

# FACELAW

ONLINE LEGAL DIRECTORY

34 PAGES

NO.12 JULY 2021

## ✦ INDIGENOUS LIVES MATTER ✦



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**Bike To Basics: Traumatic Brain Injuries In Young Cyclists**

**BY: Charles E. Gluckstein**

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**How to Succeed an Owner Operator Work Permit Application in Canada**

**BY: Afshin Yazdani**

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**Occupiers' Liability in Slip and Fall Cases**

**BY: Aryan Kamyab**

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CHAMBRE DES COMMUNES  
CANADA

**Ali Ehsassi**

Member of Parliament  
Willowdale



February 8, 2021

## Letter of Appreciation

Dear Messrs. Ahmari-Moghadam & Anvari,

As the Member of Parliament for Willowdale, I would like to take this opportunity to salute you for your efforts in publishing the Facelaw Online Legal Directory.

By providing legal guidance in Farsi and identifying experienced legal professionals that may assist clients navigate the intricacies of the law, you are undoubtedly promoting the welfare of numerous individuals within the Iranian-Canadian community, a development that is bound to be welcome by all.

Thank you for your efforts in promoting greater legal literacy and for highlighting practical information that will enhance prudent decision-making for all of us, while also safeguarding the best interests of individuals confronted by legal challenges. By enhancing our access to legal resources, you are essentially availing all of us of the certainty of granite under our feet, thereby permitting us each to stand taller.

May you thrive in your latest worthy endeavour for many years to come. Your continued success will further the success of others.

Ali C. Ehsassi

### Ottawa | Constituency Office

Room 502, Wellington Building, Ottawa, Ontario K1A 0A6  
Tel.: 613-992-4964 Fax.: 613-992-1158

115 Sheppard Avenue West, Toronto, Ontario, M2N 1M7  
Tel.: 416-223-2858 Fax: 416-223-9715

Ali.Ehsassi@parl.gc.ca  
<http://aehsassi.liberal.ca>







HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA



*Majid Jowhari*

Member of Parliament  
Richmond Hill

October 7, 2020

## Letter of Recognition

As the Member of Parliament for Richmond Hill, I would like to thank Ali Ahmari-Moghaddam and Ashkan Anvari for their recent innovation, the Facelaw platform.

Facelaw.ca is a directory of Lawyers, Paralegals, and Immigration Consultants, striving to bring together the best professionals in the legal field in an easy-to-search database making finding the right legal professional simple and efficient. The Facelaw platform also provides access to articles, blogs, and useful information dealing with different areas of the law. There is also a Facelaw Magazine which is available in both English and Farsi and is available to download for free from the website.

I appreciate Ali Ahmari-Moghaddam and Ashkan Anvari's effort and aspiration to make their platform and access to legal professionals easily accessible to more people, and I commend their spirit of innovation and inclusiveness.

Sincerely,

**Majid Jowhari, MP**  
**Richmond Hill**

### Constituency Office

100 Mural St., Suite 101, Richmond Hill, ON L4B 1J3  
Tel. 905-707-9701 | Fax. 905-707-9705 | E-mail [Majid.Jowhari@parl.gc.ca](mailto:Majid.Jowhari@parl.gc.ca)





# JULY 2021

# FACELAW.MAGAZINE

Shareholder	FACELAW INC.
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Editor in Chief	Ali Ahmari Moghaddam
Executive Director	Shabnam Ghorbani
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**WE** are a directory of Lawyers, Paralegals and Immigration consultants, striving to bring together the best professionals in the legal field.

In today's fast paced world, where almost everyone now has the internet in the palm of their hand, finding the relevant information and assistance you require has never been easier.

Finding an experienced lawyer, paralegal or immigration consultant ("Legal Professional") to assist you with your legal matters should be no different.

Whether your legal matter is complicated or simple, Facelaw.ca is here to make the initial interaction between the client and Legal Professional just as simple.

Facelaw.ca is a website which connects those looking for a Legal Professional to assist them with a legal matter (or those just wanting to get some preliminary legal advice) with an experienced Legal Professional in the appropriate field of law.

The Legal Professional will help guide you through the complex legal landscape and will provide the appropriate and professional legal advice.

**Looking** for a Legal Professional that speaks a certain language? Looking for a Legal Professional in a certain city or town? Looking for a Legal Professional whose practice focuses in a specific area of law? Not a problem!

Facelaw.ca will connect you with the right Legal Professional to fit your legal needs quickly and effectively.

Facelaw.ca was created to eliminate the intimidating process of searching for a Legal Professional to provide legal services. Instead of having to call different offices and law firms searching for the right Legal Professional to retain, Facelaw.ca has compiled a searchable database of local Legal Professionals who are committed to serving their clients.

SO stop wasting time making useless calls and reviewing lawyer and law firm websites that provide no real guidance and try Facelaw.ca today!!!

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## Dr. Ashkan Anvari

Doctor Of Business  
Administration(DBA)

Founder Of The  
Facelaw Platform



 **FACELAW**

We are happy to announce that the 12th issue of Facelaw Magazine is now available. We owe this great milestone to everyone who supported us along the way with their valuable insights, experience, knowledge and encouragement.

The goal of Facelaw has been to promote legal literacy and legal awareness as a means to empower the general public, especially new immigrants.

