1. **Social Host Liability**

While liability for bars and taverns for causing or contributing to intoxication in customers is well established[[1]](https://mail.google.com/mail/u/0/#m_6453558962935733209__ftn1), social host liability remains an emerging and has not been fully embraced by Canadian courts despite repeated efforts since at least 1986[[2]](https://mail.google.com/mail/u/0/#m_6453558962935733209__ftn2). Nor has liability for supervising the intoxicated, but liability for encouraging impaired driving has occurred[[3]](https://mail.google.com/mail/u/0/#m_6453558962935733209__ftn3). This differs from many decisions in the United States where social host liability has been found[[4]](https://mail.google.com/mail/u/0/#m_6453558962935733209__ftn4).

In *Childs v. Desormeaux*, 2006 SCC 18, [2006] 1 S.C.R. 643, the Supreme Court of Canada held that social hosts of parties where alcohol is served do not owe a duty of care to public users of highways unless the host’s conduct implicates them in the creation or exacerbation of the risk. Short of active implication, a host is entitled to respect the autonomy of their guests as the choice to consume alcohol is a personal one. While it may be reasonable to expect that a bar will act to protect the public interest, the same cannot be said of the private social host, who is not expected to monitor guests on behalf of the public.

The same high standard is apparently applied to employers who host employee parties. In *John v. Flynn*, [2000] O.J. No. 128 (ONSC), the defendant started drinking in the afternoon, continued drinking during work that night, and drank on the way home from work. He struck the plaintiff in his vehicle and the plaintiff sued the employer. The trial judge found the employer 30% at fault for permitting their employee, a known alcoholic, to drink at work[[5]](https://mail.google.com/mail/u/0/#m_6453558962935733209__ftn5), but the Court of Appeal overturned the decision and found that the employer could not be held liable in the circumstances[[6]](https://mail.google.com/mail/u/0/#m_6453558962935733209__ftn6).

[[1]](https://mail.google.com/mail/u/0/#m_6453558962935733209__ftnref1) See previous section on Bar Liability.

[[2]](https://mail.google.com/mail/u/0/#m_6453558962935733209__ftnref2) See for instance: *Baumeister et al v. Drake* [1986] B.C.J. No. 3008; *Wince v. Ball* [1996] A.J. No. 496 (Alta. Q.B.); *Alchimowicz v. Schram et. al*., [1997] O.J. No. 135 (Gen. Div.), aff’d [1999] O.J. No. 115 (ONCA); *Stevenson v. Clearview Riverside Resort* [2000] O.J. No. 4863; *Fitkin Estate v. Latimer*. [1997] O.J. No. 1449 (Ont. C.A.); *Broadfoot v. Ontario (Minister of Transportation and Communication)*, [1997] O.J. No. 759; *Dryden v. Campbell Estate*, [2001] O.J. No. 829; *Prevost (Committee of ) v. Vetter*, [2001] B.C.J. No. 323, revs’d [2002] B.C.J No. 602 (B.C.C.A.).

[[3]](https://mail.google.com/mail/u/0/#m_6453558962935733209__ftnref3) See the following cases for liability discussions where defendants have encouraged or allowed impaired driving:  Drinking Companions - *Hall v. Hebert*, (1993), 15 C.C.L.T. (2d) 93 (S.C.C.); *Pizzolon v. Pedrosa*, (1988), 46 C.C.L.T. 243 (B.C. S.C.); *Hague v. Billings,* (1993), 15 C.C.L.T. (2d) 264 (Ont. C.A.); *Roberts v. 964639 Ontario Ltd*., [1996] O.J. No. 56 (ONGD); *Dryden (Litigation Guardian of) v. Campbell Estate*, (2001), 11 M.V.R. (4th) 247 (ONSC); Police - *Hooey v. Mancini*, [1988] 4 W.W.R. 149 (MQB); *Lafleur v. Maryniuk*, (1990), 4 C.C.L.T. (2d) 78 (B.C. S.C.); *Meraw v. Curl Estate* (1998), 43 C.C.L.T. (2d) 47 (OGD).

[[4]](https://mail.google.com/mail/u/0/#m_6453558962935733209__ftnref4) See for instance: *Kelly v. Gwinnell* 476 A. 2d 1219 (N.J. 1984), *Walker v. Kennedy*, 338 N.W. 2d 254; *Huston v. Konieczny* 52 Ohio St. 3d 214; *Hernandez v. Arizona Board of Regents* 866 Pacific Reporter (2d) 1329.

[[5]](https://mail.google.com/mail/u/0/#m_6453558962935733209__ftnref5)*John v. Flynn*, [2000] O.J. No. 128 (ONSC)

[[6]](https://mail.google.com/mail/u/0/#m_6453558962935733209__ftnref6)*John v. Flynn*, (2001) 54 O.R. (3d) 774, [2001] O.J. No. 2578 (ONCA), leave to appeal dismissed, S.C.C. File No. 28739, S.C.C. Bulletin, 2002, p. 716. See also *Hunt v. Sutton Group Incentive Realty Inc.*, [2001] O.J. No. 374 (2001), 196 D.L.R. (4th) 738, 52 O.R. (3d) 425 (ONSC), appeal allowed [2002] O.J. No. 3109, (2002) 60 O.R. (3d) 665, 215 D.L.R. (4th) 193.