

## Vehicle goes through red light

When a vehicle runs a red light and crashes, a court will generally rule that it is 100 per cent at fault. The court will assess the credibility of both drivers, along with any other relevant factors, to decide which one drove through the red light. (*Motor Vehicle Act*, Section 129)

If ICBC adjusters cannot determine which vehicle failed to obey the red light, then each vehicle is assessed 50 per cent fault.



**Motor Vehicle Act section(s):** Section 129

### *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*

- [Wong v. West](#)
- [Ferguson v. Lush](#)
- [Antonio v. Powell](#)

### *Wong v. West*

In the British Columbia Court of Appeal case of *Wong v. West* [1959] 30 WWR 526, a driver was coming up to a controlled intersection when his light turned green. He

entered the intersection without stopping and collided with a car crossing the intersection. The car beside him had blocked his view.

The court said that under the circumstances the driver with the green light was entitled to proceed through. He had no duty to cars that had disobeyed the light and entered the intersection, unless he had seen that traffic. If he had seen that traffic, he should have taken steps to avoid hitting it. In this case his view was blocked, therefore he was not at fault.

### ***Ferguson v. Lush***

In the British Columbia Court of Appeal case, *Ferguson v. Lush* [2003] BCCA 579, one driver was headed north on Hornby Street in Vancouver. As she approached the intersection of Drake Street the light turned green. As she entered the intersection she saw another vehicle coming from her right and they collided.

The court found that the driver coming from the right had entered the intersection illegally, because the light had turned red. However, because he was held up by another vehicle turning right at the intersection, which made the intersection not clear, the driver coming into the intersection from Hornby Street should have waited for the intersection to clear. They were each found to be 50 per cent at fault.

### ***Antonio v. Powell***

In the British Columbia Court of Appeal case, *Antonio v. Powell* [1997] MVR (3d) 135, two vehicles entered the intersection of Cordova Bay Road and Royal Oak Drive in the District of Saanich. Each driver had his own light, but both drivers said that the light was green for them. Clearly, one of them was mistaken. There was an independent witness, whom the judge believed. This witness said that he was preparing to stop on Royal Oak Drive, therefore the light was either a late yellow, or was red. In addition, the damage to the vehicles pointed to the fact that the driver on Royal Oak had entered the intersection illegally. The Cordova Bay Road driver was therefore not at fault.