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**ANNOTATED BRITISH COLUMBIA
MOTOR VEHICLE ACT**

Michael Libby & Alex Choi

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What's New in this Update:

Recent case law discussed in the updates to the commentary includes:

- *Bowe v. Bowe*, 2019 BCSC 1454, 2019 CarswellBC 2544 (B.C. S.C.) (2020), 60 M.V.R. (7th) 185, 2020 CarswellBC 1335, (B.C. C.A.): This decision clarifies the extent to which the purview of s. 86(1)(a) can be said beyond those cases where a family member of the owner of the

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vehicle is involved in a motor vehicle accident while “driving” the vehicle. The court found that it extends to cases where the family member is “operating” the vehicle. How the words “operate” or “operating” are interpreted is a function of the meaning of those words and, to the extent different meanings are reasonably possible, a consideration of what meaning best achieves the intended purpose of the provision.

- *Tran v. Anderson*, 2019 BCSC 1397, 2019 CarswellBC 2432, 53 M.V.R. (7th) 65 (B.C. S.C.), 2020 CarswellBC 780, 162 W.C.B. (2d) 311 (B.C. S.C.): This case enumerates factors to be considered in assessing the negligence of driver who collides with wildlife on the roadway.
- *Jory v. Pereira*, 2019 BCSC 1465, 2019 CarswellBC 2554 (B.C. S.C.), affirmed 2020 BCCA 318, 2020 CarswellBC 2925 (B.C. C.A.): This decision recognizes that section 175 of the Act contains some additional criteria not considered in the seminal case of *Nerval v. Khehra*, 2012 BCCA 436, which focused on s. 174.