

# Byers v. Bourbonnais, [1963] S.C.R. 117

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*Byers v. Bourbonnais*, [1963] S.C.R. 117.

In *Byers v. Bourbonnais*,<sup>1</sup> the Supreme Court of Canada dismissed an appeal from the judgment of the Court of Queen's Bench, Appeal Side, of the Province of Quebec<sup>2</sup> whereby the defendant was absolved from all liability on the ground that the plaintiff had failed to yield the right of way at an unprotected intersection.

This case represents no new departure in the law and was appealed solely on the question of liability. Taschereau J. in delivering the judgment of the Court founded his decision on Section 83 of By-law No. 1319 of the City of Montreal which requires the driver of a car to yield the right-of-way to a car approaching an intersection from the former's right hand side. It was found that both cars were proceeding at a reasonable rate of speed and the plaintiff's failure to yield was the sole cause of the accident.

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<sup>10</sup> *Supra*, footnote 8, at p. 130.

<sup>1</sup> [1963] S.C.R. 117.

<sup>2</sup> [1962] Que. Q.B. 270.