To that end, we wish to thank all the lawyers, paralegals and immigration consultants who agree to devote their valuable time by contributing informative articles and blogs on various areas of law in both English and Farsi.

The magazines are available to you at no cost and are easily accessible through our website as a PDF file or a download if you want to save it for future reference.

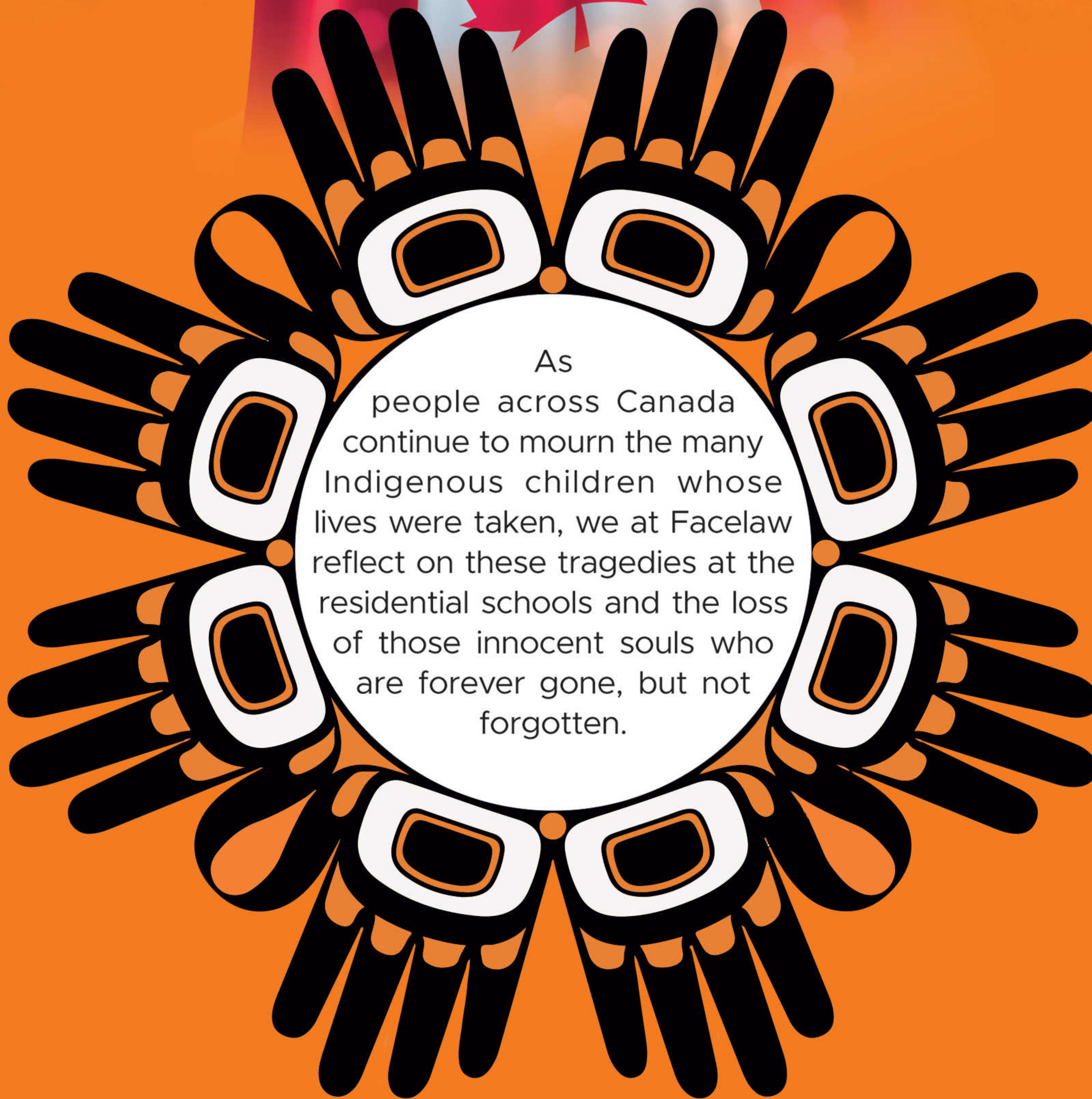
**We** are equally pleased to announce that Facelaw's YouTube channel has gained more than one thousand subscribers and more than ten thousand viewers.

Moving forward, additional educational videos will be posted on our YouTube channel and other platforms, including Instagram and Facebook, and will be readily available to our readers.

Lastly, we wish to thank you for your constant support, motivation and words of encouragement and we look forward to continuing to serve you.



# EVERY CHILD MATTERS



As people across Canada continue to mourn the many Indigenous children whose lives were taken, we at Facelaw reflect on these tragedies at the residential schools and the loss of those innocent souls who are forever gone, but not forgotten.







# Ahmari Law Firm

☎ 416-800-0808  
289-597-6700  
289-314-7693  
✉ ali@ahmarilawfirm.ca  
📍 # 908 & 909, 7191 Yonge St, Thornhill, Canada  
🏢 L3T 0C4

## ▶ Ali Ahmari Moghaddam

We believe that clients should feel welcome and comfortable every time they walk into our office. Our law firm also works hard to make sure that clients are involved in all aspects of their case. We take the time to educate clients about their legal matter so that they are well informed about all aspects of their particular case.

