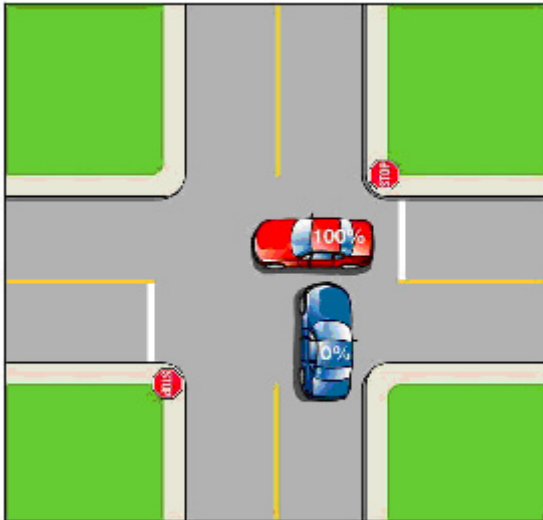


Running stop sign, crossing thoroughfare

Crash example: An intersection has stop signs in one direction, and a through street with no stop signs in the other direction. A vehicle runs a stop sign.

If a vehicle enters the through street without stopping at the stop sign and collides with traffic on the through street, the courts will generally rule that the vehicle that ran the stop sign is 100 per cent at fault. (*Motor Vehicle Act*, Section 186)



Motor Vehicle Act section(s): Section 186

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

- [Sullivan v. Mitcham](#)
- [Roberts v. Wilson](#)

Sullivan v. Mitcham

The British Columbia Court of Appeal case of *Sullivan v. Mitcham* (1979) 20 BCLR 137, involved a woman riding a bicycle who entered an intersection controlled by a stop sign in her direction of travel. She was hit by a driver on the through road. The trial judge said that he believed the driver's claim that he was travelling about 30 miles per hour and was still in second gear and was looking at the road when he entered the intersection and was completely taken by surprise by the accident. There was no evidence as to how fast the cyclist was travelling or whether she stopped at

the stop sign, because she was seriously injured and had no recollection of the accident. For the driver to have been found at fault the cyclist had to prove that she was not an immediate hazard—that is, prove that he had a chance to avoid the collision. She could not prove this, due to a lack of evidence. Since he was travelling at a reasonable speed and could not have been expected to be concentrating on what was coming from his left without concentrating on other potential hazards, the Court of Appeal said she was 100 per cent at fault.

Roberts v. Wilson

In the British Columbia case of *Roberts v. Willson* [1996] CarswellBC 1918, a bicyclist was heading east and a driver was heading north when they collided at an intersection. The cyclist saw the driver approaching the intersection, which was controlled by stop signs. He stopped pedalling and applied his brakes. When he saw the driver decelerating he thought the driver was stopping at the stop sign, so he started peddling again. The cyclist entered the intersection before the driver. The driver then failed to come to a complete stop at the stop sign, and the two collided.

The judge said that the driver was under a duty to stop. He also failed in his duty to yield to the cyclist, which arose because the cyclist had already entered the intersection or was approaching the intersection so closely that he was an immediate hazard. The cyclist was keeping a proper lookout and took steps to warn the defendant of his presence. The cyclist was also entitled to assume that the defendant was going to yield to him. The driver of the vehicle did not have the right of way, and therefore had a duty not to proceed unless he could have done so safely. The judge said that the accident was caused solely by the driver's failure to keep a proper lookout and to yield to the cyclist.