

Drive By Purse Snatched in ICBC Parking Lot

Reported Case:	<i>Hannah v. John Doe</i>
Citation:	2010 BCCA 141
The Court:	British Columbia Court of Appeal
Judgment Rendered:	March 19, 2010
At Issue:	Whether the plaintiff's claim was within s. 24 of the <i>Insurance (Motor Vehicle) Act</i> .
Factual Summary:	The plaintiff claimed damages against ICBC for injuries she sustained in an accident in a parking lot. A passenger in a van had reached out and grabbed her purse strap. As the van accelerated away, the plaintiff was thrown backward and dragged until her purse ripped. She hit her head on the pavement and was injured.
Disposition by Lower Court:	The trial judge rejected ICBC's application to have the plaintiff's action dismissed on the ground that her claim did not come within s. 24 of the <i>Act</i> .
Decision:	<p>Decision upheld. The Court examined the legislation that permits an action to be brought against ICBC for damages for bodily injury in "hit and run" cases. It found that s. 24 of the <i>Act</i> creates a statutory cause of action against ICBC for damage which arises out of the use or operation of a vehicle by an unidentified vehicle owner or driver, and coverage is maintained even in circumstances where a vehicle was used in the commission of an intentional tort or a criminal act.</p> <p>In determining causation, the Court considered <i>Citadel General Assurance Co. v. Vytlingam</i>, 2007 SCC 46. The question in <i>Citadel</i> was "whether the claim arose through an unbroken chain of causation from the ownership or directly or indirectly from the use or operation of a motor vehicle". The Court found that the use of the motor vehicle was integral to the act that caused the injury.</p>