

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

ALLA ABDI

PLAINTIFF

AND:

PAUL BOTTOMLEY, ROBERTA BOTTOMLEY AND CITY OF BURNABY

DEFENDANTS

AND:

PAUL BOTTOMLEY AND ROBERTA BOTTOMLEY

THIRD PARTIES

TRIAL SUMMARY

Counsel for Plaintiff:

J. Scott Stanley and Paul Bosco

Counsel for Paul Bottomley and Roberta Bottomley:

Michael D. Murphy

Counsel for City of Burnaby:

David Bell and Stephanie Hamilton

The Plaintiff was the victim of horrible burns following an explosion at a backyard fire pit on May 14, 2014. The tenant poured a bucket of used motor oil on the fire, causing it to explode. The landlord, who happened to be the City of Burnaby, had been warned the tenant had fires in the past, which was contrary to their own bylaw prohibiting open fires. The Defendants denied liability.

The case went to trial on June 4, 2018 and was heard by a Judge and Jury. The Jury found the tenants and Burnaby at fault and assessed damages at **\$4,560,000**, including the sum of \$3,800,000 for pain and suffering which is one of the largest Jury awards in Canada under this head of damage. The Jury declined to reduce the Plaintiff's claim for failing to mitigate. The judgment that was entered was reduced to reflect the monetary limit on pain and suffering awards in Canada.