



PUBLICATIONS

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Trip Ledges

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The Law of Municipal Liability in Canada states, "Municipalities have a duty to keep their sidewalks in a reasonable state of repair to enable persons using them with ordinary care to do so safely, having regard to all of the surrounding circumstances." Typically a state of non-repair for sidewalks occurs when there exists a height difference of an inch or more between adjacent sidewalk bays. Many municipalities have initiated programs to check their sidewalks and correct these differences.

But how often is this height difference considered if the sidewalk is under construction? During road

or sidewalk repairs situations may occur where a municipality has created a temporary trip ledge at a sidewalk or crosswalk. As it is reasonable to foresee that a person might not notice a "trip lip", a municipality has a duty to warn pedestrians of this hazard. To avoid liability for trip and fall accidents municipalities should ramp or mark with fluorescent spray the gutter lip edges of crosswalks and sidewalks under construction.

While there is some debate whether or not crosswalks and walkways legally form part of a sidewalk, crosswalks do require the same standard of maintenance as a sidewalk.

An elevation difference of an inch or more will constitute a state of non-repair for which a municipality can be held liable.

Although most roadwork is contracted out to independent contractors, the municipality is still responsible for the maintenance of their roads and sidewalks. Consideration should be given to reviewing road construction standards to see if and how trip lips on curbs and gutter edges are addressed and to ensure that painting and ramping is used when required by the contractor. 

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