

HOSTING TEEN PARTIES: WHAT'S YOUR LIABILITY?







SOBERING STATISTICS

- Alcohol is responsible for a staggering amount of fatalities across a spectrum of activities including vehicles, bicycles, snowmobiles, boats and pedestrians.
- Traffic crashes are the number one killer of teens
- 31% of teen traffic deaths are alcohol related
- 16-19 years olds in Canada represent 5.4% of population but 12% of all alcohol related deaths
- In 2005, an American Medical Association study of 13-18 year olds found:
 - 2 of 3 teens found that it is easy to obtain alcohol
 - 1 of 3 teens said it was easy to obtain alcohol from parents
 - 2 of 5 said it was easy to obtain alcohol from friend's parents
 - 1 of 4 said they attended parties and drank alcohol in front of parents
 - 1 of 3 said they attended parties where alcohol and drugs were consumed and parents were present



PARENTS, CHILDREN AND LIABILITY



- Civil vs. Criminal Penalties
- In British Columbia providing alcohol to underage teens may result in charges under the Liquor Control and Licensing Act and attract potential civil liability.
- Criminal Acts are enforced through criminal prosecution and punishable by fines, imprisonment or both.
- Civil liability involves injured parties seeking monetary damages from a host. These are resolved through litigation brought by injured parties against the host.

CIVIL LIABILITY

- There are generally 3 types of claims that can be brought against parents:
- **Social Host Liability** – can be liable for providing alcohol to individuals who subsequently injure themselves or others on your property or after they leave.
- **Occupier's liability** – can be liable for alcohol related injuries that occur on your property that result from the condition of your property or the activities of guests at the property.
- **Vehicles** – parents can be vicariously liable for intoxicated drivers who they have given express or implied consent to.

SOCIAL HOST LIABILITY

- Parents are not automatically held liable for all injuries or losses that occur if a party is held. Parents can only be held responsible if they have been found negligent in some way.

- The risk of being found liable for injuries or losses that occur because of alcohol consumption increase significantly if a parent provides the alcohol to teens. Parents who “permit, induce, encourage or enable” minors to become intoxicated will likely owe a duty of care to supervise those minors and take reasonable steps to ensure they do not injure themselves or others.

- Even if parents do not provide the alcohol, they may still be held liable if they permit minors to bring alcohol and become intoxicated. This is particularly true if no effort is made to supervise or intervene and the parents knew or ought to have known, for example, that underage drinkers were about to leave a party and drive.

Prevost v. Vetter

- Vetter's had a long history of hosting large and loud parties involving adults and minors. Mrs. Vetter in the past had often taken steps to protect intoxicated minors by inviting them to stay the night, taking away keys or driving them home.
- On the night in question, Mrs. Vetter made no effort to supervise and intervene even though police had attended and that underage drinkers were about to leave. An underage niece became extremely intoxicated and crashed her car shortly after leaving, injuring a passenger.
- The trial judge stated that the Vetter's conduct in hosting the party gave rise to a duty to protect the minors from the risks of impaired driving. The B.C. Court of Appeal overturned the decision on technical grounds and ordered a new trial. The parties settled out of court.
- As this decision indicates, parents who host or allow their children to host a BYOB party, will likely be seen as owing a duty of care to protect the underage partygoers.

OCCUPIERS LIABILITY

- An occupier is someone who has control over property and the power to admit or exclude others.
- An occupier has a duty to ensure that the property is reasonably safe in terms of the conditions of the property, the conduct of the entrants and the activities they permit to occur.

CONDITION OF THE PREMISES

- Occupiers have a positive duty to make their property reasonably safe for those who enter. This is particularly true when the occupier knows that people on the premises will become intoxicated.

- ***Chretien v. Jensen***
- The Jensens lived on an island connected to the mainland by a bridge that they had responsibility for. They allowed their adult children to host a party for their friends who brought and consumed alcohol.
- The bridge was a gathering place for much of the night. An intoxicated guest fell from the bridge and was rendered a paraplegic. The Court held the Jensen's were negligent as occupiers because the bridge was unsafe for gatherings of intoxicated people, citing the low guard rails and lack of hand rails.

