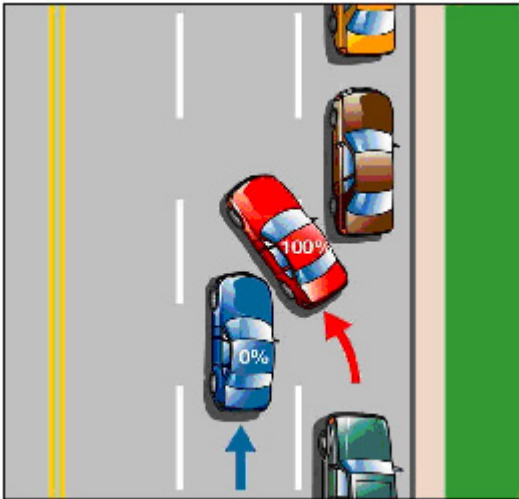


Leaving parking spot at curb

Crash example: A vehicle pulls out of a parked position on a through street and hits another vehicle passing by.

Courts will generally rule that the vehicle leaving the parked position is 100 per cent at fault, unless the vehicle passing by on the through street is speeding or its driver isn't paying proper attention. (*Motor Vehicle Act*, Section 169)



Motor Vehicle Act section(s): Section 169

Who did the courts find at fault?

When ICBC assesses who is at fault for a crash, we do so based on how the courts have decided fault in previous, similar crashes.

The courts have the final say about who is at fault. Here is what the courts in British Columbia have decided in cases like the crash example above:

Related B.C. court cases

- [Gough v. Edgar](#)
- [Paredes v. Chan](#)

Gough v. Edgar

In the British Columbia Supreme Court case of *Gough v. Edgar* [1998] WL 1771085, the court said that one of the drivers was pulling out of her parking place on Queens and intending to drive across both lanes of Queens and into the parking driveway of her apartment building. When she did this she failed to properly look out for traffic approaching in the westbound lane. She didn't see the other oncoming vehicle, which was travelling about 20-30 km/h over the speed limit. The court said they were equally responsible and split fault 50/50.

Paredes v. Chan

In the British Columbia Provincial Court case of *Paredes v. Chan* 2002 BCPC 30, a driver was heading southbound on Fraser Street in the through lane closest to the curb. Another driver was pulling out from a parking stall in the curb lane.

The driver who pulled out said that she put on her seatbelt, checked both the front and the side mirrors and put on her turn signal before she backed up her vehicle. She also said that the lane she was turning into was clear before she started to move out. She testified that she recalled that as she was moving into the through lane, she saw something red come out and cross into her lane. She also testified that her vehicle was 85 per cent out of the curb lane when it was hit. The judge said that even if it could have been concluded that the her vehicle was in fact 85 per cent out of the curb lane just prior to the impact of the vehicles, Section 169 of the *Motor Vehicle Act* imposed a duty on her not to move her vehicle out from the curb lane unless she could do so with reasonable safety. The fact that there was a collision as she drove out obviously meant that it was not safe for her to do so, therefore she was 100 per cent at fault.