

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

Plaintiff

- and -

Defendant

PLAINTIFF'S STATEMENT OF LAW

**VOLUME 10
THE BURDEN OF PROOF WITH RESPECT TO
DAMAGES IN RELATION TO FUTURE EVENTS AND CONTINGENCIES**

PART I - OVERVIEW

1. A plaintiff does not need to prove on a balance of probabilities that a future event would have occurred but for the defendant's negligence. Rather, a plaintiff only needs to prove that there is a reasonable chance or "real and substantial possibility" of a loss manifesting in the future. The court will then determine the amount of compensation owing for that future loss, adjusted to reflect any positive or negative contingencies that have been proven through evidence.
2. A plaintiff who establishes a real and substantial possibility of future loss is entitled to compensation. Even a five percent chance has been regarded as a real and substantial possibility.

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* As of the November, 2017 release date, this Statement of Law has been updated by TVA

3. The fact that the quantum of a future event cannot be precisely calculated does not preclude recovery.
4. Contingencies are subject to proof. Negative and positive contingencies will very often cancel each other out.

END OF SAMPLE

The remainder of the statement of law contains written submission on this issue and is written like the law portion of a factum.

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