

Citation: Cumming v. White, Deceased
2000 BCCA 238

Date: 20000330
Docket: CA024324
Registry: Vancouver

COURT OF APPEAL FOR BRITISH COLUMBIA

ORAL REASONS FOR JUDGMENT

Before:
The Honourable Madam Justice Southin
The Honourable Mr. Justice Hollinrake
The Honourable Madam Justice Ryan

March 30, 2000

Vancouver, B.C.

BETWEEN:

DOROTHY CUMMING

PLAINTIFF
(APPELLANT)

AND:

BARRY WHITE, DECEASED

DEFENDANT
(RESPONDENT)

F.G. Potts

appearing for the Appellant

M.P. Ragona, O.C.
and B.L. Devlin

appearing for the Respondent

[1] **SOUTHIN, J.A.:** This is an appeal from a judgment rendered on the 5th February 1998 fixing the damages to be awarded to a plaintiff who was injured when her motor car was rear-ended in an accident in January of 1992. Counsel have taken us through the learned trial judge's reasons. I can fairly say that we are all of the opinion that when the learned trial judge held that the plaintiff had suffered no loss of earnings as a result of this accident from the date of the accident to the date of trial, in other words that there was no causation, that he made a reversible error. Some loss was caused.

[2] It is always difficult to quantify these matters, but in my view the proper award under that heading would have been \$20,000 and I would allow the appeal accordingly.

[3] **HOLLINRAKE, J.A.** I agree.

[4] **RYAN, J.A.** I agree.

[5] **SOUTHIN, J.A.** There will be judgment accordingly. Costs will follow the event in favour of the appellant.

"The Honourable Madam Justice Southin"