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<p><b>THE ANNOTATED BRITISH COLUMBIA INSURANCE (VEHICLE) ACT</b> Gregory &amp; Gregory Release No. 5, September 2025</p>
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This looseleaf contains the full text of the *Insurance (Vehicle) Act* and Regulations, as amended, plus annotations of all important case law interpreting the legislation since 1975. An introductory chapter describes the history of the legislation and the policy surrounding its development and a complete Index and Table of Concordance to the former and present Regulations are also included.

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### What's New in this Update:

This release updates the case law and includes 10 new case digest annotations throughout the Act and Regulation.

### Highlights

- **Insurance (Vehicle) Act – Part 1–Universal Compulsory Vehicle Insurance– S. 24–Remedy for Damage in Hit and Run Accident**—The plaintiff brought an action against ICBC under section 24 of the Insurance Vehicle Act, seeking compensation for her injuries resulting from a motor vehicle accident caused by the negligence of an unknown driver. In October of 2018 the plaintiff had been travelling on a highway in B.C. when she collided with a tire on the roadway. She testified that the tire was moving slightly at the time of the collision, and she was unable to avoid it. After colliding with the tire, she noticed a vehicle that had stopped up ahead. She said it was dark and rainy out, and she could not make out the licence plate of that vehicle, and did not obtain it. She said that her intention and focus was to get her 6-year-old child to bed, so she continued her drive home and called ICBC to report the accident when she got there. Sometime later, she hired a lawyer to advance her claim, who placed classified ads in various newspapers seeking witnesses to the accident. The court dismissed the plaintiff's claim, finding that there were several things that the plaintiff reasonably could have done to ascertain the identity of the driver. Notably, she did not contact the RCMP or the Ministry of Transportation to determine if they had any information on the owner of the tire, and did not return to the scene to potentially get photos of the tire to post on social media, or to put up signs in the area seeking witnesses: *Eberhardt v Insurance Corporation of British Columbia*, 2025 BCSC 1069 (B.C. S.C.).
- **Insurance (Vehicle) Act–Part 6–Vehicle Actions–S. 98–Recovery for Loss of Income– Past and Future Income Loss**—The 56-year-old plaintiff was working part time as a leisure councillor for the City of Langley at the time of the subject motor vehicle accident in May of 2015. The plaintiff had a long history of working in healthcare settings. She had worked in a hospital in an administrative position and as a recreation coordinator and, after having kids, began working part time for the City of Langley in the years leading up to the accident. As a leisure coordinator for the city, she was responsible for helping patients re-enter the community through recreation and resocialization, following time in prison or in psychiatric wards. While doing this work, she also upgraded her education in healthcare, graduating with

her master's degree in 2013. The plaintiff suffered very serious injuries to her neck and back in the accident, and the court found that the accident had triggered the onset of fibromyalgia, leaving her unable to return to work or be gainfully employed following the accident. The court awarded her \$525,000 in past lost earning capacity, finding that but for the accident, she would likely have continued working part time for several years until her older child graduated high school, and then pursued full time employment. The court also awarded her \$900,000 in lost future earning capacity, finding that she was currently unable to work, but that she would likely be able to secure modest part time employment in the future to mitigate her losses: *Cindrich v Martini*, 2025 BCSC 963 (B.C. S.C.).