

CASE NO.

VOL. NO.

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Cite as: Cameron v. George, 1997 NSCA 183

JOHN CAMERON

- and -

JUSTIN T. GEORGE and MARGARET
CONNOLLY and CO-OPERATORS
GENERAL INSURANCE COMPANY

Appellant

Respondents

C.A. No. 137001

Halifax

CHIPMAN, J.A.

APPEAL HEARD:

November 17, 1997

JUDGMENT DELIVERED:

November 17, 1997

WRITTEN RELEASE OF ORAL:

November 19, 1997

SUBJECT:

INSURANCE - Motor Vehicle Liability Policy - Whether defendant an unnamed insured by reason of having the named insureds' consent.

MOTOR VEHICLES - Whether the driver of a motor vehicle had the owner's consent in the absence of which the owner would have discharged the burden of disproving that the driver was a servant or agent.

SUMMARY:

The trial judge made a finding that the driver of a motor vehicle did not have the owner's consent and therefore the driver was not an unnamed insured under the owner's motor vehicle liability policy, nor could the owner in such circumstances be liable for any negligence of the driver. Accordingly, he found that the owner's insurer was not liable to indemnify for any negligence of the driver and further found that the action against the owner should be dismissed.

ISSUE:

Whether the trial judge erred in finding that the driver did not have the consent, express or implied, of the owner.

RESULT:

The Court of Appeal held that in the result it had not been shown that the trial judge made any palpable or overriding error in his assessment of the evidence leading to the conclusion that the owner had not given consent to the driver.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT FROM THIS COVER SHEET. THE FULL COURT DECISION CONSISTS OF 1 PAGE.