her family members, and whether damages could be awarded for a future loss in the absence of evidence that the respondent firmly intended to hire a housekeeper. The Court engaged in a wide-ranging review of housekeeping claims by examining the scenarios in which housekeeping losses arise, and considering the current approach to the categorization of damages, generally, and housekeeping losses in particular, ultimately upholding the jury's awards. Of material interest, the Court did not decide whether an injured plaintiff ought to be entitled to a separate pecuniary award for the value of work undone, either instead of or in addition to the award for non-pecuniary damages.