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CASE SUMMARY: HIT-AND-RUN VICTIM WHO MADE “ALL REASONABLE EFFORTS” TO IDENTIFY OTHER DRIVER ENTITLED TO COMPENSATION

Insurance law – Automobile insurance – Unidentified motorist – Leaving accident scene – Statutory provisions – Nominal defendant; Practice – Summary judgments

Rieveley v. Doe

Insured made reasonable efforts to ascertain identity of hit-and-run drivers involved in motor-vehicle collision.

[2017] B.C.J. No. 227

2017 BCSC 202

British Columbia Supreme Court

January 11, 2017

DeWitt-Van Oosten J.

The insured driver brought a claim against the Insurance Corporation of British Columbia (“ICBC”) for damages arising out of a hit-and-run collision. ICBC was named as a nominal defendant pursuant to s. 24 of the Insurance (Vehicle) Act because the insured was unable to ascertain the identity of the owners or drivers of the vehicles he says caused the collision. The insured sought to have the issue of liability determined by way of a summary trial.

The issue before the court was the reasonableness of the insured’s efforts to ascertain the identity of the owners or drivers of the two other vehicles involved in the collision. ICBC did not claim the insured should have done more at the scene of the collision to ascertain the identity of the owners or drivers but, rather, took issue with the insured’s delay in placing an advertisement for witnesses in the newspaper, a lack of concerted follow up by the insured in checking in on the status of the police investigation, and the insured’s failure to post a sign on the street where the collision occurred seeking witnesses to the collision.

The insured had told the police officer who attended the scene about the other vehicles and noted their colour. The insured reported the collision to his employer and to ICBC. The insured followed up with the police officer who attended the scene. The insured also placed an add in a newspaper. The court was satisfied that the insured made “all reasonable efforts” to identify the unknown owners or drivers and therefore determined that ICBC was properly named as a nominal defendant.

This case was digested by [Cameron B. Elder](#) of Harper Grey LLP. If you would like to discuss this case further, please feel free to contact him directly at celder@harpergrey.com or review his biography at <http://www.harpergrey.com>.