

Premises liability refers to the liability of property owners and those in control of the premises for injuries and damages that arise out of this property ownership or control.

Premises liability claims include:

- Slip and fall accidents
- Construction accidents
- Dog bites
- Injuries caused by negligent or willful misconduct by third persons

These claims rely on the same principles as negligence, including duty, breach of duty, causation and damages. However, there are special rules to help determine if these elements have been established.

When determining the identity of parties who are liable for damages, important elements are ownership, possession and control of the premises. Without these elements, the party has no duty to exercise reasonable care. Owners or possessors of property have a duty to act reasonably to keep the property safe and prevent others from being injured.

There may be different duties, depending on the circumstances. Latent or concealed hazards should be corrected or the property owner should warn others about them. Store owners should conduct reasonable inspections and correct hazards when discovered. In addition to addressing potential hazards on the property, property owners may also be responsible for the conduct of third parties. Property owners must take action to control the wrongful acts of third persons if they have reasonable cause to anticipate that similar acts can happen on the premises in the future.

Courts can consider many factors when determining if there is a legal duty owed, including:

- The proximity between the defendant's conduct and the injury suffered
- The moral blame applied to the defendant's conduct
- The foreseeability of harm
- The degree of certainty that the plaintiff suffered injury
- Policies to prevent future harm
- The defendant's extent and burden of imposing a duty to exercise care with liability for breaching the duty of care
- The availability and cost of insurance for the risk involved