



Tom Curry
416-865-3096
tcurry@litigate.com



Dena N. Varah
416-865-3556
dvarah@litigate.com

February 15, 2022

Where Thereâ€™s Fire, Thereâ€™s Smoke (and Negligence)

In *Burr v Tecumseh*, our expert litigators successfully defended, at trial, against claims of negligence against the manufacturer of a component part in an end use appliance which caused a house fire.

Tom Curry, Dena Varah, and Sarah Bittman were counsel to Tecumseh Products Company, the indirect parent of Fasco Industries Inc. (“Fasco”).

The case concerned a house fire which originated in a heat recovery ventilator (HRV) that was manufactured and designed by Venmar Ventilation Inc. (“Venmar”) and powered by a motor manufactured by Fasco. The Plaintiffs alleged that both Venmar and Fasco were negligent in the design and manufacture of their products, and that both failed in their duty to warn the Plaintiffs of a risk of fire.

Venmar attempted to shift all liability to Fasco by arguing that it relied on Fasco as a motor expert to advise it of the appropriate component parts to use in its HRVs. The Court rejected these arguments and found Venmar wholly liable for the negligent design and manufacture of its HRV, which caused the fire in the Plaintiffs’ home. The Court found that as the appliance manufacturer, Venmar had the obligation to ensure that the component parts it selected for its appliance were appropriate. Fasco was not involved in the design of the HRV, and component parts suppliers should not be expected to supervise the production, manufacture, and testing of end use appliances.

The decision will likely be an important one in the product liability sphere. The Court helpfully delineated the respective responsibilities of appliance and component part manufacturers, affirming the appliance manufacturer’s responsibility to consider the safe operation of component parts in their appliances.