

I've been  
in a car  
crash.  
Do I need  
to sign  
anything?



Contrary to what many people believe, you do not need to sign your statement to ICBC. The following are what you need to provide to ICBC after a car crash:

• **Report the accident:**

You need to make a claim as soon as possible following the accident – you can do so over the telephone by using ICBC's dial-a-claim service, or when you retain us, we can do it for you.

• **Written statement:**

You are required to provide ICBC with a written statement setting out particulars of the accident. You are not required to sign this statement. When you hire us, we can prepare this statement for you.

• **Accident benefit form:**

You will need to complete an insurance benefits application called a CL22 that includes some basic information. This form needs to be signed by you. Again, if you hire us, we can take care of this for you.

• **Authorizations:**

You do not need to sign any consent forms or authorizations that an ICBC adjuster may

ask you to sign. In fact, we recommend that you do not do so.

• **Vehicle damage:**

Take care of all the paperwork related to your vehicle damage. This is separate from any personal injury claim you might make.

• **Remember that if you hire us, you do not need to meet with an ICBC adjuster.**

We also take care of all the paperwork and communication with ICBC on your behalf. That's a huge relief for a lot of people.

So speak with us before going in to an ICBC claim centre if you've been injured in a car crash. We can explain what to expect. And we can give you answers to your questions that you won't get from an ICBC adjuster.

The first visit is free. During that first visit we can tell you if you need a lawyer or not. We will also let you know whether hiring a lawyer will be worth it for you, and any immediate steps you need to take. All of this, of course, will depend entirely on your unique situation. So come in and talk to us. We can explain the process to you and you can make an informed decision.



Our new office is accompanied by our fresh new website! Visit us online at: [www.dykstralaw.com](http://www.dykstralaw.com)

## 2010 Baby on the Way!



For those of you who deal with Ariana from our office, please note that as of December 23, 2009, Ariana will be going on maternity leave. For those clients affected, Michelle will be your new contact person. Congratulations Ariana!"

# the BULLETIN

## DYKSTRA & COMPANY

L A W Y E R S

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## Season's Greetings!

It's that time of year again – mandarin oranges, strings of coloured lights, decadent meals, and nut cracking! Not to mention, a time for reflection and family.

We hope you enjoy our holiday newsletter edition – it's our second issue. Like our first issue, we've tried to include legal topics of interest.

Turn the page to find our article about some legal issues with hosting private parties and drunk driving. We've also included some tips to help avoid trouble. Next we've tackled a common question we hear from those who are dealing with all the paperwork after a car accident.

So with those sobering thoughts – which we hope you'll find informative – it's time now to deck our halls with boughs of holly (or maybe just some strings of LED lights)... and to wish you all a warm and happy holiday season from all of us here at Dykstra & Company.

## Ring, Ring:

We now have a toll free telephone number: (1 877) 753-4793. Note that our previous telephone number: (604) 853-4793 is still the same. Our aim is to continually improve client service, including helping clients avoid unnecessary phone charges.



## Plastic Now Accepted:

For your convenience, we now accept Visa and MasterCard for all payments. Just ask at Reception if you prefer this mode of payment.

## New Surrey Location:

And last but not least, you'll find in this newsletter a map to our new Surrey office. If it makes more sense for you to meet us in Surrey, let us know! We'll set up an appointment for you. Note that our Surrey office is by appointment only.

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# Hosting a Holiday Bash?

The current law on social host liability:

The holidays are a festive time. It's an occasion for families to gather, work colleagues to celebrate together, and friends to meet up.

But along with all that merriment come some amplified safety issues: car accidents increase, drunk-driving charges go up, and alcohol over-indulgence can wreak havoc on what should be a joyous time.

Canadian courts have long held that bars, restaurants and other commercial establishments can be found liable for continuing to serve an intoxicated customer or letting one drive away if an accident occurs. The same rules, however, don't apply to "social hosts" – people holding private get-togethers in their



homes.

In the 2006 decision of *Childs v. Desormeaux*, the Supreme Court of

Canada held that a host of a private party generally does not have the same legal duty as a bar or restaurant when it comes to drunk revelers

taking the wheel. In other words, social hosts are generally not required to take positive step to prevent an intoxicated person

"I conclude that as a general rule, a social host does not owe a duty of care to a person injured by a guest who has consumed alcohol," wrote Chief Justice Beverley McLachlin. However, the Court did leave

room for potential liability where a host's conduct "implicates him or her in the creation or exacerbation of the risk."

In other words, the Court cautioned that hosts may still be held liable if they create a risky situation or make a situation worse. For example, a host who aggressively plies guests with drinks or keeps serving alcohol to a visibly inebriated guest knowing that the person will be driving home may become liable in the event of an accident.

Although this exception to the general rule has not yet been tested in any Canadian court, it is worth bearing in mind. Even if there hasn't been a successful case against a social host, this doesn't mean it can't happen.

