

CANADA / JUDGMENT

Loubier v. Vallerand et al.

[1977] 1 SCR 713**COURT**

Supreme Court of Canada

DECIDED

12 March 1976

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Loubier v. Vallerand et al. Collection Supreme Court Judgments Date 1976-03-12 Report

[1977] 1 SCR 713 Judges Martland, Ronald; Judson, Wilfred; Pigeon, Louis-Philippe; Beetz, Jean; de Grandpré, Louis-Philippe On appeal from Quebec Subjects Motor vehicles Decision Content Supreme Court of Canada Loubier v. Vallerand et al., [1977] 1 S.C.R. 713 Date: 1976-03-12 Jean-Paul Loubier Appellant; and Gérard Vallerand and Émillienne Gilbert Respondents. 1976: March 12. Present: Martland, Judson, Pigeon, Beetz and de Grandpré JJ. ON APPEAL FROM THE COURT OF APPEAL FOR QUEBEC Motor vehicles—Negligence—Collision with child—Presumption of fault against owner of vehicle—Question of fact—Appeal Courts should not intervene—Highway Victims Indemnity Act, R.S.Q. 1964, c. 32, s. 3. APPEAL from a judgment of the Court of Appeal for Quebec, setting aside a judgment of the Superior Court and condemning appellant to damages. Appeal allowed with costs, judgment of the Superior Court dismissing the action restored. Richard Cliche, for the appellant. Richard Roy and Roger Lefebvre, for the respondents. The judgment of the Court was delivered orally by MARTLAND J.—We are all in agreement with the reasons of Montgomery J.A. dissenting in the Court of Appeal. Therefore the appeal is allowed, the judgment of the Court of Appeal is set aside and the judgment of the Superior Court is restored with costs in this Court and in the Court of Appeal against the respondents. Appeal allowed with costs. Solicitors for the appellant: Cliche & Laflamme, St-Joseph de Beauce, Quebec. Solicitors for the respondents: Roy & Lefebvre, Thetford Mines, Quebec.

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