



Social Host Liability:

Williams v Richard

Giles Ayers

Recap: *Childs v Desormeaux*

- Two steps: Reasonable foreseeability and proximity
- Court: Novel duty of care analysis not made out in this case

Recap: *Childs v. Desormeaux*

- No foreseeability: Hosts did not know how intoxicated Desormeaux was
- No proximity: Need “something more” than an invitation to a private party

Williams v Richard - The facts

- Richard and Williams enjoyed a drink (or 15) after work
- Williams left Richard's house and injured passengers in an accident
- Williams' passengers sued Richard and his mother

Motions judge

- Plaintiffs brought motion for summary judgment
- Motions judge applied *Childs v. Desormeaux*, struck claim
 - No duty of care
 - In any event, duty of care would have expired when Williams reached home

How far does *Childs v Desormeaux* go?

- Court of Appeal: parties exist on a spectrum (when it comes to proximity)
- Conflicting evidence on foreseeability? Need a full trial
- No general rule that duty of care expires when drunk driver arrives at home

Takeaways

- Childs is not a one-stop-shop for defendants
- Social host liability is fact-specific



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