

Terminator



**ASSIGN
BUSTER**

Where a plaintiff acts to their financial detriment in reliance upon a statement of information or advice given by a defendant Features of relationship: Speaker knows or ought to know: Trusted by recipient to give information recipient believes speaker has capacity to give The information is of a serious or business nature Speaker knew or ought to have known that recipient Intended to rely on the Information Reasonable for recipient to seek of accept and rely on the speakers advice or information

Duty Is to take reasonable care - no need to have special skill Establishing an action: Representation - identify all oral, written advice, Information, opinion silence duty to correct Duty of care Identify relationship between PI and defy more serious/formal, the more likely duty professional relationship not necessary but implies reliance Breach of duty: Duty Is not to mislead In giving advice or expressing an pooling Damage: Recognized at all factual causation scope of liability Defenses: Contributory negligence Remedies: Compensatory damages Consequential damage

Lost opportunity 1 OFF = A false representation made by one, who either has knowledge of its falsity, or is reckless as to its truth, with the intention that the PI should act on it, and which causes damage as a result = A separate tort (and not a negligence action) Representation of Fact Oral, written, conduct, intention, opinion Not: Mere puff Silence (unless a half truth, failure to correct, or legal or equitable duty to disclose) Krakow v Aureoles Properties Whether misers. Of fact = objective test BUT ambiguous statement given Defuse meaning

Defy. Knew representation was false or recklessly indifferent Defy. Intended PI. To rely on the misers. Major difference from negligent misers. Only liable to those to whom statement intended to be directed. But statement does not have to be made directly to PI. PI. Did rely on the representation.