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**ANNOTATED BRITISH COLUMBIA  
MOTOR VEHICLE ACT**

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**What's New in this Update:**

**Recent case law discussed in the updates to the commentary includes:**

- *Ratelle v. Barton*, 2017 CarswellBC 1988, 281 A.C.W.S. (3d) 890 (B.C.S.C.): This case confirms that there is no greater obligation on either the passing driver or the driver being overtaken simply by virtue of whether the driver was overtaking or being overtaken; rather, their respective obligations are to be assessed in relation to the circumstances they faced.

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**New judicial interpretations of words and phrases relevant to the area of motor vehicle law include the following:**

- **Words & Phrases — Details of a Licence — Saskatchewan** — “The [Freedom of Information and Protection of Privacy Act, S.S. 1990-91, c. F-22.01] also stipulates what is not considered to be personal information[:] ”24(2) “Personal information” does not include information that discloses: [] (e) details of a licence, permit or other similar discretionary benefit granted to an individual by a government institution; []“. The ownership of the vehicle and the vehicle’s description are linked to the particular licence plate assigned to the vehicle. The [vehicle identification number (VIN)] is part of the description recorded by [provincial insurer] and an important element of it. [...] The ”details of a licence“ thus include the name, address and description of the vehicle being licenced, which includes a VIN”: per Krogan J., at paras. 18, 33 and 34 of *Shook Legal Ltd. v. Saskatchewan Government Insurance*, 2018 SKQB 238, 2018 CarswellSask 414 (Sask. Q.B.).
- **Words & Phrases — Driving on a Highway — Ontario** — “Since the element ”driving on a highway“ is common to both s. 106 and s. 78.1 of the [*Highway Traffic Act*, R.S.O. 1990 c. H.8 (*HTA*)], in accordance with the principle of *stare decisis*, [the judge is] bound by the Court of Appeal decision in [*R. v. Tassone*, [2007] O.J. No. 1109, 2007 ONCA 215, 2007 CarswellOnt 1736 (Ont. C.A.)], when it comes to the interpretation of ”driving on a highway“ under the *HTA*. In that decision, the Court of Appeal found that a driver stopped at a red light with his or her motor vehicle placed in park mode is ”driving on a highway“. That is, the Court of Appeal rejected the decision of the Provincial Offences Appeal Judge to the effect that the driver may have had care or control of the vehicle but was not driving it. Similarly, based on the evidence and applicable case law, [the judge] also find[s] that [the accused], while stopped at a stop sign with his motor vehicle allegedly in park mode, was ”driving on a highway“ when he handled his cell phone”: per Bourbonnais J., at para. 30 of *R. v. Dageman*, 2018 ONCJ 184, 2018 CarswellOnt 4693 (Ont. C.J.).