

**Repair of roads, public places and public works**

**532(1)** Every road or other public place that is subject to the direction, control and management of the municipality, including all public works in, on or above the roads or public place put there by the municipality or by any other person with the permission of the municipality, must be kept in a reasonable state of repair by the municipality, having regard to

- (a) the character of the road, public place or public work, and
- (b) the area of the municipality in which it is located.

**(2)** The municipality is liable for damage caused by the municipality failing to perform its duty under subsection (1).

**(3)** This section does not apply to any road made or laid out by a private person or any work made or done on a road or place by a private person until the road or work is subject to the direction, control and management of the municipality.

**(4)** A municipality is not liable under this section unless the claimant has suffered by reason of the default of the municipality a particular loss or damage beyond what is suffered by the claimant in common with all other persons affected by the state of repair.

**(5)** A municipality is not liable under this section in respect of acts done or omitted to be done by persons exercising powers or authorities conferred on them by law, and over which the municipality has no control, if the municipality is not a party to those acts or omissions.

**(6)** A municipality is liable under this section only if the municipality knew or should have known of the state of repair.

**(7)** A municipality is not liable under this section if the municipality proves that it took reasonable steps to prevent the disrepair from arising.

**(8)** When a traffic control device has been defaced, removed or destroyed by someone other than a designated officer or employee or agent of the municipality, the municipality is liable under this section only if the municipality

- (a) had actual notice of the defacement, removal or destruction, and
- (b) failed to restore, repair or replace the traffic control device in a reasonable period of time.

**(9)** A person who brings an action under this section must notify the municipality of the event that gives rise to the action within 30 days after the occurrence of the event.

**(10)** Failure to notify the municipality bars the action unless

- (a) there is a reasonable excuse for the lack of notice, and the municipality is not prejudiced by the lack of notice,
- (b) death is the result of the event complained of, or
- (c) the municipality waives in writing the requirement for notice.