

Tenant awarded \$1.2m payout for back injury

A WOMAN who injured her back when she tripped on a hole in a carpet sued her land-lady and won \$1.2 million in damages yesterday.

The Supreme Court in Brisbane was told Donna Maree Muir, now 45, had fallen in the hallway of a house in Gamenya Drive, Chatswood Hills, in December 1990.

She had landed on the bathroom floor and sustained a serious injury.

Muir sued the owner of the rented house, Marion Gail Hume, claiming her injuries were caused by Hume's or her agents' failure to take reasonable care for Muir's safety.

She claimed that the carpet had been allowed to remain in a dangerous state, that it had not been repaired after requests to do so, and that no interim measures had been taken to ensure that the carpet could not be tripped over.

Hume's lawyers disputed the claims and also claimed that Muir had caused, or sub-stancially contributed to, her own injury by failing to keep a proper lookout.

The court was given varying accounts of the size of the hole in

the carpet, ranging from 15cm to 45cm in width.

A mat had been covering the hole, but was being aired at the time Muir tripped and fell.

Justice John Helman found that, by failing to replace or repair the hall carpet at the entrance to the bathroom, Hume had failed to provide and maintain the house in good tenable repair. He said Hume had therefore exposed Muir to a risk of injury.

Justice Helman said Hume's breaches of duty had resulted in Muir's fall and the serious injury she suffered.

He noted that Muir had continued to have chronic back pain and from time to time had been admitted to various hospitals.

Muir, a qualified secretary, had been unable to work because of the continuing pain caused by her injury since 1991.

Justice Helman assessed damages which included \$450,000 for past and future care, \$220,000 for loss of future earnings, \$147,799 in interest, and \$93,852 in special damages.

He gave judgment for Muir against Hume in the sum of \$1,248,402.

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