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CASE SUMMARY: FAILURE TO REGISTER A MOTOR VEHICLE PURSUANT TO BC LEGISLATION REVOKED OWNER'S CERTIFICATE

**Insurance law – Automobile insurance – Statutory provisions – Owner's certificate –
Jurisdiction**

Raymond v. Manitoba Public Insurance Corp.

The 30 day exemption period in s. 20.(1)(e) of the *Motor Vehicle Act*, R.S.B.C. 1997, c. 288, begins to run from the date the operator begins to operate the motor vehicle on a highway in British Columbia. The plaintiff's failure to register the motor vehicle pursuant to the legislation meant that his owner's certificate was deemed to have been revoked at the time of the expiration of the 30 day grace period.

[2016] M.J. No. 179

2016 MBQB 117

Manitoba Court of Queen's Bench

June 7, 2016

J.G. Edmond J.

The insured was a resident of Manitoba and owned a motor vehicle insured with the Manitoba Public Insurance Corporation ("MPI"). The insured owned a condominium in British Columbia ("B.C.") that he used while on business in B.C. In approximately May 1992, the insured drove the motor vehicle from Winnipeg to B.C. and stored the motor vehicle in the underground parking of his condominium. From May 1992 to the day of the accident, October 13, 1996, the insured made 20 trips to B.C. and on each of those trips, he used the motor vehicle. The insured was never in B.C. for more than seven days and therefore, never used the motor vehicle for more than seven consecutive days.

The motor vehicle remained in B.C. for more than four years and was never registered or insured in B.C. The motor vehicle remained registered in Manitoba and the insured continued to display his Manitoba licence plate on the motor vehicle. The Manitoba owner's certificate was renewed each year and all premiums were paid by the insured respecting the motor vehicle.

On October 13, 1996, the insured was involved in an accident with a vehicle driven by Ian Shepherd on Vancouver Island. Mr. Shepherd was injured as a result of the accident and commenced an action against the insured in B.C. The insured reported the accident to MPI and coverage was denied. The B.C. action was resolved by an agreement setting Mr. Shepherd's damages at \$100,000 and a consent judgment was subsequently entered. After the consent judgment was entered in B.C., the insured commenced an action against MPI seeking indemnity and damages. Both the insured and MPI filed motions seeking summary judgment on the issue of the proper interpretation to be given to ss. 3(1) and 20(1) of the *Motor Vehicle Act* and the impact of s. 58 of The *Manitoba Public Insurance Corporation Act*, C.C.S.M. c. P215. The relevant section of s. 20.(1) of the *Motor Vehicle Act* provides as follows:

Registration of foreign motor vehicles and trailers

20.(1) The owner of a motor vehicle or trailer

(a) that is duly registered outside the Province,

(b) for which the licensing requirements of the jurisdiction in which it is registered are fulfilled; and

(c) that has displayed on it the registration number plates of that jurisdiction for the current year

is exempt from the requirements to register and license the motor vehicle or trailer under this Act, where

(d) the owner or operator of the motor vehicle or trailer is in the Province for, and uses the motor vehicle or trailer for, touring purposes only, for a period of 6 months; or

(e) the owner or operator of the motor vehicle or trailer is in the Province for, and uses the motor vehicle or trailer for, other than touring purposes, for a period of 30 days

from the date he commenced to operate the motor vehicle or trailer on a highway in the Province.

The insured took the position the phrase "a period of 30 days" required the operator to operate the motor vehicle on a highway in B.C. for a period of 30 consecutive days.

MPI took the position the 30 day period began to run from the date the operator began to operate the motor vehicle on a highway in B.C. MPI took the position the wording of s. 20.(1)(e) did not require operation of the motor vehicle for 30 consecutive days but rather the exemption period began running from the date the motor vehicle was operated on a highway in B.C.

The Court accepted MPI's position and found the 30 day period commenced on the date the insured began to operate the motor vehicle on a highway in the province of B.C. The Court did not do an analysis of the phrase "touring purposes only" besides noting that the facts did not establish that the motor vehicle was used for touring purposes. The insured's failure to register the motor vehicle pursuant to the B.C. legislation meant that his owner's certificate was deemed to have been revoked at the time of the expiration of the 30 day grace period. Accordingly, MPI was entitled to rely upon s. 58 of *The Manitoba Public Insurance Corporation Act* to deny coverage to its insured. As a result, judgment was granted for MPI and the insured's action was dismissed.

This case was digested by [Aaron D. Atkinson](#) and edited by [David W. Pilley](#) of Harper Grey LLP. If you would like to discuss this case further, please feel free to contact them directly at aatkinson@harpergrey.com or dpilley@harpergrey.com or review their biographies at <http://www.harpergrey.com>.