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ARTICLE  
FACELAW



In this section of Facelaw you can access useful legal information, and articles you may wish to read that have been published by our members, comprised of lawyers, paralegals and immigration consultants. The intent of Facelaw is to provide a platform to educate the public and to provide a medium for legal needs to be properly addressed pursuant to the laws of Ontario.

The blog is sectioned into different legal topics in which information is provided from different professionals. Facelaw strives to provide you with a wholesome perspective so that you can be guided by different professionals in order to make the best possible decisions involving your legal matters. In doing so, if you have questions you can directly contact the professionals with the information provided on Facelaw. The professionals can help answer your legal questions and guide you in the right direction with respect to your legal matter.

Facelaw has provided an easy access search function that with a simple keyword search you can locate useful information on the legal topic you require information about. We are grateful that we have connected with these professionals to compile valuable resources to share with the public to ensure that you are provided quick and accurate guidance and information.







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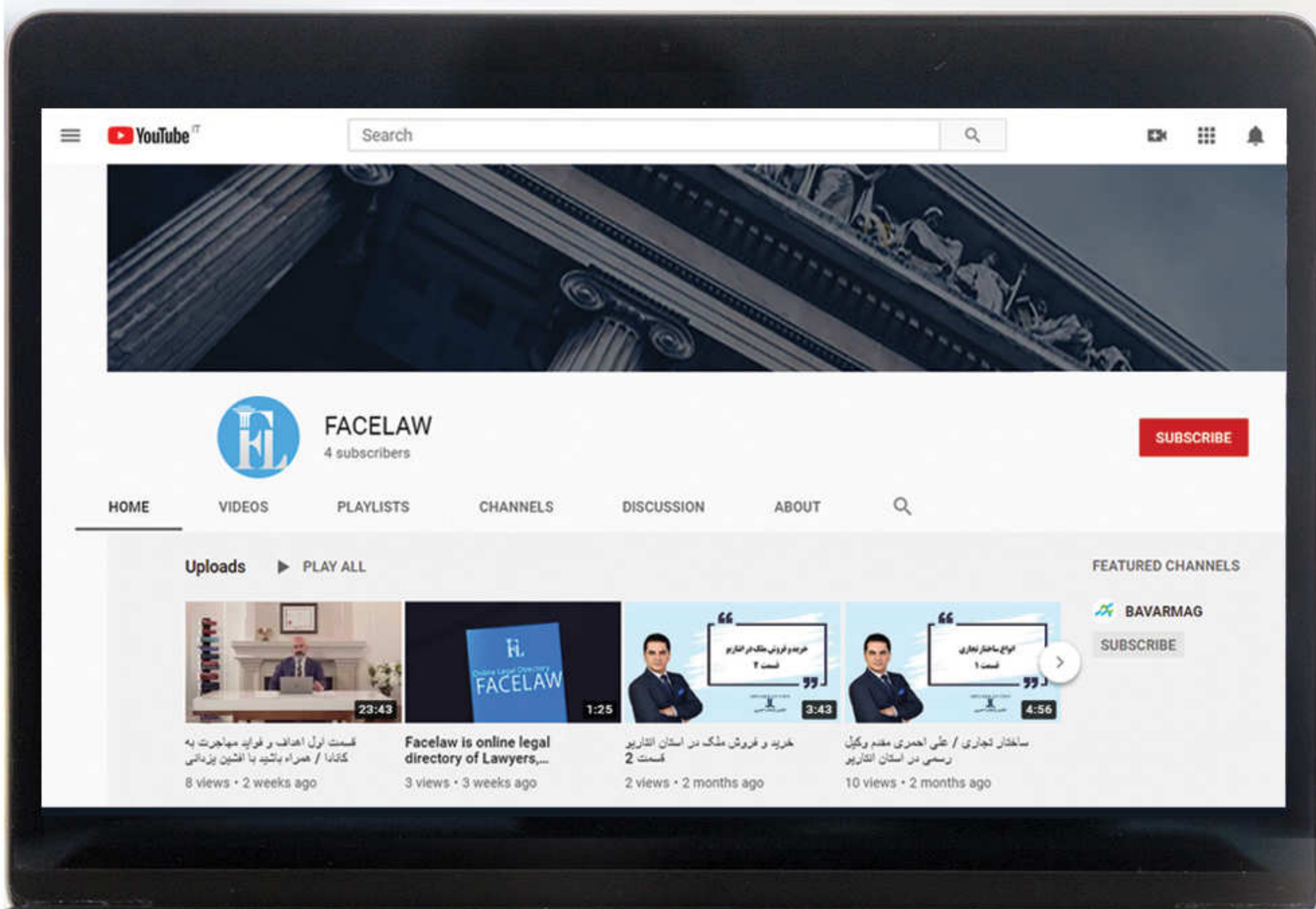


In today's technologically advanced world, social media has become the new phenomenon to connect the world on all levels. The world has technologically moved forward in a way that people no longer just rely on radio or TV to access their favorite program.

