

Opening vehicle door into traffic

A court will generally rule that a person who opens a vehicle door as a vehicle passes is 100 per cent at fault for any resulting collision. (*Motor Vehicle Act*, Section 203)



Motor Vehicle Act section(s): Section 203

Who did the courts find at fault?

When ICBC assesses who is at fault for a crash, we do so based on how the courts have decided fault in previous, similar crashes.

The courts have the final say about who is at fault. Here is what the courts in British Columbia have decided in cases like the crash example above:

Related B.C. court cases

- [Anderson v. Leung](#)
- [Demchuk v. Merit Consultants Ltd.](#)
- [Halfyard v. Insurance Corporation of British Columbia](#)

Anderson v. Leung

In the 1988 British Columbia Court of Appeal case of *Anderson v. Leung* [1988] BCWLD 747, a cyclist was riding along West Broadway when he collided with the opened door of a parked car. The driver of the car was found to be 85 per cent at fault for having opened her vehicle's door without regard for approaching traffic. The cyclist was found to be 15 per cent at fault for not wearing a helmet.

Demchuk v. Insurance Corporation of British Columbia

In the British Columbia Supreme Court case of *Demchuk v. Merit Consultants Ltd.* [1992] BCWLD 598, one driver was parked tightly to a building in a lane close to Arbutus and 46th Avenue. As he was opening his car door, it was hit by a passing vehicle, slamming it open and forward.

The judge said that the parked driver was in clear violation of his duty: he started getting out of his vehicle with no regard for the safety of doing so, and he failed to first look for traffic. The other driver had no warning of what the parked driver was about to do, so was not at fault.

Halfyard v. Insurance Corporation of British Columbia

The British Columbia Provincial Court case of *Halfyard v. Insurance Corporation of British Columbia* [1993] 26 CCLI (2d) 320, was another case where a cyclist was injured when a passenger opened his car door. The cyclist was riding his bike eastbound on Cornwall Avenue at Yew Street in Vancouver, and was slowing for a red light. He was travelling between a row of vehicles parked on his right and a row of vehicles parked on his left. A passenger in one of the vehicles parked on the left opened her door and hit the cyclist's leg. The passenger then left the scene. The court ruled that the unknown person was 100 percent at fault.