

CANADA / JUDGMENT

Tayes v. Snarr

2021 BCSC 98

COURT

Supreme Court of British Columbia

DECIDED

22 January 2021

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2021 BCSC 98 Tayes v. Snarr IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Tayes v. Snarr, 2021 BCSC 98 Date: 20210122 Docket: 29329 Registry: Cranbrook Between: Taryn Jennie Tayes Plaintiff And Melody Snarr also known as Melody Jones, Margaret Jones, Chelsea Garvin and Susan Ramsay Defendants Before: The Honourable Mr. Justice Marchand Reasons for Judgment Counsel for the Plaintiff: W.T. Rogers Counsel for the Defendants: No appearance Written Submissions Received: January 20, 2021 Place and Date of Judgment: Cranbrook, B.C. January 22, 2021

Introduction

- [1] Taryn Jennie Tayes was injured in a motor vehicle accident in Nelson, British Columbia on July 4, 2017. At the time of the accident, she was a passenger in a vehicle owned by Margaret Jones and driven by Melody Snarr (also known as Melody Jones) that collided with a vehicle owned by Susan Ramsay and driven by Chelsea Garvin.
- [2] On June 24, 2019, Ms. Tayes filed a notice of civil claim seeking compensation for injuries she suffered in the accident. She named Ms. Jones, Ms. Snarr, Ms. Ramsay and Ms. Garvin as defendants.
- [3] On June 17, 2020, Ms. Tayes became aware that Ms. Garvin is deceased. On July 14, 2020, I granted an order renewing of the notice of civil claim for six months to give Ms. Tayes an opportunity to identify and serve a representative of Ms. Garvin's estate.
- [4] Unfortunately, Ms. Tayes has not been able to identify a representative of Ms. Garvin's estate. Ms. Tayes now applies by written submission for an order permitting her to proceed in the absence of Ms. Garvin. She has not provided notice of her application to the other defendants.

Analysis

- [5] Rule 20-6(3)(b) empowers the court to order that a matter proceed in the absence of a person representing a deceased's estate if there is no personal representative for the estate.

- [6] I am satisfied that it is appropriate to make such an order in this case because: · Ms. Garvin passed away on February 15, 2020, five days shy of her 19th birthday; · ICBC has declined to accept service on behalf of Ms. Garvin's estate; · Counsel for Ms. Teyes has communicated with Ms. Garvin's parents and they have made it quite clear that they do not represent their daughter's estate and have no interest in doing so; · Counsel for Ms. Teyes has diligently searched to identify a representative of Ms. Garvin's estate without success; · Counsel for Ms. Teyes has also diligently searched for estate assets without success; · It appears highly likely that Ms. Garvin died intestate such that it is very unlikely that a personal representative will be appointed for Ms. Garvin's estate; · Failing to grant the order sought by Ms. Teyes would result in an obvious and substantial injustice to her; and · I can think of no prejudice to the remaining defendants if the order sought by Ms. Teyes is granted. Order
- [7] For all of these reasons, I order that this matter proceed in the absence of a person representing the estate of Chelsea Garvin. Given that this application proceeded without notice to the remaining defendants, I also order that Ms. Teyes promptly provide an entered copy of the order to the remaining defendants and I grant the remaining defendants leave to apply to set aside the order within 21 days of their receipt of an entered copy of the order.
- MARCHAND J.

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Prepared on 29 October 2026 · Esheria