

Bar Fights – You cannot blame the Bar

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Harding v. Hudsons Canadian Hospitality Ltd., 2015 ABQB 38

(click [here](#) to view the decision)

In a recent decision from the Alberta Court of Queen’s Bench, the court held a bar not liable for the plaintiff’s injuries that resulted from a “bar fight”. On January 15, 2015, Justice Read granted the bar’s application for summary dismissal of the plaintiff’s claim.

The plaintiff was assaulted by an unidentified patron at Hudsons Canadian Taphouse owned by the defendant. When he initially attended that night, the plaintiff observed a group of patrons engaged in “anti-social behaviour” including “colliding with people, yelling at other patrons, and blocking the way to the bar.” Later that evening, the plaintiff was struck by a bottle thrown by an unknown individual. The bar staff immediately responded to the assault. The plaintiff suffered broken bones and abrasions to his face.

The court found the bar owed the plaintiff a duty of care but that there was no breach of that duty. There was no evidence that anything done (or not done) by the bar could have prevented, caused, or contributed to the assault. This was a spontaneous patron-on-patron assault. There was no evidence of anything that could have caused the bar to foresee any risk of assault to the plaintiff or any impending altercation. The level of surveillance (i.e. nine security cameras) was sufficient and did not contribute to the assault. Alberta courts have previously dismissed claims against bars when there is no evidence to suggest an impending altercation. Since there was no evidence to suggest the bar was negligent in discharging its duty, the court granted the bar’s application for summary dismissal.

Harding demonstrates the emphasis the courts place on the foreseeability of risk of an impending altercation and the evidence the courts require to determine if a bar was negligent. The courts will look for evidence regarding the spontaneous nature of the altercation, staff response time, level of surveillance, and the amount of staffing and training. If the court is not satisfied that the altercation was foreseeable or that the bar could have done anything to prevent or lessen the plaintiff’s injuries, the court will dismiss the claim.