

Publisher's Note

Release 105

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Gregory & Gregory

The Annotated British Columbia Insurance (Vehicle) Act

This looseleaf contains the full text of the *Insurance (Vehicle) Act* and Regulations, as amended, plus annotations of all important case law interpreting the legislation since 1975. An introductory chapter describes the history of the legislation and the policy surrounding its development and a complete Index and Table of Concordance to the former and present Regulations are also included.

What's New in this Update:

This release updates the case law and includes 3 new case digest annotations throughout the Act and Regulations.

Highlights

- **Insurance (Vehicle) Act — Part 1 — Universal Compulsory Vehicle Insurance — Section 24(5)** — The plaintiff was stopped at a red light when the vehicle in front reversed and struck his vehicle, then fled the scene. The collision occurred at night. He called the police and ICBC the next day. The plaintiff did not follow up with police following his initial

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call because he reasonably believed police would not investigate the collision and/or that any investigation would be fruitless. The court accepted there was little benefit in following up in these circumstances. He did not check with businesses near the area for video surveillance and/or records of witnesses who may have come forward because he relied on another person, his wife, who told him that she was making some of those efforts. There was no evidence that those efforts were made. However, in the circumstances the court did not consider such extensive efforts necessary in order for the plaintiff to comply with s. 24(5): *Ghuman v. ICBC*, 2019 BCSC 3, 2019 CarswellBC 4 (B.C. S.C.).

- **Insurance (Vehicle) Act — Part 6 — Vehicle Actions — Section 98 — Recovery for Loss of Income** — The 66-year-old plaintiff worked as an aesthetician. She underreported her business income to evade tax. The difference between her pre- and post-accident positions was slight. It was not a certainty that she would have to work with limited capacity until retirement. There was a possibility that she would improve. Her age and desire to work less could bring about her retirement sooner than forecasted. Moreover, consideration of the possibility that she would have continued to voluntarily reduce her work hours to free up time for her grandchildren, friends and travel, also informed the assessment. The court valued her loss of future income earning capacity at \$15,000: *McCully v. Moss*, 2019 BCSC 81, 2019 CarswellBC 105 (B.C. S.C.).