Now more than ever, smartphones, tablets, laptops, computers, and any device that connects to the internet have the ability to provide us with the latest information on a given topic within seconds. Likewise, social media platforms, such as internet, TV and radio, are now instrumental for businesses to advertise their services to the public. This process is not only much cheaper than conventional methods of advertising such as radio or TV, but also provides an opportunity for businesses to maintain direct relationship with their audience.

# FACELAW INTERNET TV

Radio FACELAW



In this regard, Facelaw has launched its online TV and radio, with the objective of providing reliable legal information, prepared by our members who are trained legal professionals. Information will be provided via video, audio and podcasts to the public on a timely basis.

If connecting with legal professionals in divergent fields and learning more about their services is of interest to you, you are encouraged to follow our social media, website, and YouTube channel to have access to our professional programs. Facelaw is excited to introduce this new medium for legal professionals to educate and connect with the public.








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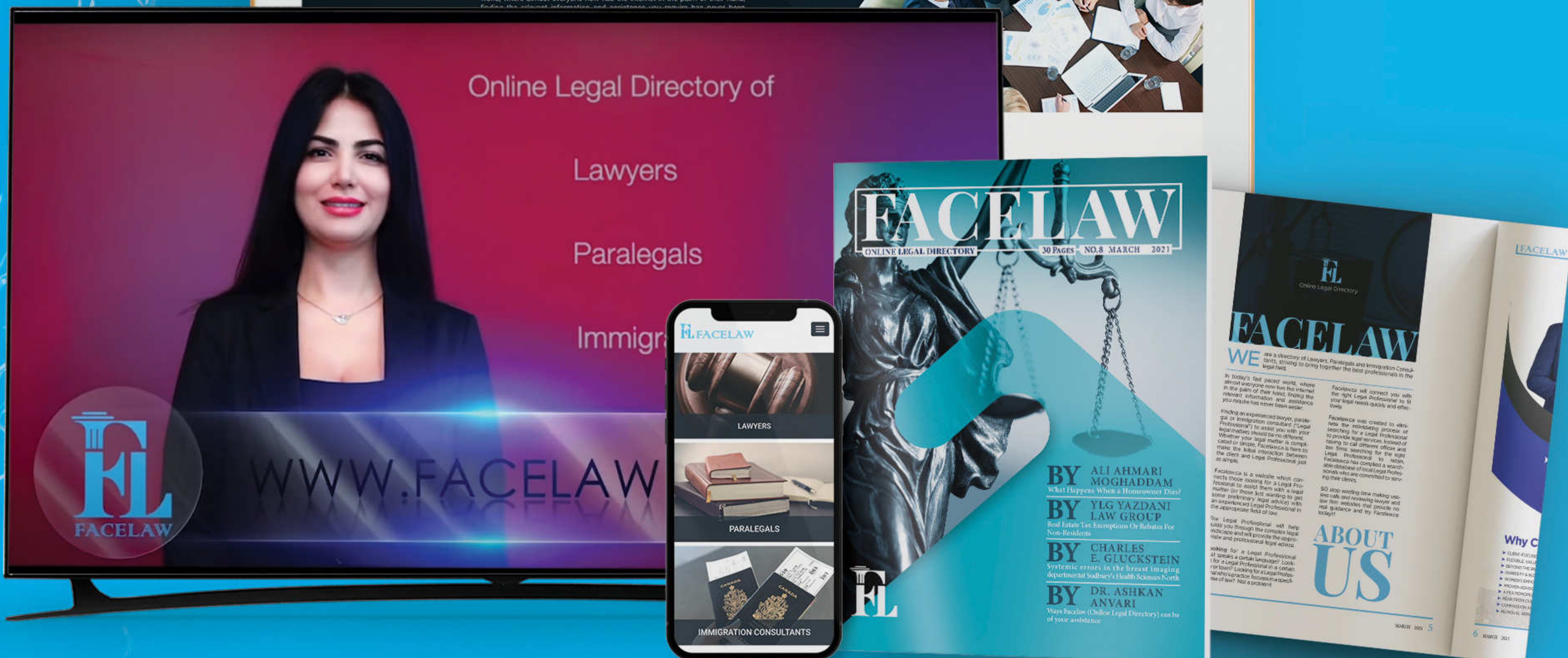
Blogs and Articles



Facelaw Internet TV



Facelaw Magazine



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**MAGAZINE**



Facelaw is Online Legal directory of Lawyers, Paralegals and Immigration Consultants in  





# ONLINE SEMINARS



Facelaw has the technological ability to conduct various seminars for the community in order to increase awareness in the legal field. As well, Facelaw conducts private seminars for businesses to educate them in the different areas of law. This has the power to inspire businesses to tackle new projects and to advance their level of knowledge within the law. For these seminars, the speakers will be the direct members of Facelaw who are licensed professionals like that of lawyers, paralegals and immigration consultants.

Depending on the nature of discussion, the seminar may be led by one or more professionals.

These seminars will take place in North America. Some will be provided for free and others will require the purchase of a ticket. Facelaw will have all the details including prices, dates, and topics of discussion available on our website for your ease of reference.







Facelaw provides the opportunity for the public to read about the member's legal experience, their desired field of law and their current contact information. This unique feature will allow people to learn more about the background and professional work of the members of Facelaw.

