

## A Little Bit On ICBC Injury Claims And The Jurisdiction Of BC Courts

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Does the BC Supreme Court have standing to preside over an Auto Injury Claim for Damages that occurred outside of British Columbia? The answer, as in many areas of the law, is sometimes.

There is a long history in the common law setting out the circumstances when a BC Court has jurisdiction to preside over an Injury Claim that arises in a foreign jurisdiction. More recently the [Court Jurisdiction and Proceedings Transfer Act](#) came into force codifying some of the common law principles governing circumstances in which BC Courts have jurisdiction to preside over a case. This legislation is fairly new and has received little interpretation by the BC Courts.

Today, Mr. Justice Bruce of the BC Supreme Court released reasons for judgement (Scott v. Hale) interpreting this legislation and giving clarity to the circumstances when the BC Supreme Court can hear an accident claim that occurred out of Province.

In today's case the Plaintiff was involved in 2 motor vehicle collisions, the first in Alberta and the second in British Columbia. The Plaintiff applied to have both cases heard at the same time. The Defendants in the BC Car Crash opposed the motion. In opposing the motion the ICBC Defence Lawyer argued that the Court had no jurisdiction to preside over the Alberta accident therefore the claims should not be heard together.

Mr. Justice Bruce rejected this argument and released what are probably the most comprehensive reasons to date interpreting the BC Court Jurisdiction and Proceedings Transfer Act.

The heart of the judgement focused on whether the BC Supreme Court has 'subject matter competence' to preside over an Alberta car crash case. After finding that there were sufficient reasons for both the BC and Alberta auto accident claims to be heard at the same time Mr. Justice Bruce concluded that the BC Court indeed is competent to preside over the Alberta car crash claim. Mr. Justice Bruce summarized his reasons at paragraph 45 of the judgement as follows:

*I find this case is a tort committed in Alberta, the Plaintiff claims compensation for non-pecuniary and pecuniary losses resulting from Defendant Hale's alleged negligence; and there is no legislative or other restriction placed upon this Court that would in any way inhibit it from hearing such a claim, nor from granting such relief. Therefore, the subject matter of this case is well within the subject matter competence of this Court*

This case is perhaps the leading authority in BC dealing with a BC Court's Subject Matter Competence. Anyone interested in the current state of Canadian Conflicts Law and the topic of Canadian Superior Courts jurisdiction should thoroughly review this case.