

# EXCLUSION OF LIABILITY

## Assumption of Risks

For the most current information view the following link:

<https://skisafety.ca/exclusion-of-liability/>

Updated October 31, 2022 Content Last updated June 2022.

## THE USE OF SKI AREA PREMISES AND FACILITIES AND PARTICIPATION IN ACTIVITIES AT SKI AREAS INVOLVES VARIOUS RISKS, DANGERS AND HAZARDS.

It is a condition of your use of the premises and facilities and your participation in these activities that you assume all risk of personal injury, death or property loss resulting from any cause whatsoever, including negligence, breach of contract, or breach of any duty of care on the part of the ski area operator.

Your legal responsibility as a user of the ski area premises and facilities or participant in activities at the ski area is explained in the following notice, which you will see posted at the ski area.

### NOTICE TO ALL USERS OF THESE PREMISES AND FACILITIES

EXCLUSION OF LIABILITY  
ASSUMPTION OF RISK • JURISDICTION

### PLEASE READ CAREFULLY!

THESE CONDITIONS WILL AFFECT YOUR LEGAL RIGHTS INCLUDING  
THE RIGHT TO SUE THE OPERATOR FOR NEGLIGENCE, BREACH OF  
CONTRACT OR BREACH OF THE OCCUPIERS LIABILITY ACT OR TO  
CLAIM COMPENSATION FOLLOWING AN ACCIDENT

Your use of these premises and facilities and participation in activities on the premises involve various risks, dangers and hazards. Please visit the Safety & Risk Awareness website at: [www.skisafety.ca](http://www.skisafety.ca) or scan the QR code below for a description of these risks, dangers and hazards. A description of these risks, dangers and hazards is also available at guest services.

As a condition of your use of the premises and facilities and your participation in activities on the premises, you assume all risk of personal injury, death or property loss resulting from any cause whatsoever including NEGLIGENCE, BREACH OF CONTRACT OR BREACH OF ANY DUTY OF CARE OWED UNDER THE OCCUPIERS LIABILITY ACT ON THE PART OF THE OPERATOR OF THE PREMISES AND FACILITIES and its employees and representatives (hereinafter collectively referred to as "the Operator").

- You agree that the Operator shall not be liable for any personal injury, death or property loss and release the Operator from all liability and waive all claims with respect thereto.
- Negligence includes failure on the part of the Operator to take reasonable steps to safeguard or protect you from or warn you of the risks, dangers and hazards referred to above.
- Any litigation involving the Operator shall be brought solely within British Columbia and shall be within the exclusive jurisdiction of the British Columbia Court.
- These conditions and any rights, duties and obligations involving the Operator shall be governed by and interpreted solely in accordance with the laws of British Columbia and no other jurisdiction.



**THE OPERATOR'S LIABILITY FOR NEGLIGENCE, BREACH OF CONTRACT OR BREACH OF THE OCCUPIERS LIABILITY ACT IS EXCLUDED BY THESE CONDITIONS.**

06/20 BC

View the Exclusion of Liability Notice applicable in your Province or Territory:

(the above image is specific to BC and provided as an example. View our website <https://skisafety.ca/exclusion-of-liability/> for a link to all provincial versions).

# ALL VISITORS TO SKI AREAS

## Be aware of Slips, Trips and Falls

Footwear plays an important role in reducing the risk of slips, trips and falls. Your footwear should be appropriate for the season, weather conditions and activity. Many types of footwear do not provide good traction, and extra caution should be used when visiting a ski area.

Visiting a ski area involves various risks, dangers and hazards including but not limited to the following:

- uneven or cracked surfaces;
- variations in the terrain or surface including but not limited to ruts, crevasses, holes, rocks, gravel, tree roots and other natural objects;
- ungroomed and unkept grounds, trails and areas; wet and/or slippery ground and floors;
- ice, snow, and slush in parking lots and on stairs, roads, sidewalks and pathways;
- icy or slippery condition of snow in and around the ski hill, tube park and other winter activity areas;
- loss of balance;
- dim or low lighting;
- changing weather conditions, including frequent thawing and freezing in the winter;
- encounters with domestic and wild animals including dogs and bears;
- failure to act safely or within one's own ability or to stay within designated areas;
- negligent first aid;
- negligence of other persons;
- infectious disease contracted through viruses, bacteria, parasites, and fungi which may be transmitted through direct or indirect contact;
- and NEGLIGENCE ON THE PART OF THE OPERATOR and
- its directors, officers, employees, instructors, agents, representatives, volunteers, independent contractors, subcontractors, sponsors, successors and assigns.