Within the seminars, you will have a direct connection with the speakers by having the ability to ask questions during the seminars. The speakers will also provide their contact information so that you can contact them for further legal information and clarification. In doing so, Facelaw will provide a special discount to those who attend the seminars. Please visit our website for further details regarding the discounts. The highlights of each seminar will be displayed on Facelaw's website so that the public can determine if the topics, location, professionals among other details are of interest to them.

Facelaw values education and community and maintains these values at the core of all of its efforts. As a result, Facelaw will have business networking events in which all Facelaw members who are experienced professionals in the legal field will have the opportunity to meet and learn from one another. This will allow them to advance their current expertise and to better serve the public as their legal knowledge will be up to date and expanded.







## How to Succeed an Owner Operator Work Permit Application in Canada




# AFSHIN YAZDANI

Afshin Yazdani LL.M, BCL,  
CCLL.M, RCIC, OBA, CBA.

 [afshin@ylgpc.ca](mailto:afshin@ylgpc.ca)

 +1 (855) 954-7222

 508 & 509-7191 Yonge St.  
Toronto Canada

 [www.ylgpc.ca](http://www.ylgpc.ca)

Foreign nationals wishing to come to Canada to operate a business can apply for a work permit known as the “Owner Operator work permit”. There are two types of Owner Operator work permits:

- 1 Owner Operator work permit based on a Labour Market Impact Assessment (LMIA Basis)
- 2 Owner Operator work permit under the International Mobility Program (LMIA Exemption Code 11 Basis)

Both types require job offers from the Canadian business, and the only difference is the LMIA basis requires the job offer along with a positive LMIA. In contrast, the LMIA Exemption basis doesn’t need one.

The offer of employment would be from the business to its owner; therefore, somehow, the work permit applicant offers job to himself. Although it is a kind of self arrangement, the job offer must be legitimate and meets a particular requirement.

It is essential to understand that if a foreign national owns less than 50% of the Canadian business, it is recommended that to go the LMIA basis stream. Besides, if there are multiple owners of the business, only one owner will be allowed to obtain an Owner Operator work permit.

The initial work permit can be issued for a maximum period of two years.

**Stream one:** Owner Operator Work Permit Based on a Labour Market Impact Assessment (advertisement or recruitment requirement free high wage type)

The qualifications stipulated by the ESDC concerning the LMIA for foreign nationals that wish to own or operate their business in Canada and to become qualified for an Owner Operator work permit based on an LMIA are as follows:

- 1 Must possess a Canadian business located in Canada, either by being the sole proprietor, or by being a specified percentage shareholder, or by providing an official document to confirm that one shareholder has a controlling interest;
- 2 Recommended the business structure be an incorporate or company;
- 3 Must hold 50% or more of the interest in the Canadian business, otherwise must meet the recruitment condition;





- 4 Must maintain a position within the business that cannot be dismissed or is answerable to a more senior member of the company;
- 5 Will have a wage that is equal to or greater than the median wage for the position; therefore, it must be the high-wage stream. Median hourly wages for Ontario is \$23.08;
- 6 Must have a skill set or experience that will improve the feasibility of the business;
- 7 Must provide proof that through the temporary entry to Canada there will be a creation or retention of employment opportunities and/or skill transference offered to Canadians and permanent residents of the country
- 8 Must create a viable Business Plan that demonstrates how the business will be funded with the inclusion of at least a basic financial plan and timeline of events, as well as an outline as to how the individual will

create or maintain employment within the company. Must cover details such as proof of the active management of the business by means other than through passive investment, financing, leasing office space, and obtaining a Business Number with Canada Revenue Agency

- 9 Must agree to employ at least one Canadian citizen or permanent resident of the country within the first year. This must be described and included in the finished business plan

**Requirements for high wage positions LMIA**

Under Owner Operator LMIA application usually the employer does need a proof for the legitimacy of his business, but doesn't need to provide a transition plan if the job if for limited period of less than 2 years or skill level is 00. The employer also doesn't need to provide a proof that he has conducted advertisement to recruit Canadian.





Generally speaking, in accordance with LMIA guideline of ESDS[1], the eligibility requirement for high wage stream are business legitimacy, transition plan, wages, and work conditions, but doesn't require recruitment. Here we explain each element:

### First: Business legitimacy

All employers applying to the TFWP must supply documents along with their LMIA application to demonstrate that their business and job offer are legitimate. The factors that ESDS considers when assess the application and supporting documents are those that confirms the business (a) has no past compliance issues; (b) can fulfill all of the terms of the job offer; (c) is providing a good or a service in Canada; (d) is offering employment that is consistent with the needs of your business.

To prove the employer can fulfill all of the terms of the job offer, the employer must submit an attestation prepared by a Lawyer in Canada confirming that the Canadian business is in good financial standing and will be able to meet all financial obligations to any temporary foreign worker it hires for the entire duration of their employment. The Canadian business may also submit its contract or invoice for the goods or services that it is providing in Canada

To demonstrate that the employer have a legal business that provides a good or a service in Canada must provide at least its valid municipal/provincial/territorial business license, preferably also an attestation confirming that the employer is engaged in a legal business that provides a good or a service in Canada where an employee could work and a description of the main business activity.

Tip: "Permanent residency LMIA stream only, confirmation that the business has been operating for at least one year must also be included in the attestation".

