

**Insured Driver With More Than Zero Blood Alcohol Concentration Is Entitled To Uninsured Motorist Coverage Under Own Policy**

<b>Reported Case</b>	Matt v. Crawford
<b>Citation</b>	2010 ONSC 3980 – August 10, 2010
<b>The Court</b>	Ontario Superior Court of Justice
<b>At Issue</b>	Whether an insured who held a G2 driver's license and was driving with more than zero blood alcohol concentration in violation of Statutory Condition 4, was entitled to the uninsured motorist coverage provided by the <i>Insurance Act</i> ?
<b>Factual Summary</b>	<p>The plaintiff claimed damages arising out of injuries allegedly sustained in a motor vehicle accident between his vehicle and that of the defendants. The latter vehicle was uninsured and the plaintiff claimed against his own insurer under his own policy of automobile insurance pursuant to uninsured motorist coverage. The insurer denied an obligation to pay.</p> <p>At the time of the collision, the plaintiff had a novice G2 license. He had admitted to having consumed alcoholic drinks during the evening before the collision. Blood tests confirmed the presence of blood alcohol concentration in the plaintiff. All parties conceded that the plaintiff was not "authorized by law" to operate his vehicle at the time of the collision by reason of his blood alcohol level concentration being in excess of zero. The insurer argued the plaintiff lost his right to recover under uninsured coverage as he was disentitled to coverage.</p>
<b>Decision</b>	The judge found the intoxicated driver was entitled to uninsured motorist coverage because the Ontario Automobile Policy does not specifically provide that entitlement to such coverage is lost when the insured is not authorized to drive.