# SKIING AND SNOWBOARDING

Skiing, snowboarding, and cross country skiing (nordic) involves various risks, dangers and hazards including, but not limited to the following:

- boarding, riding and disembarking ski lifts; changing weather conditions;
- avalanches;
- trees, tree wells, tree stumps and forest deadfall;
- the condition of snow or ice on or beneath the surface;
- variations in the terrain which may create blind spots or areas of reduced visibility;
- variations in the surface or sub-surface, including changes due to man-made or artificial snow;
- variable and difficult conditions;
- streams, creeks, and exposed holes in the snow pack above streams or creeks;
- cliffs; crevasses;
- snowcat roads, road-banks or cut-banks;
- exposed rock, earth, ice, and other natural objects;
- collision with lift towers, fences, snow making equipment, snow grooming equipment, snowcats, snowmobiles or other vehicles, equipment or structures;
- encounters with domestic and wild animals including dogs and bears;
- collision with other persons;
- loss of balance or control; slips, trips and falls; accidents during snow school lessons;
- infectious disease contracted through viruses, bacteria, parasites, and fungi which may be transmitted through direct or indirect contact;
- negligent first aid;
- failure to act safely or within one's own ability or to stay within designated areas;
- negligence of other persons;
- and NEGLIGENCE ON THE PART OF THE OPERATOR and its directors, officers, employees, instructors, agents, representatives, volunteers, independent contractors, subcontractors, sponsors, successors and assigns.



Ski and snowboard boots and many other types of footwear do not provide good traction, and extra caution should be used when walking.

## ALPINE SKI/SNOWBOARD BOOT BINDING SYSTEMS

The ski boot/binding system for alpine skiing may not release during every fall or may release unexpectedly. The ski boot/binding system is no guarantee that the skier will not be injured.

The snowboard boot/binding system is not designed or intended to release and will not release under normal circumstances. Given the snowboard boot binding system is a non-release system, the system will not reduce the risk of injury during a fall and will increase the risk of not surviving an avalanche.

# MOUNTAIN BIKING

Mountain biking takes place on steep and rugged terrain and features that are both physically and technically challenging and will expose the rider to many risks, dangers and hazards. These include but are not limited to the following:

- use of chairlifts and gondolas; changing weather conditions; slips, trips and falls;
- loss of balance;
- high speed descents;
- difficulty or inability to control one's speed and direction;
- rapid or uncontrolled acceleration on hills and inclines;
- extreme variation in cycling terrain including steep or slippery sections, trees, roots, tree stumps, logs, cliffs, rocks, rock drops, loose gravel, holes, depressions, streams and creeks;
- constructed feature such as bridges, ramps, ladders, bumps, berms, jumps, and drops;
- mechanical failure of equipment;
- collisions with natural and constructed objects, other mountain bikers, vehicles, pedestrians, spectators and officials;
- encounters with domestic and wild animals including dogs and bears;
- negligence of other riders or users of the premises;
- infectious disease contracted through viruses, bacteria, parasites, and fungi which may be transmitted through direct or indirect contact;
- negligent first aid;
- accidents during mountain bike instructional courses, lessons, clinics or sessions;
- failure to act safely or within one's own ability or to stay within designated areas;
- and NEGLIGENCE ON THE PART OF THE OPERATOR and its directors, officers, employees, instructors, agents, representatives, volunteers, independent contractors, subcontractors, sponsors, successors and assigns.

# ELEVATED ADVENTURES

Aerial adventure parks, zip lines, climbing walls, via ferrata, coasters and other adventure activities involve many inherent risks, dangers and hazards including but not limited to:

- walking on rough and uneven terrain (choose footwear carefully);
- weather conditions which may cause the walkways, decks, equipment, apparatus and zip lines to be slippery or hot;
- extreme and variable weather including but not limited to electrical storms, hail, snow, poor air quality or high winds;
- equipment failure; failure to properly adjust or fasten equipment; improper use of equipment;
- over-exertion, shock, stress or other injury to the body;
- exposed and falling earth, ice, trees, tree stumps, and forest deadfall or other natural object;
- travel on back-country roads;
- slips, trips and falls;
- failure to act safely or within one's own ability or to stay within designated areas;
- impact or collision with objects, trees, or people;
- falls from heights;
- encounters with domestic and wild animals including dogs and bears;
- negligence of other participants and other persons;
- negligent first aid;
- infectious disease contracted through viruses, bacteria, parasites, and fungi which may be transmitted through direct or indirect contact;
- and NEGLIGENCE ON THE PART OF THE OPERATOR and its directors, officers, employees, instructors, agents, representatives, volunteers, independent contractors, subcontractors, sponsors, successors and assigns.