### Second: Transition plan

A Transition Plan is valid for the duration of the employment of the temporary foreign worker, which is a mandatory requirement to hire temporary foreign workers in high wage positions. It describes the activities the employer agrees to undertake to recruit, retain and train Canadians and permanent residents and to reduce its reliance on the Temporary Foreign Worker Program.



### The Transition plan requirement doesn't apply if:

- 1 The Transition plan requirement does not apply if the position the employer is requesting is for a limited duration where:
  - the job is time limited in nature, and the employment duration may range from 1 day to a maximum of 2 years;
  - there is no reasonable expectation that you could transition the position to a Canadian or permanent resident;
  - the job will not be filled after the departure of the temporary foreign worker as the position





will no longer exist (for example, project based occupations such as consultant for business management, a specialized engineer for a dam construction project)

- in some cases, repeat use of the specific position is the norm for the industry, but each employment duration is limited (for example, some Film and Entertainment positions; emergency repairs and warranty work)

**2** The Transition plan requirement does not apply if the position the employer is requesting is for unique skill skills or traits which belong to a specific individual and are not readily available in Canada, for example, NOC 00 occupations.

### Third: Recruitment

Before applying for an LMIA, the employer must conduct at least three different recruitment activities, which includes advertising on the Government of Canada's Job Bank, and two other methods of recruitment that are consistent with the occupation.

In certain circumstances, there are variations to the advertising requirements for specific positions and business owners are one of them. To be qualified as an owner operator<sup>[2]</sup>, foreign nationals must demonstrate before submitting their application, and for the duration of their employment in Canada:

- they have controlling interest in the business by being the sole proprietor, or by being a majority shareholder (hold a minimum of 50.1% of the shares), or by providing an official document to confirm that one shareholder has a controlling interest.
- they cannot be dismissed.

### Fourth: Wages and Job duties and working conditions

Wages offered to temporary foreign workers should be similar to wages paid to Canadian and permanent resident employees hired for the same job and work location, and with related skills and years of experience.

The employer must pay the prevailing wage, which is defined as the highest of either the median wage on Job Bank<sup>[3]</sup>. For example, the median wage per hour for NOC 0013 is \$53.37.

In terms of job duties and working conditions, The temporary foreign workers you hired, as a result of a positive LMIA, must only perform tasks that correspond to the occupation they were hired for.







## CHARLES E. GLUCKSTEIN

Gluckstein Lawyers

 [info@gluckstein.com](mailto:info@gluckstein.com)

 416-788-4851  
416-408-4252 Ext 269

 595 Bay Street,  
Suite 301, Toronto

 [www.gluckstein.com](http://www.gluckstein.com)



## BIKE TO BASICS: Traumatic Brain Injuries In Young Cyclists



Children grow up so fast. First, they're crawling, then they're taking their first steps, and before you know it, they're asking to borrow your car. But in the years in between these milestones, you'll likely find them out riding around on two wheels.

Almost 90 percent of children between the ages of 5 and 14 have ridden a bike in the past 12 months. Whether for exercise, transportation, or just fun, biking can be a big part of the childhood experience.

Unfortunately, this activity is also a significant source of personal injuries for this age group. Children under 14 are more than five times as likely to be injured in a bicycle-related crash than other riders. Traumatic head injuries are the leading cause of death in bicycle crashes and the most important determinant of permanent disability.





In this blog post, I'll describe traumatic brain injuries (TBIs), outline the reasons why young riders are more likely to sustain these debilitating injuries as they get older, and note how a **Gluckstein Lawyers'** community initiative called **Set 4 Safety** is helping to keep young cyclists safe.

## WHAT ARE TRAUMATIC BRAIN INJURIES?

Traumatic brain injuries typically occur from a violent blow to the head or jolt to the body or head. Foreign objects that go through or lodge in brain tissue can also cause TBIs. Mild TBIs may result in temporary changes to brain cells, while moderate to severe TBIs can cause bruising, tears to brain tissue, bleeding and physical brain damage.

More severe TBIs can lead to long term or permanent disability or death.

A TBI can result in one or more physical, sensory, or cognitive symptoms.

These symptoms, which vary depending on the severity of the injury, include:

### Physical:

headache, fatigue, drowsiness, nausea, vomiting, problems with speech, dizziness, loss of balance, loss of consciousness, convulsions, seizure, weakness, numbness or other symptoms.

### Sensory:

blurred vision, ringing in the ears, sensitivity to light, changes in taste and/or smell.

### Cognitive:

confusion, disorientation, memory/concentration problems, mood changes, agitation, combativeness, depression, anxiety, and sleep problems/changes.





# WHAT CAN BE DONE?

Prompt medical attention, certain medications, surgery, rest and rehabilitation therapies can help treat acute TBI symptoms and/or limit the long term effects of more serious TBIs.

But prevention is key to avoiding a life altering brain injury.

Research suggests mandatory helmet laws to increase helmet use and decrease head injury risk.

Moreover, one study indicated that 95 percent of children wear helmets when riding with an adult wearing a helmet, while only 40 percent did if the adult did not have a helmet on.

Helmet use and general bike safety education and promotion can have a positive impact on preventing traumatic brain injuries.







