

Court File No.:

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

Plaintiff

- and -

Defendant

PLAINTIFF'S STATEMENT OF LAW

FUTURE LOSS OF CAPACITY – HOUSEKEEPING AND HOME MAINTENANCE

PART I - OVERVIEW

1. Past loss of homemaking capacity for work left undone may give rise to a claim for pecuniary and non-pecuniary general damages. In either event, it may take into account the cost of replacement services.
2. Past loss of homemaking capacity for work done with difficulty or in pain will form part of the claim for non-pecuniary general damages.
3. Past loss of homemaking capacity for the reasonable cost of replacement labour is recoverable as a special damage and is pecuniary in nature. Where work is

© 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 February, 2017 release date, this Statement of Law has been updated by TVA

done gratuitously by family members, it is recoverable on sufficient proof of the loss.

**** 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.