

Court File No.:

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

Plaintiff

- and -

Defendant

**PLAINTIFF'S STATEMENT OF LAW**

**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.

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

**\*\* END OF DOCUMENT \*\***

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