As a personal injury law firm, Gluckstein Lawyers encounters many people dealing with the aftermath of a traumatic brain injury.

We use our experience to help them choose to pursue a claim for compensation and damages, but our interest in full circle client care means we strive to do so much more.

As past President of the Brain Injury Association of Peel and Halton (BIAPH), I've seen first hand what we can accomplish.

We work together to protect people from brain injuries and enhance their lives if they have sustained one.

In honour of Brain Injury Awareness Month this June, Gluckstein Lawyers hosts the Set 4 Safety Volleyball Tournament fundraiser to support the Peel Helmets on Kids (HOK) program.

This program is a community driven initiative committed to making the streets safer for hundreds of young cyclists by purchasing helmets for those who may not have access to one.

Since 2008, Gluckstein Lawyers and our community partners have provided over 7500 children with helmets to help our children remain active and stay healthy and safe.

If you or a loved one have sustained a traumatic brain injury and require legal assistance or if you want to join our efforts to help build traumatic brain injury support networks, please contact us for information on our services and community involvement.







PROFESSIONAL CORPORATION



# ROSS MIRIAN, ESQ

Ross Mirian, Esq is the managing lawyer at Mirian Law Firm. He is a member of the State Bar of California and the Law Society of Ontario.

Ross practices in the field of personal injury representing injured victims. He has handled and successfully resolved a number of serious personal injury cases involving catastrophic injuries, death, brain injury, fractures, orthopedic injuries, chronic pain syndrome, car accidents, long term disability, slip and fall, dog bite and psychological disability.

Furthermore, Ross also acts on behalf of clients with real estate transactions.

Mr. Mirian takes a personal interest in all of the firm's cases to ensure the highest standards of service and excellence are consistently met.

Prior to establishing Mirian Law Firm, Ross Mirian worked at a large personal injury law firm in Ontario.

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## CANADA OFFICE

### TORONTO: HEADQUARTERS

-  647-556-5888
-  647-503-5858
-  info@mirianlaw.com
-  Office Address:  
7191 Yonge St, Unit 709,  
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## ARYAN KAMYAB

B.A. (Spec. Hon), LL.B

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 289 597 4953

647 388 2121

 7191 Yonge Street,  
Suite 611, Thornhill

 [aryan@kamyablaw.com](mailto:aryan@kamyablaw.com)

 [www.kamyablaw.com](http://www.kamyablaw.com)



# OCCUPIERS' LIABILITY IN SLIP AND FALL CASES

## Introduction

The Occupiers' Liability Act in Ontario protects individuals from slip and falls while on commercial property, residential property, and on municipal lands.

But how safe does a property need to be? Who is at fault? And when should an injured person seek legal advice?

The following will help answer these critical questions.

### Who is responsible for ensuring a safe environment?

The law imposes a duty on an "occupier" of a property to ensure that individuals who enter or use the premises are "reasonably" safe.

Property owners or renters, as well as municipalities, are defined as occupiers and are responsible for ensuring a safe environment. This duty extends to commercial properties (malls, grocery stores, parking lots, etc.), residential properties (private backyards, driveways, etc.) and municipal properties (public parks, roads, etc.).

### Injured while on someone else's property?

If you are injured while on commercial, residential, or municipal property, the question will be whether or not the property was safe for individuals. The standard of safety that is required is reasonableness, not perfection.

This means that the occupier is not expected to remove every possible threat of danger. Rather, they are expected to take "reasonable" steps to ensure that the property is "reasonably" safe.



### What is reasonable?

Determining reasonability will depend on the circumstances of each incident. For example, it is reasonable that a piece of food might fall to the floor of a grocery store at some point during the day, but it is unreasonable for the piece of food to remain on the floor all day. Suppose a customer drops a cherry on the ground and 30 seconds later another customer slips and falls on the cherry. It will be difficult to prove liability because there was nothing that the grocery store could have “reasonably” done in time to prevent the fall. However, if the cherry remained on the floor for two hours before causing an injury, it will be easier to prove liability because there was a “reasonable” amount of time for the store to remove the cherry.

### Anything can cause an injury

The victim should not be concerned with the level of danger posed by the occupier. For example, if the victim slips on a cherry in a grocery store, the grocery store cannot argue that a single cherry is not dangerous. If a single cherry caused the victim to fall, then it does not matter whether or not a single cherry is dangerous; all that matters is that the cherry caused the fall. The next challenge will be to determine whether the grocery store took “reasonable steps” to prevent the cherry from being on the floor in the first place, such as regular sweeping of the floors.





## The environment must be safe for everybody

An occupier must ensure that the property is kept reasonably safe for all people, regardless of age, strength, or ability.

An occupier will not be able to argue that the person fell because of their age or because they required the use of a cane.

If the property is not safe for everyone, then the occupier may face liability.

It is important that victims not blame themselves because of their age or strength before first seeking legal advice.

## Can someone other than the occupier be liable?

An occupier may satisfy its duty to ensure a safe environment by hiring a third party, such as a cleaning service or a security guard. For example, suppose a person slips and falls on a puddle of water in a mall.

If the mall hired a cleaning service or a security guard to ensure that the premises is reasonably safe, then the duty will fall on the third party.

It is very important to determine whether there is a third party involved as soon as possible.







