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COURT OF QUEEN'S BENCH OF MANITOBA

O'REILLY v C and THE CANADIAN INDEMNITY CO.**(1978) 3 WWR 145****NEGLIGENCE – DUTY OF CARE – COLLISION INVOLVING STOLEN CAR.***Halsbury's Laws* (3rd edn.), Vol. 28, para.4 Canada.

The defendant escaped from a juvenile detention centre and stole a car and its keys from a garage. The garage reported the theft of the car but not of the keys. When the defendant attempted to use a stolen credit card at a service station, the attendant reported it to the police, who gave chase. A high speed chase ensued, resulting in the defendant colliding with a car driven by the plaintiff. At the time of the collision the police car had slowed down. The plaintiff claimed that the defendant, the police, the juvenile authorities and the garage were all negligent.

HELD, the defendant was clearly negligent. The police were not liable as they had discontinued their active pursuit and had driven with due care having regard to the circumstances. The juvenile authorities were not liable because the accident on the day following the defendant's escape was too far removed from the alleged negligence of custodial care. The garage was not liable as the accident was too remote and could not have been reasonably foreseen.

Home Office v Dorset Yacht Co Ltd (1970) AC 1004, HL, considered.
