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Blair v. Blair

Between
Donna Elaine Blair, plaintiff, and
Dennis Blair and Sheridan Lincoln Mercury Limited, defendants
(appellants)

[1991] O.J. No. 3255

Court File No. 412/89

Ontario Court of Appeal
Toronto, Ontario

Houlden J.A.

September 27, 1991.

(2 pp.)

On appeal from Webber J.

Practice -- Appeals -- Dismissal of appeals.

Appeal by the defendant from a decision finding him liable for a motor vehicle accident. The accident occurred when the plaintiff made a left-hand turn.

HELD: Appeal dismissed. Based on the whole evidence, the trial judge did not err in concluding that the defendant was wholly responsible for the plaintiff's damages.

Counsel:

D. Zarek, for the appellant.

I. Little, for the respondent.

1 HOULDEN J.A. (endorsement):-- Although we do not approve of the trial judge's statement that the respondent was under no obligation to see what was in the southbound lane after she had properly and in accordance with the advanced green signal turned within the intersection and commenced her left-hand turn, having regard to the evidence on a whole. We think that the trial judge properly concluded that the appellant was wholly responsible for the respondent's damages. Accordingly, the appeal is dismissed with costs.

HOULDEN J.A.

qp/mii/DRS