

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Miller v. Royal Bank of Canada*, 2008 NSCA 118

**Date:** 20081216

**Docket:** CA 293629

**Registry:** Halifax

**Between:**

Brenda Miller

Appellant

v.

Royal Bank of Canada

Respondent

---

**Judge:** The Honourable Justice Jamie W. S. Saunders

**Appeal Heard:** December 4, 2008

**Subject:** Occupiers' liability. Standard of review. Expert evidence.  
Admissibility of prior history.

**Summary:** After a lengthy trial the judge dismissed the appellant's claim finding that the respondent had not breached its duty to take reasonable care to make its premises reasonably safe for persons entering the bank having regard to the circumstances found by the judge to have prevailed on the day of the mishap. The judge went on to provisionally decide the issues of causation, mitigation, damages, and pre-judgment interest.

**Held:** Appeal dismissed. The judge conducted the appropriate analysis and review of all of the circumstances. At the end of the day the appellant had failed to prove her case. The judge was not persuaded as to what *caused* her to fall, or that in any event the bank ought to be held liable for failing to prevent a wet footprint being left on the floor of the foyer that morning.

The judge did not err in dealing with certain expert evidence, or in

admitting the evidence that there had been no history of complaints of slip and fall accidents at this bank as being a relevant, but not determinative factor on the question of liability.

**This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 9 pages.**