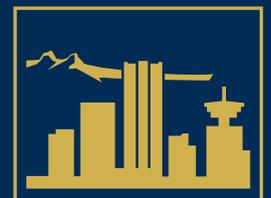




The Downside to Grad Season: Social Host Liability

Know the Risks and how to Minimize them

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Not Your Average Hosting Duties: Teen Graduation Parties

Parents of teens know the drill when it comes to hosting parties, and year-end gatherings are no exception. Often parents face a much more difficult question: whether or not to include alcohol among the appetizers. This poses a much larger question, what's your liability? Bill Dick addressed this question at a recent presentation for parents held at the Vernon District School Board on May 25th. The following summary provides information on what you need to know on hosting teen parties. If you have additional questions, please **contact Bill** or one of the other lawyers at the firm and we will be happy to try to help you.

First, let's face the facts. Alcohol is responsible for a large number of teen fatalities. For example, 31% of teen traffic deaths are alcohol-related. A 2005 American Medical Journal study found that 2 out of 3 teens aged 13-18 easily obtained alcohol with one-third of this age group obtaining it from parents or legal guardians. Also, a third of these teenagers have had access to *both* drugs and alcohol in front of parents. That is a sobering set of statistics.



Bill Dick* has extensive experience representing plaintiffs in personal injury, medical malpractice and insurance disputes both at trial and on appeal.



Parents, Children, and Liability

What's more, is the issue of liability, as there are a number of things you need to remember. First, there are three common types of civil liability claims brought against parents. The first is, **Social host liability**, where the host is liable for supplying alcohol to minors who subsequently injure themselves or others on your property or after leaving. **Occupier's liability** which covers any alcohol-related injuries that occur on your property that result from the condition of your property or the activities of guests on the premises. Finally, there are **vehicle claims**, where parents can be held indirectly liable for intoxicated drivers. Ultimately, in British Columbia providing alcohol to underage teens may result in charges under the *Liquor Control and Licensing Act* and can attract potential civil liability.

“The risk of being found liable for injuries or losses that occur because of alcohol consumption increase significantly if a parent provides the alcohol to teens.”



Social Host Liability And Vehicle Claim - A Case Study: *Prevost V. Vetter*

The Vettters had a long history of hosting large and loud parties involving adults and minors. In the past, Mrs. Vetter had often taken steps to protect intoxicated minors having them stay the night, taking away their car keys or driving them home.

On the night in question, Vetter made no effort to supervise or intervene to prevent underage drinkers leaving the party, although police had attended the premises earlier. Later that night, Vetter's niece, a minor, left under extreme intoxication and crashed her car, injuring a passenger.

The trial judge stated that Vetter's conduct in hosting the party gave rise to a duty to protect minors from risks of impaired driving. The BC Court of Appeal overturned the decision on technical grounds, and a new trial was ordered. Subsequently, the parties settled out of court. However, it is important to note, that this decision indicated parents who host or allow minors to host a BYOB party will likely be seen as owing a duty of care to protect underage attendees.

“In British Columbia, owners of motor vehicles are vicariously liable for injuries caused by drivers who have been given consent to drive. Also, this consent cannot be “conditional”, i.e. giving consent to a teenager on the condition they remain sober.”

Occupiers Liability – A Case Study: *Chretien V. Jensen*

The Jensens were accountable for a bridge that connected their home on an island to the mainland. They allowed their children to host a party in which the party-goers brought and consumed alcohol. The bridge was the location for much of the party, and tragically an intoxicated minor fell off the bridge and was rendered paraplegic. The court held the Jensens negligent as occupiers because the bridge was deemed unsafe for gatherings of inebriated individuals, citing the low guardrails and lack of handrails.

“Parents who ‘permit, induce, encourage or enable’ minors to become intoxicated will likely owe a duty of care to supervise those minors and take reasonable steps to ensure they do not injure themselves or others.”

Activities On The Premises – A Case Study: *Munier V. Fulton*

A significant settlement was reached in a case where the defendant allowed his son to host a bush party on his farm. The plaintiff was rendered quadriplegic after a fight erupted during the party. There had been numerous parties resulting in problems in the past, and as such, the plaintiff alleged that the occupier should not have allowed any parties on his property due to the knowledge of significant risks for participants.

Minimize Your Liability

While it may not be easy assessing the risks *before* hosting a party, there are a number of measures you can take that may operate to minimize the risk of liability exposure. Those measures include:

1. Have a dry party. This may not be realistic and teens can still sneak in alcohol and drugs, or consumer before attending.
2. If alcohol is permitted, then do not promote excessive drinking, drinking games and do not provide unlimited or unsupervised access to alcohol.
3. Before the party, check the premises for any hazards.
4. Set expectations with your teens regarding invite lists.
5. Be attentive to behaviour and appearance, prepare yourself to have a friendly word or call the police if teens are engaging in dangerous activities.

6. If there is an attendee or group with a reputation for causing problems, take steps to ensure there is no recurrence.
7. Ensure you arrange for rides or insist that a teen stay night, and if need be, plan to take keys and mandate all guests remaining stay in the family room.

Ultimately, the choice to host an underage party with alcohol must be taken with caution. As the case studies have highlighted, the risks of physical injury, property damage, and even fatality increase with the inclusion of alcohol. It’s a parent’s duty, in this instance, to protect minors from potential danger and heightened risk of injury to themselves and others. Being a parent of a teenager can be both rewarding and difficult at times, but the emphasis should be placed on knowing when to be a parent first.



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