



SUPREME COURT OF CANADA

CITATION: Zurich Insurance Co. v. Chubb Insurance Co. of Canada, 2015 SCC 19, [2015] 2 S.C.R. 134 **DATE:** 20150417
DOCKET: 36002

BETWEEN:

Zurich Insurance Company
Appellant
and
Chubb Insurance Company of Canada
Respondent

CORAM: Abella, Rothstein, Cromwell, Karakatsanis, Wagner, Gascon and Côté JJ.

REASONS FOR JUDGMENT: The Court
(para. 1)

Zurich Insurance Co. v. Chubb Insurance Co. of Canada, 2015 SCC 19, [2015] 2 S.C.R. 134

Zurich Insurance Company

Appellant

v.

Chubb Insurance Company of Canada

Respondent

Indexed as: Zurich Insurance Co. v. Chubb Insurance Co. of Canada

2015 SCC 19

File No.: 36002.

2015: April 17.

Present: Abella, Rothstein, Cromwell, Karakatsanis, Wagner, Gascon and Côté JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO

Insurance — Automobile insurance — Statutory accident benefits scheme — Claimant having declined optional motor vehicle liability policy from insurance company upon renting vehicle subsequently injured in single-vehicle accident — Insurance company refusing to provide benefits available under statutory scheme — Nexus between insurer and claimant — Application judge correctly found that arbitrator erred in concluding that insurance company not an insurer for purposes of statutory scheme — Insurance Act, R.S.O. 1990, c. I.8, s. 268 — Disputes Between Insurers, O. Reg. 283/95.

APPEAL from a judgment of the Ontario Court of Appeal (Juriansz, Pepall and Pardu JJ.A.), 2014 ONCA 400, 120 O.R. (3d) 161, 319 O.A.C. 287, 379 D.L.R. (4th) 427, 65 M.V.R. (6th) 159, 34 C.C.L.I. (5th) 216, [2014] I.L.R. I-5615,

[2014] O.J. No. 2330 (QL), 2014 CarswellOnt 6274 (WL Can.), setting aside the decision of Goldstein J., 2012 ONSC 6363, 15 C.C.L.I. (5th) 287, [2013] I.L.R. I-5360, [2012] O.J. No. 5336 (QL), 2012 CarswellOnt 14170 (WL Can.). Appeal allowed.

Eric K. Grossman, Michael Warfe and Kate M. MacLeod, for the appellant.

Eugene Meehan, Q.C., and George Kanellakos, for the respondent.

The following is the judgment delivered orally by

[1] THE COURT — We are of the view that the appeal should be allowed with costs for the reasons of Juriansz J.A.

Judgment accordingly.

Solicitors for the appellant: Zarek Taylor Grossman Hanrahan, Toronto.

Solicitors for the respondent: Supreme Advocacy, Ottawa; KBM Law, Toronto.