

Employer Liable for Damages Caused by Mechanic's Negligent Conduct



A man took his car to an auto body shop to get its brakes repaired. After completing the repairs, a mechanic took the car for a test drive. On that drive, he collided with another car, whose driver was injured in the accident. The injured driver sued the car's owner for damages, claiming that as the 'owner' of the vehicle, he was vicariously liable for the damages and losses caused by the mechanic's negligent acts. The car owner argued that the auto body shop was vicariously liable for its employee's negligence and 100% responsible for the driver's damages or losses. The court noted that, at the time of the accident, the mechanic was on the job and engaged in 'authorized employment conduct.' His negligent conduct caused the accident. The auto body shop, as the employer, was in a position to supervise the mechanic and exert sufficient control over him. Thus, the auto body shop should be held vicariously liable for the negligence of its employee-mechanic and 100% responsible for the resulting damages, concluded the court [*McIver v. McIntyre*, [2016] A.J. No. 1249, Nov. 28, 2016].