**The same rules, however, don't apply to "social hosts" – people holding private get-togethers in their homes.**

**...hosts may still be held liable if they create a risky situation or make a situation worse.**

## If you are the guest who had a bit too much to drink...



...and find yourself charged with drunk driving, give us a call. We know this can be embarrassing, stressful, and overwhelming. Make sure you don't make your situation worse. We've been practicing criminal defence law for more than 25 years. That means we're experienced – we've dealt with hundreds of DUI charges. We're well-respected in criminal defence law and care about our clients. Come in and talk to us to find out what's next.

Do you have an article idea?

If so, contact us at 604-853-4793 or by e-mail: [info@dykstralaw.com](mailto:info@dykstralaw.com)

# Some Party Hosting Tips!

If you're hosting a seasonal get-together or New Years' party in your home for friends and family, take stock of some of these tips.

(Note that for an employer hosting a social function where alcohol is served, legal duties likely fall somewhere between those of a social host and a commercial host.)

### • Plan ahead!

Arrange designated drivers beforehand, or arrange for a sober driver to pick up guests at the end of the night. Make up some spare rooms for guests to stay overnight if necessary. Keep cab numbers handy and have cash on hand for those who didn't foresee the need for a taxi.

### • Stay sober:

Be a responsible host and don't drink much (if anything) yourself. A good host can avert plenty of trouble simply by being observant. If your party-goers are known to indulge, keep an eye on how much alcohol is being consumed.

### • Monitor:

If you foresee trouble, mix and pour the drinks yourself, or have a designated bartender. If you're hosting a BYOB (bring your own bottle/booze), you need to be extra-vigilant.

### • Closing Time:

Stop serving alcohol several hours before your party ends. Bring out more food and alcohol-free drinks.

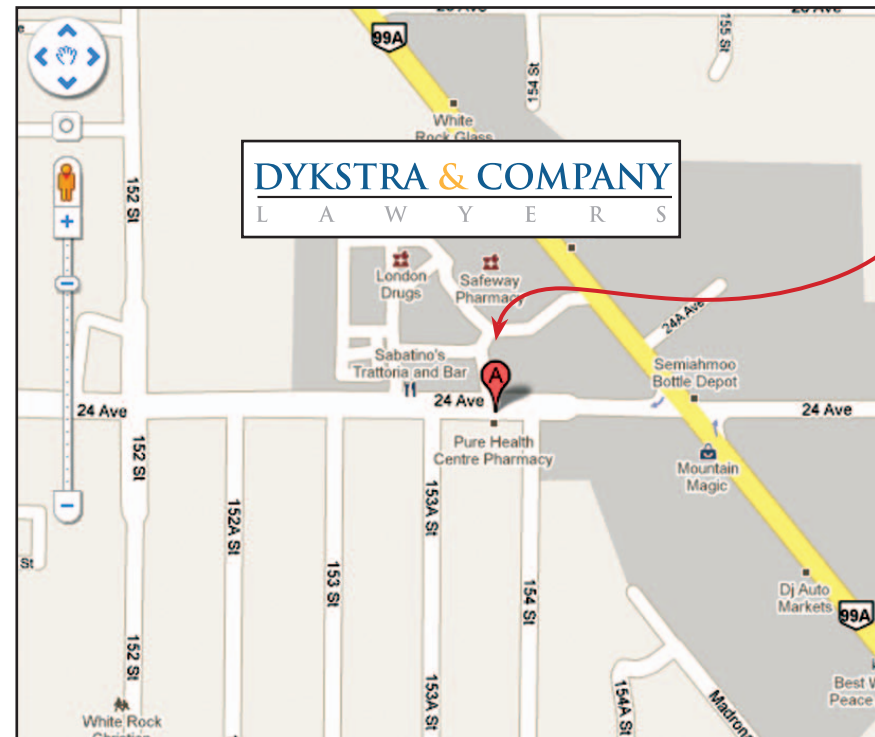
### • Be Perceptive:

Find out how your guests are planning to get home. If you see one of your guests climbing into the driver's seat of his or her car and you're not sure whether they should be driving, don't let them drive away. Offer to drive them home yourself if you haven't been drinking, offer to call them a cab, or offer them a place to stay overnight.

### • Intervene if Necessary:

Plan to be tactful, but remain firm if necessary. Enlist someone else's help if you encounter resistance.

Responsible hosts take everyone's welfare into account – including strangers on the roads. You don't want anyone to get hurt. And that means you don't want to be reliving the details of your party months later... in a courtroom.



### Surrey Location:

#202 – 15388-24th Avenue, Surrey, BC V4A 2J2

## Meet us in Surrey!

Want to meet with us in Surrey? If so, let us know and we can set up an appointment for you to meet one of our lawyers there. We've been meeting clients at our Surrey office since September and are pleased with the spacious meeting rooms and convenient location. If Surrey works better for you, let us know and we can schedule you in there.

Sorry, no drop-ins: Our Surrey office is by appointment only.