

HARPER GREY LLP
3200 – 650 West Georgia Street
Vancouver, British Columbia, V6B
4P7
Canada

Tel: 604 687 0411
Fax: 604 669 9385

CASE SUMMARY: COVERAGE FOR MOTHER SUED BY DAUGHTER INJURED AT MOTHER'S HOME, WHERE DAUGHTER RESIDED AS TENANT

**Insurance law – Homeowner's insurance – Tenant – Interpretation of policy –
Exclusion – Practice – Underlying action**

Traders General Insurance Co. v. Gibson, [2019] O.J. No. 1261, 2019 ONSC 1599,
Ontario Superior Court of Justice, March 12, 2019, C.J. Brown J.

The insurer sought a declaration that it was not required to indemnify the insured under a homeowner's policy of insurance.

In the underlying action the insured had been sued by her daughter following an accident during which the insured's daughter fell from the front porch of the home.

The insurer took the position that the insured's daughter was a person residing in the insured's household at the time of the loss and she was therefore excluded from coverage. The insured took the position her daughter was either a "residence employee" or a "tenant" and as such there was coverage.

The court did not conclude the insured's daughter was a residence employee but concluded she was a tenant because she paid rent. As such, the application was dismissed.

This case was digested by [Cameron B. Elder](#), and first published in the LexisNexis® Harper Grey Insurance Law Netletter and the Harper Grey Insurance Law Newsletter. If you would like to discuss this case further, please contact Cameron B. Elder at celder@harpergrey.com.