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## CASE SUMMARY: BCCA UPHOLDS FINDING THAT HOMEOWNER'S POLICY EXCLUDES COVERAGE FOR CLAIMS ARISING FROM BODILY INJURY TO ANY PERSON RESIDING IN INSURED'S HOUSEHOLD

A homeowner's policy was found to exclude coverage for liability arising from a third party notice issued against an insured where the underlying action was for personal injuries brought by the insured's son who resided with the insured.

**Insurance law – Homeowner's insurance – Exclusions – Actions – Interpretation of policy; Practice – Appeals – Standard of review**

*Gill (Litigation guardian of) v. Ivanhoe Cambridge I Inc. (c.o.b. Metropolis at Metrotown) (appeal by Economical Mutual Insurance Co.)*, [2017] B.C.J. No. 2033, 2017 BCCA 351, British Columbia Court of Appeal, October 17, 2017, S.D. Frankel, E.A. Bennett and J.E.D. Savage JJ.A.

The insured's son was seriously injured after he fell through an opening near an escalator at a mall. A tort action was commenced on behalf of the son for his personal injuries. One of the defendants in the action was the mall, which subsequently issued a third party notice against the insured. The insured sought coverage under his homeowner policy, and third partied the insurer after it denied coverage on the basis of the policy's family member exclusion.

The Court of Appeal allowed the insurer's appeal, concluding that there was no ambiguity in the policy. The family exclusion clause excluded coverage for all claims arising from bodily injury to any person in the insured's household. The fact that the words "directly" and "indirectly" appeared elsewhere in the policy did not give rise to uncertainty with respect to the meaning of the family member exclusion clause. The insured's claim against the insurer was dismissed.

This case was digested by [Kora V. Paciorek](#), and first posted on Quicklaw and published in the Harper Grey Insurance Law Newsletter. If you would like to discuss this case further, please contact Kora V. Paciorek at [kpaciorek@harpergrey.com](mailto:kpaciorek@harpergrey.com).

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