

?Tis the season to be wary ?the risks of being a party host

The holiday season is a special time of year. Families and friends gather, gifts are exchanged, greetings are given. We all worry about our waistslines as we flitter from party to party eating decadent food and drinking holiday cocktails. You may even be planning a holiday party or social gathering of your own.

Having family and friends in your home is a wonderful way to celebrate the holidays, but if you are planning on doing so, you should be aware of the legal risks. What happens if one of your guests gets impaired and drives away? What if that guest is involved in a car crash and an innocent person is hurt? The answer is you could get sued.

In 2006, the Supreme Court of Canada decided a case called Childs vs. Desormeaux. In that case, a couple hosted a party in their home on New Year's Eve. The party was ?Bring Your Own Booze? or ?BYOB?. One of their guests drank 12 beers, got in his car and drove home drunk. On the way, he smashed into another car, killing one passenger and seriously injuring three others, including a teenage girl who was rendered a paraplegic.

In this case, the party hosts were not found liable by the Supreme Court of Canada. The party hosts had not seen their guest drink those 12 beers and did not know that he was intoxicated. They made the party BYOB and, therefore, only served one glass of champagne. The outcome could have been very different, however, if the party hosts had taken a more active role in getting the guest intoxicated or if the party hosts knew that the guest was intoxicated when he left the party.

Where innocent people are harmed, the courts will always look to hold at-fault persons liable. Impaired driving is a reckless act. Those who decide to drive drunk should be held responsible and liable for their own actions. However, the focus could shift to a party host if his/her conduct creates or contributes to the risk of impaired driving. If you are planning a holiday party this season, you must be mindful of these risks.

Some tips to ensure your conduct does not attract liability include not serving alcohol to your guests, collecting all guests' keys at the outset of the party, having a designated driver, purchasing taxi cab vouchers or planning for overnight guests.

So, as you enjoy a drink with your friends and family this holiday season, please remember to protect your guests and the public at large from the risks of impaired driving. Exposure to lawsuits as a party host is largely within your control!

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