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the thing within the meaning of article 1465 C.C.Q.; in such a case, he will have the benefit of the presumption of fault. In order to rebut that presumption, Norah will have to prove that she did not commit a fault.



2.8.4.3 Injury caused by an animal

Lastly, pursuant to article 1466 C.C.Q., the owner of an animal is liable to reparation for injury the animal has caused, whether the animal was under his custody or that of a third person, or had strayed or escaped. Similarly, a person making use of the animal is also liable. The Civil Code creates a presumption of liability against the owner or the person who has custody of an animal. Thus, the owner cannot rebut the presumption by proving that he did not commit a fault and the victim does not have to prove that a fault was committed in order to rely on the liability for the act of an animal. The owner can avoid this liability only by proving the fault of the victim, the fault of a third party (such as the person making use of the animal) or superior force within the meaning of article 1470 C.C.Q.

●●● EXAMPLE

neighbour

Youri's dog severely bites Jasmin, a ~~mailman~~, when Jasmin goes to Youri's home. Once Jasmin proves that he suffered an injury caused by Youri's dog, Youri will automatically be liable and will have to indemnify Jasmin. Youri will not be able to exonerate himself by proving that he did not commit a fault.



Table 2.3 summarizes the characteristics of the regimes of contractual liability and extracontractual liability.

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