

A Mosquito Bite Can Be An Accident So Says The Ontario Court of Appeal

Reported Case:	Kolbuc v. ACE INA Insurance
Citation:	2007 ONCA 364
At Issue:	Whether being bitten by a mosquito carrying the West Nile virus falls within the ordinary definition of an accident.
The Court:	Ontario Court of Appeal
Judgment Rendered:	May 14, 2007
Factual Summary:	The plaintiff, a healthy 52 year old, a plasterer, was bitten by a mosquito carrying the West Nile virus and was rendered paraplegic. The plaintiff brought suit against the insurer claiming he had suffered an accident and was entitled to coverage under his accident and sickness policy.
At Trial:	The plaintiff's claim was dismissed.
Appellate Decision:	The Ontario Court of Appeal concluded that the cause of the plaintiff's illness was an accidental event. In 2002, although mosquito bites were common, there had been no reported cases of the virus in Ontario. Thus, a mosquito bite was an unforeseen, unexpected event and fell within the ordinary definition of accident. Appeal allowed.