

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA

Cite as: Van de Rijt v. Goulet, 2006 NSSM 47

2006

Claim No. 270316

Date:20061114

BETWEEN:

Name: **Lyndsey Erin van de rijt**

Claimant

- and -

Name: **Dawn Goulet**

Defendant

Revised Decision: The text of the original decision has been revised to remove personal identifying information of the parties on March 9, 2007. This decision replaces the previously distributed decision.

Appearances:

Claimant: Self Represented

Defendant: Self Represented

D E C I S I O N

[1] This matter was heard in Halifax on Thursday, October 19, 2006. The basis for the claim is damages to the Claimant's parked vehicle caused by the Defendant's 12 year old daughter driving into it with her bicycle on May 27, 2006.

[2] In her evidence the Defendant acknowledged that her daughter did drive into the vehicle. She indicated that her family - herself, her two daughters aged 8 and 12, and her husband were out for a family bike ride. Brittany, who was 12 at the time, went to go around the parked car and appeared to lose her balance and drove into the parked car. They stopped and the Defendant, Dawn Goulet, went around to the house nearest to the parked car and indicated what had happened.

- [3] After hearing the evidence and submissions at the hearing, I indicated that the law, as I understood it, was that, in the absence of some statutory provision (which, to my knowledge, Nova Scotia does not have), parents are not responsible for the torts of their children. I further indicated that my understanding was that if there was an issue of a parent failing to exercise appropriate supervision over a child, particularly where the child has access to or the use of something of a dangerous nature, then the law might find the parent responsible in that regard. In the situation here though, there did not appear to be any liability on the parent for what had happened and no lack of appropriate supervision.
- [4] I provided the Claimant with two weeks to submit something to me to the contrary. I further indicated that if the Claimant did submit something the Defendant would have a week to submit something following that. Nothing had been received from the Claimant.
- [5] I also indicated that I would review the matter, which I have done. *Canadian Tort Law*, A.M. Linden (7th Edition), states (page 135):

Parents, and people who stand in their place, are required to supervise their children reasonably, although, unless made expressly liable by statute, they are not vicariously responsible on the ground of their family relationship alone.

- [6] In light of the stated principles of law, and the evidence herein, I find that the Defendant is not liable for this loss. Accordingly, the claim is dismissed.

DATED at Halifax, Nova Scotia, this 14th day of November, 2006.

Michael J. O'Hara
Adjudicator

Original	Court File
Copy	Claimant(s)
Copy	Defendant(s)