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Fatal Accident Claims

When a loved one's death results from the negligence or wrongful actions of a healthcare provider, the emotional and financial toll on a family can be overwhelming.

At Acuity Medical Law, we understand the profound grief and complexity of pursuing justice in such cases, **known as fatal accident claims**. These claims seek to hold accountable individual providers, groups, or institutions, such as hospitals, for preventable errors that lead to a tragic loss.

Fatal accident claims arise when a medical mistake—such as a misdiagnosis, surgical error, or failure to provide timely treatment—directly causes a patient's death. These cases aim to provide compensation for the family's loss, including financial support for dependents, funeral expenses, and the emotional suffering endured. While no amount of money can replace a loved one, damages serve as the court's mechanism to deliver justice and alleviate some of the burdens faced by grieving families.

Each province sets strict time limits for filing fatal accident claims, typically requiring action within a short period from the date of death or when the cause was reasonably discovered.

Exceptions may apply, such as for minors or those unable to pursue a claim due to incapacity. **Acting promptly is critical to preserve your rights.**

In Nova Scotia, under the Fatal Injuries Act, claims for a wrongful death caused by negligence can be made by the deceased's executor or administrator, or, if none act within six months, by the spouse, common-law partner, parent, or child. Damages include pecuniary losses (e.g., funeral expenses, income loss) and non-pecuniary losses (e.g., loss of companionship). Only one action is allowed, and it must be filed within 12 months of the death. Benefits like pensions or insurance payouts are not considered in damage assessments.

In New Brunswick, under the Fatal Accidents Act, claims for wrongful death due to negligence can be brought by the deceased's executor or administrator, or, if none act within six months, by the spouse, parent, child, or sibling. Eligible claimants include those the deceased supported or was obliged to support. Damages cover pecuniary losses (e.g., financial support, funeral expenses) and, for parents of a deceased child under 19 or a dependent adult child, non-pecuniary losses like loss of companionship and grief.

Only one action is permitted, within two years of knowing the cause or five years from death, whichever is earlier. Insurance or pension payments are excluded from damage assessments.

In Prince Edward Island, under the Fatal Accidents Act, claims for wrongful death caused by negligence can be brought by the deceased's personal representative or, if none, by dependants, including spouses, children, grandchildren, parents, or others reliant on the deceased for support. Damages cover pecuniary losses (e.g., lost financial support), funeral expenses, and non-pecuniary losses like loss of guidance, care, and companionship. Only one proceeding is allowed, within two years of the death. Insurance, pensions, or other benefits are excluded from damage assessments, and prior judgments may bind dependants.

In Newfoundland and Labrador, under the Fatal Accidents Act, claims for wrongful death due to negligence can be brought by the deceased's executor or administrator for the benefit of the spouse, partner (cohabiting for at least two years or one year with a shared child), parent, or child. If no executor acts within six months, these dependants may file directly. Damages cover pecuniary losses, funeral expenses, and non-pecuniary losses like loss of care, guidance, and companionship. Only one action is permitted, and insurance payouts are excluded from damage assessments.

Refer to

NS:

<https://nslegislature.ca/sites/default/files/legc/statutes/fatalinj.htm>

NB:

<https://laws.gnb.ca/en/pdf/cs/2012-c.104.pdf>

PEI:

https://www.princeedwardisland.ca/sites/default/files/legislation/f-05-Fatal_accidents_act.pdf

NFLD:

<https://assembly.nl.ca/Legislation/sr/statutes/f06.htm>

