

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. Future events need not be proved on a balance of probabilities. A plaintiff only needs to prove that there is a reasonable chance of loss. The court will then look at negative and positive contingencies in determining the amount of the award.
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.
3. The fact that a future event cannot be precisely calculated does not preclude recovery.

© 2017, Barbara Legate, Legate & Associates and Taran Virtual Associates Inc.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, except that the purchaser of this publication (who for the purposes of copyright only, shall be deemed to be the individual(s) named on the invoice and/or the CD(s)) shall be entitled to copy, modify and use this publication solely for his or her own legal practice. This publication is designed to provide accurate and authoritative information for use as a precedent by lawyers. This publication is not intended to render legal advice. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

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

4. Contingencies are subject to proof. Negative and positive contingencies very often cancel each other out.

**\*\*END OF SAMPLE\*\***

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