

Was The Defendant Negligent In The Installation of Oil Tank

Reported Case:	Venedam v. Tanks and Ducts R Us Limited
Citation:	2010 NSSC 186
The Court:	Nova Scotia Supreme Court
Judgment Rendered:	May 10, 2010
At Issue:	Whether the defendant was negligent in the installation of an oil tank.
Factual Summary:	Defendant installed a new oil tank at the plaintiff's residence. The steel tank failed within 26 months, requiring extensive and costly remediation of the plaintiff's property. Plaintiff brought action claiming negligence and alleging breach of contract relying on provisions in Nova Scotia's consumer protection legislation.
At Trial:	<p>Plaintiff's action dismissed.</p> <p>Expert evidence concluded the tank's failure was due to pitting corrosion caused by the introduction of water in the fuel oil.</p> <p>The introduction of contaminated fuel is not a normal use of an oil tank. Absent the introduction of contaminated fuel oil, there was no evidence the tank would have corroded and failed as it did.</p>