### **What if the victim was responsible for the fall?**

The victim of the fall may be partly responsible for the incident, and the occupier may attempt to prove that the victim helped cause their own injuries.

For example, if the victim was behaving carelessly at the time of the incident, this could result in the occupier only being responsible for a portion of the damages. Listed below are some common examples where the victim may be partly responsible for their injuries in slip and fall cases:

- 1** Voluntary assumption of risk:  
if the victim sees water on the floor and decides to walk on the water instead of going around.
- 2** Footwear:  
if the victim was wearing high heels (rather than winter boots) while crossing an icy parking lot.
- 3** Behaviour of the victim:  
if the victim was running, texting or distracted in any way.
- 4** State of the victim:  
if the victim was drinking alcohol or was impaired in any way.

These factors will be important to remember and disclose when a victim is seeking legal advice.

### **What does the occupier owe a victim if they are found liable?**

If found liable, the occupier will be required to reimburse the victim for any damages that occurred as a result of the accident, including loss of ability to work and earn wages, pain and suffering, medical expenses, or property damage. It is important that the victim collect any medical evidence of the injury, proof of property damage, or proof of how the injury interfered with their life. These will be considered when assessing the cost of damages.





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✉ [maryam@aradlegal.ca](mailto:maryam@aradlegal.ca)

📍 #216 6-14845 Young St, Aurora

🌐 [www.aradlegal.ca](http://www.aradlegal.ca)





# Lawyers Directory

## ALI Ahmari Moghaddam

[www.ahmarilawfirm.ca](http://www.ahmarilawfirm.ca)  
 416-800-0808 / 289-597-6700  
[ali@ahmarilawfirm.ca](mailto:ali@ahmarilawfirm.ca)  
 #908,909, 7191 Yonge Street,  
 Thornhill, Toronto Canada

## Charles E. Gluckstein

[www.gluckstein.com](http://www.gluckstein.com)  
 416-408-4252 Ext 269  
[nematy@gluckstein.com](mailto:nematy@gluckstein.com)  
 595 Bay Street, Suite 301,  
 Toronto

## Ali Ani Irani

[www.ahmarilawfirm.ca](http://www.ahmarilawfirm.ca)  
 416-800-0808 / 289-597-6700  
[irani@ahmarilawfirm.ca](mailto:irani@ahmarilawfirm.ca)  
 #908,909, 7191 Yonge Street,  
 Thornhill, ON L3T 0C4

## Maryam Jamshidian

[www.aradlegal.ca](http://www.aradlegal.ca)  
 587-288-6694 / 647-830-7470  
[maryam@aradlegal.ca](mailto:maryam@aradlegal.ca)  
 #216 6-14845  
 Yonge St, Aurora

## Aryan Kamyab

[www.kamyablaw.com](http://www.kamyablaw.com)  
 289-597-4902 / 289-597-4953  
[aryan@kamyablaw.com](mailto:aryan@kamyablaw.com)  
 7191 Yonge Street,  
 Suite 611, Thornhill

## Jenna (Yea Jin) Lee

[www.jennaleelaw.com](http://www.jennaleelaw.com)  
 9057093383  
 6473611134  
[jenna@jennaleelaw.com](mailto:jenna@jennaleelaw.com)  
 7191 Yonge St.  
 Suite 513 Markham

## Aila Makooli, B.A.,J.D.

[www.makoolilaw.com](http://www.makoolilaw.com)  
 416-848-9815 / 416-628-5691  
[amakooli@makoolilaw.com](mailto:amakooli@makoolilaw.com)  
 7191 Yonge Street,  
 Suite 910,Thornhill,Canada

## Ross Mirian, ESQ.

[www.injurydisabilitylawyer.ca](http://www.injurydisabilitylawyer.ca)  
 +1(647)556-5888  
[ross@mirianlaw.com](mailto:ross@mirianlaw.com)  
 7191 Yonge Street,  
 Unit 709, Toronto

## Subramanyam Narasimhan

[snlawoffice.ca](http://snlawoffice.ca)  
 416 948 4006  
[subu@snlawoffice.ca](mailto:subu@snlawoffice.ca)  
 200 Consumers Rd, Suite 309,  
 North York, ON, M2J 4R4

## Sarvi Safai

[www.safailaw.com](http://www.safailaw.com)  
 +1(949)601-3355  
[ssafai@safailaw.com](mailto:ssafai@safailaw.com)  
 California, USA

## Shirin Taghavi

[taghavalawpc.com](http://taghavalawpc.com)  
 +1(647)464-0332  
 +1(647)474-7766  
[taghavi@taghavalawpc.com](mailto:taghavi@taghavalawpc.com)  
 7191 Yonge St Suite 611 / L3T 0C4

## Afshin Yazdani

[www.snlawoffice.ca](http://www.snlawoffice.ca)  
 +1 (855) 954-7222  
[afshin@ylgpc.ca](mailto:afshin@ylgpc.ca)  
 508 & 509-7191 Yonge St.  
 Toronto, Canada



# ONLINE LEGAL DIRECTORY OF LAWYERS PARALEGALS & IMMIGRATION CONSULTANTS

[www.facelaw.ca](http://www.facelaw.ca)  
[info@Facelaw.co](mailto:info@Facelaw.co)  
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