



Parties in Condos - Social Host Liability

By Denise Lash on June 06, 2011

Drinking and driving. The dangers are widely known but the problem persists. Its something we all need to be conscious of when attending events where alcohol may be served. Accidents caused by impaired drivers can have devastating consequences on all involved. In 2006, the Supreme Court of Canada weighed in on one such case and the decision has had important implications for condominium residents since that time.

The events giving rise to the case were tragic. A couple hosted a new year's eve party at their house. It was a "BYOB" event— bring your own booze. One of the guests drank excessively. The hosts were not aware he was impaired, nor was there evidence that they had served him drinks. Shortly after midnight, the guest left the party and was in a head-on collision with another vehicle carrying four people. One of those passengers was killed and the other three were seriously injured. Of those three passengers, Zoe Childs, was left paralyzed from the waist down. The guest was convicted of various criminal offences and received a sentence of ten years. Ms. Childs sued the guest, as well as the two hosts of the party. The Supreme Court denied Ms. Childs' claim against the two hosts, deciding that as a general rule, the host of a private party where alcohol is served (referred to as "social host" in legal terms) is not liable to a member of the public for injuries caused by a guest, unless the host was actively involved in creating or contributing to the event that caused the injury (the Court was clear that simply hosting a party where alcohol is served was insufficient in this regard).



Why is this decision significant for condominium boards and residents? Think about all of the social gatherings that occur almost on a daily basis in condominium communities. The parties organized by the condominium board for its residents during the holiday season, the summer barbeques where there may be guests invited who live outside of the condominium or simply a few neighbours getting together for some evening cocktails. What are the potential implications for the board and the residents involved when alcohol starts to be consumed?

The Supreme Court's decision means that as a general rule, social hosts, such as condominium corporations and residents, will not be held responsible for the actions of their guests once they leave the party. This conclusion seems fair and reasonable. The Supreme Court recognized the importance of guests being held accountable for their own actions and not forcing social hosts to bear those consequences. The Court found that social hosts are generally not expected to monitor their guests' drinking, nor do they have an effective means for doing so. In contrast, the Supreme Court has



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previously recognized that commercial hosts (bars, restaurants, taverns), who operate within a highly regulated environment but nonetheless have an incentive to encourage their patrons to drink, are under a duty to ensure that they monitor the consumption of their patrons and may be held liable for injuries suffered by members of the public caused by impaired patrons.

However, it is important to note that in the *Childs* case the Supreme Court stated that it was not deciding the issue of whether a social host who continues to serve an already visibly intoxicated guest should be found liable for injuries caused by the guest to members of the public. This important distinction from the circumstances in *Childs* will remain unresolved until an appeal involving those facts makes its way to the Supreme Court. In the United States, some states have imposed liability on social hosts in those circumstances. Regardless of how that question is answered in Canada, we should all continue to act responsibly whenever we are in social situations where alcohol may be served.

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