

ONTARIO  
SUPERIOR COURT OF JUSTICE

BETWEEN:

KEVIN BYERS

Plaintiff

- and -

SELVARASA KRISHNASAMY

Defendant

JURY QUESTION

Was Kevin Byers a common law owner of the Ford Focus vehicle he was driving at the time of the motor vehicle accident of August 17, 2009?

YES \_\_\_\_\_

NO \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_

Foreperson

### THEORY OF THE PLAINTIFF'S CASE

The theory of the Plaintiff's case is that Mr. Byers was not an "owner" of the Ford Focus at the time of the accident. The Plaintiff's wife, Mrs. Byers, was the registered owner, and was the sole owner of the vehicle. Taken as a whole, the plaintiff says that evidence does not establish that Mr. Byers was an owner for the purposes of the *Compulsory Automobile Insurance Act*.

### THEORY OF THE DEFENDANT'S CASE

By contrast, the theory of the defendant's case is that there <sup>was</sup> ~~were~~ more than one owner of the vehicle and that Mr. Byers was a common law owner of the vehicle for the purposes of the *Compulsory Automobile Insurance Act*. The defendant will point to a number of credibility issues that might cause you to doubt the truthfulness of the evidence of Mr. Byers and Mrs. Byers. The Defendant will also point to a number of the factors that establish joint ownership, to establish that on a balance of probabilities, Mr. Byers was a common law owner of a family vehicle.

February 2, 2017

Judgment to go in accordance  
with the verdict of the jury,  
attached.

If the parties cannot agree  
on costs, they will be fixed on  
the basis of written submissions,  
Plaintiff's written submissions  
no more than 3 pages plus  
Bill of costs; defendant

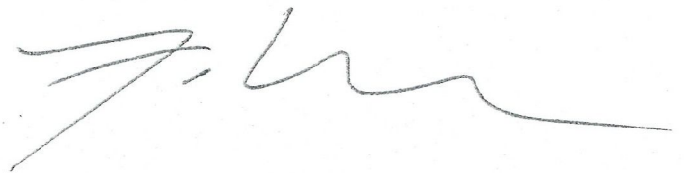
the same, 3 pages plus

Bill of costs; reply 1 page.

Plaintiff by Feb 24<sup>th</sup>

Defendant by March 1<sup>st</sup>

Reply by March 6<sup>th</sup>.



Kristjanson J.