



DOLDEN WALLACE FOLICK LLP

Insurance Law Update

Insurance Law Expertise... It's our policy.

November 5, 2010

NEW BOOK FROM DOLDEN WALLACE FOLICK LLP: *LIQUOR AND HOST LIABILITY LAW IN CANADA*



Dolden Wallace Folick LLP, in collaboration with [Canada Law Book](#), are pleased to announce the upcoming publication of [Liquor and Host Liability Law in Canada](#), by Lorne Folick, Michael Libby and Paul Dawson. It is the first comprehensive study in Canada on liquor and social host liability law. National in scope, the book examines all of the leading cases across the country, as well as key statutes regulating liquor, security services, and occupiers liability, that might affect civil liability relating to the service of alcohol.

This book outlines the changing social and policy values that have informed Canadian jurisprudence in recent decades relating to the provision and consumption of alcohol. At the same time, the focus of this book is eminently practical. The key question running throughout is: “when, and in what circumstances, will a party be found liable for injuries resulting from the provision of alcohol to the injured person or to others?”

In particular, the book focuses on commercial hosts, the most common context for liquor liability claims. Commercial hosts include bars, cabarets, restaurants, etc. – businesses that sell alcohol for profit from their business premises to the public. In recent years, commercial hosts have increasingly been held by the Courts to have a “special relationship” with their patrons, arising from the tension between the hosts’ profit motive to encourage consumption, and the vulnerability of patrons (and, by extension, the public at large) to injury resulting from intoxication. Separate Chapters review injuries related to the condition of the commercial hosts’ premises; from assaults by other patrons; and from the use of force by security staff.

The book also reviews various forms of non-commercial relationship-based liability - such as where businesses allow intoxicated people to participate in potentially dangerous activities, or where intoxicated persons are put under the care of others (such as taxis, the police, or volunteers). The



DOLDEN WALLACE FOLICK LLP

Insurance Law Update

Insurance Law Expertise... It's our policy.

book weaves these disparate cases together by examining whether, in each case, the party has a sufficiently close relationship to the intoxicated person to be able to foresee some injury from alcohol consumption.

A small but growing number of cases arise from the consumption of alcohol in the workplace, or at employment-related events. "Employer host liability" can arise from the provision of alcohol to employees during working hours as part of work-related activities (such as at client socials, golf tournaments, or other marketing events), or at more socially-oriented events such as seasonal parties. The book addresses the leading cases in this developing area of the law.

Social host cases are relatively rare, but often receive prominent media coverage. They arise from the provision or consumption of alcohol in social settings such as a dinner, cocktail, or house parties held in private homes. Social host cases are different because they don't involve commercial considerations, but raise issues of individual freedom and privacy. As discussed in the book, the Courts are reluctant to impose duties on private individuals to regulate the drinking habits of other consenting, capable adults.

The book concludes with a brief comparative review of liquor liability law in the United States, the United Kingdom, and Australia, highlighting the different policy rationales - and outcomes - in these jurisdictions.

The book will be available at the end of November, 2010. For more information, please contact Lorne Folick (604.891.0352, lfolick@dolden.com), or visit Canada Law Book [here](#).

Would you like to comment? Let us know what you think by clicking on the links below.

EDITOR Paul C. Dawson

Direct Line: 604.891.0378

E-mail: pdawson@dolden.com

This newsletter is for general information only and is not intended to provide, and should not be relied on for, legal advice in any particular circumstance or fact situation. Readers are advised to obtain legal advice to address any particular circumstance or fact situation. The opinions expressed in this newsletter, if any, are those of the author and not necessarily of Dolden Wallace Folick LLP or its clients.