

COURT OF QUEBEC

Small Claims Division

CANADA
PROVINCE OF QUEBEC
DISTRICT OF BEAUHARNOIS
LOCALITY OF VAUDREUIL-DORION
Civil Division
No: 760-32-016093-140

DATE: November 27, 2014

IN THE PRESENCE OF: THE HONOURABLE CÉLINE GERVAIS, J.Q.C.

BRENDA MANN
Plaintiff

v.

DOUBLE J.J. RANCH INC.
Defendant

JUDGMENT

[1] Brenda Mann claims \$ 7000 from Double J.J. Ranch inc., for an injury she suffered while riding a horse.

[2] On June 15, 2013, Mrs. Mann, who is an experienced horse rider, goes for a trail ride with a group. At that time, according to Mrs. Mann testimony, Double J.J. Ranch was operating under the name of Mountain View Ranch.

[3] She was advised before the ride that the horse she was given might be difficult, but that there should be no problem as she had experience with horses. On the second gallop they did, the horse suddenly stopped and threw Mrs. Mann overhead. She fell and broke her left arm and a few ribs.

[4] She needed three surgeries to fix her arm. She was also obliged to delay the beginning of a new job that she was supposed to start in the next week, and that she could start only in September 2013.

[5] Section 1466 of the *Quebec Civil Code* reads as follows:

1466. The owner of an animal is bound to make reparation for injury it has caused, whether the animal was under his custody or that of a third person, or had strayed or escaped.

A person making use of the animal is also, during that time, liable therefore together with the owner.

[6] Section 1466 Q.C.C. creates a presumption of liability against the owner of an animal. Only three circumstances may render the owner not liable, which are an Act of God, the victim's fault, or a third party fault. None of those circumstances are present in this case.

[7] Consequently Mrs. Mann has proven, by her testimony and the exhibits she filed, that she has suffered damages that justify her to claim the amount of \$ 7000.

FOR ALL THESE MOTIVES, THE COURT:

GRANTS Plaintiff's claim;

CONDEMNS Defendant, DOUBLE J.J. RANCH INC., to pay to Plaintiff, Brenda MANN, the amount of \$ 7000 plus the legal interest and the additional indemnity applicable by Section 1619 Q.C.C., as of the 31st day of August, 2014, date of service of the claim, and the judicial costs of \$ 169.

CÉLINE GERVAIS, J.Q.C.