CONDUCT OF THE ENTRANTS

- An occupier has a duty to supervise the conduct of those who are on the property. If, for example, you invite someone who has a known propensity for violence when intoxicated, and the person does in fact assault someone at the party, you may be found liable for failing to control the conduct that you knew was foreseeable and readily apparent.

Munier v. Fulton

- A significant settlement was reached in a case where the defendant allowed his son to host a bush party on his farm. The plaintiff was rendered a quadriplegic after a fight that erupted during the party. Previous bush parties had resulted in numerous problems in the past. The action was commenced on the basis that the occupier should not have allowed parties to be held on his property when he knew or ought to have known that the parties posed foreseeable risks of injury to those attending.

ACTIVITIES ON THE PREMISES



- Occupiers can also be held liable for the activities that guests participate in.
- ***Stringer v. Ashley***
- In this case, the Plaintiff broke his neck after he jumped from a second story bedroom window into a pool. He and other guests had jumped from the window numerous times without incident. The host had warned the Plaintiff not to dive out the window. He was intoxicated at the time he was injured. The jury held it was no sufficient to simply warn the intoxicated guest. The jury held that the owners should have asked the guest to leave, locked the door to the bedroom or taken more steps to prevent the diving.

- Owners who host teen drinking parties should be vigilant in preventing dangerous activities from taking place. This is particularly true of anyone who has pools or trampolines or hazards on their property.

MOTOR VEHICLE CLAIMS



- As a social host, the most likely scenario for significant exposure is providing alcohol to teens and the teen subsequently driving afterwards. As indicated, there is potential liability even in situations when alcohol is not provided. However, there is potential liability to parents in any situation in which their son or daughter drives while intoxicated.

- In British Columbia, owners of motor vehicles are vicariously liable for injuries caused by drivers who have been given consent to drive. Our Courts in B.C. have held that consent cannot be “conditional”. In other words, you cannot say to your teen, I only give you my consent if you remain sober.
- Consequently, if your teen drinks and drives and causes significant injuries beyond your third party liability limits, you may be personally responsible for excess damages.

PERSONAL INJURIES AND INSURANCE LIMITS

- Depending on the injury, a finding of liability could lead to significant economic catastrophe. Most home owner's insurance policies have third party limits of \$1,000,000.
- Similarly, in B.C. the minimum limits for auto insurance is \$200,000. Most carry additional third party liability limits such as 1 or 2 million.
- Serious injuries, such as brain injuries or spinal cord injuries can attract damage awards in excess of \$5,000,000.
- Aside from the more significant value of reducing the potential for harm to your teen and friends, taking steps to minimize the risk of harm is in every parents best interest.

Tips to reduce risk

- Aside from not hosting teen parties, the following are some tips that can help reduce the risk of liability exposure and more importantly, reduce the risk of harm itself:
 - Have a dry party. This probably isn't realistic and teens can still sneak in alcohol or drugs or consume before attending; If alcohol will be permitted, then:

- Place a time limit on when alcohol can be consumed.
- Provide food and non alcoholic beverages.

- If teens are engaging in dangerous activities, you will be expected to put a stop to them. Be prepared if necessary to call the police.
- Ensure that all teens have a safe means to get home. Remember, a teen is still at risk if they are intoxicated and walk home.
- Arrange for rides or insist that a teen stay the night.

- Do not promote excessive drinking or drinking games;
- No open bar. Do not give teens unlimited access to alcohol or unsupervised access to alcohol;
- Prior to the party, check the premises for any hazards
- Be attentive to the guests behaviour and appearance. Be prepared to have a friendly word.

- Set expectations with your teens in terms of invite lists. Parties can quickly spiral out of control;
- Decide who will be in control of supervising and monitoring the party. Do not stick your head in the sand, and do not consume alcohol yourself;
- Have a plan in terms of how people will get to and from the party. If necessary take all keys and mandate that all guests sleep in the family room;

- **DO NOT BUY ALCOHOL OR PROVIDE ALCOHOL TO TEENS** attending the party;
- If there have been previous problems with a group or person, take steps to ensure there is not recurrence;
- Do not combine alcohol with dangerous activities;

I'm Not Your
Friend

I'm Your
Parent