mers v. Niagara Parks Commission (1945) OR 326 (HC) a golfer should have been aware of the danger of bricks falling from an old fort on a golf course. Thus sand in a beach changing/shower room is not an unusual hazard **[David-Trempe v. Canada (1986) 7 FTR 302 (Fed. TD)]**, nor is it unusual for steps at a rural resort to be somewhat less than perfect where it was found there was no breach of Occupiers' Liability when the plaintiff slipped on outdoor steps at a rural resort **[Alderson v. North Pender Holding Ltd. (Aug. 11, 1987) (BCSC)]**. However when the occupier fails to install handrails on the improperly constructed stairs **[Crerar v. Dover (1984) 3 WWR 236 (BCSC)]** or warn of the design of the stairs **[Migus v. Club Med Ltd. (Dec. 7, 1983)]** liability will follow.

Negligent Design of Premises:

While frequently premises are designed by professional architects and engineers, reliance on paid professionals will not necessarily constitute a defense. Risk management entails a review of design at the construction stage and subsequently to ensure that it is sufficient to create a safe recreational area. Thus designing a recreation facility in which the playground was located adjacent to a baseball diamond was ruled a negligent design as it was reasonably foreseeable that there was a danger of persons in the playground being hit on the head by baseballs **[Long v. Mount Pearl Town (1983) 41 NFLD & PEI 209]**.

Some sports such as tennis, which are played in parks or park-like settings, can involve occupiers' liability when the court is of poor design or maintenance, even though the player may be partially liable. Thus in **Stone v. Victoria (affd) 43 BCLR (2d) 118 (BCCA)** the park was held liable when the design was such as to cause a hazard. However, here the player's knowledge that the tennis court was six feet shorter than usual as well as having a curb at the end constituted contributory negligence. In **Burough v. Kapuskasing (1987) 60 OR (2d) 727 (Dist. Ct.)** a player assumed the risk of playing on a court where there were cracks in the surface which released the town from its duty under the Occupier's Liability Act. Also in **Zaitozow v. Vancouver (1976-77) BCD Civ. (BCS)** the player should have examined the surface of the court before starting to pay as obvious repairs had been made with asphalt strips.

Supervision:

In public parks, as opposed to schools, there is generally no duty to supervise the activities of park users **[see Desaultels v. Regina (city) (1941) 3 DLR 804 (Sask. KB)]**. however, once supervision is undertaken, there is a duty to ensure that it is done in a non-negligent manner. This is particularly true of children.

Insurance Protection:

As part of risk management, recreation organizations must identify and assess all risks of injury to people and loss or damage to property which could ultimately affect the organization's success or viability. Once these risks have been properly considered, the organization can take action as set out above to either eliminate or reduce them or to insure against and budget for the possible consequences of the remaining risk. Part of that process is obtaining insurance for the operation.

It is important that time be spent with the insurance agent advising the agent of the nature of the operation and the activities. This will ensure that appropriate coverage is being obtained and should it not be obtained, that action can be taken against the agent for negligent advice.

Signage:

A sign in a dressing room which indicated "No Diving" was not sufficient when there was no notice posted in the pool area **[Arseneau v. Fredericton Motor Inn Ltd. (1984) 59 NBR (2nd) 60]**.

A sign posted at a horse stable that stated, "You enter premises and ride at your own risk" and "Notice: all riders using horses do so at their own risks" was not sufficient in the absence of clear wording to the effect that they are not liable for negligent acts **[Collins v. Richmond Rodeo Riding Ltd. (1996) 55**

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