

B.C. needs law for wrongful death: Lawyer

JUSTICE: No recourse for negligence

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B.C. doesn't have wrongful death legislation — and it should, says Burnaby lawyer Don Renaud.

"I often have to tell survivors: 'Sorry, there's nothing I can do for you. The law regarding your loved one says their life was valueless,'" said Renaud on Monday.

Renaud, head of the Wrongful Death Law Reform Group, has seen families broken up and people lose their jobs while trying to cope with the stress of a wrongful death.

"Humans need to see justice done. If they don't, people go through their lives with a big hole. They can't understand why there is no justice," said Renaud, an injury lawyer who has been involved in such cases for 25 years.

The issue came up this week after Abbotsford mom Judith Jarabek-Gray lost her life when Fraser Health employees let the batteries on her ventilator die last January.

Her daughter, Melissa Jarabek, wondered why there was no compensation for pain and no recourse for negligence.

Renaud said the law permits civil suits to be filed in B.C., but the province's Family Compensation Act severely restricts damages that can be claimed.

He said there is no financial compensation when a child, senior or person with a disability loses their life.

Renaud said the reason is because their

lives are deemed to be valueless: they weren't working and weren't supporting dependents.

"Unless the deceased was a breadwinner, there isn't much financial compensation. About all you can hope for is a payment for funeral expenses," he said.

Renaud said no compensation can be claimed for grief and suffering.

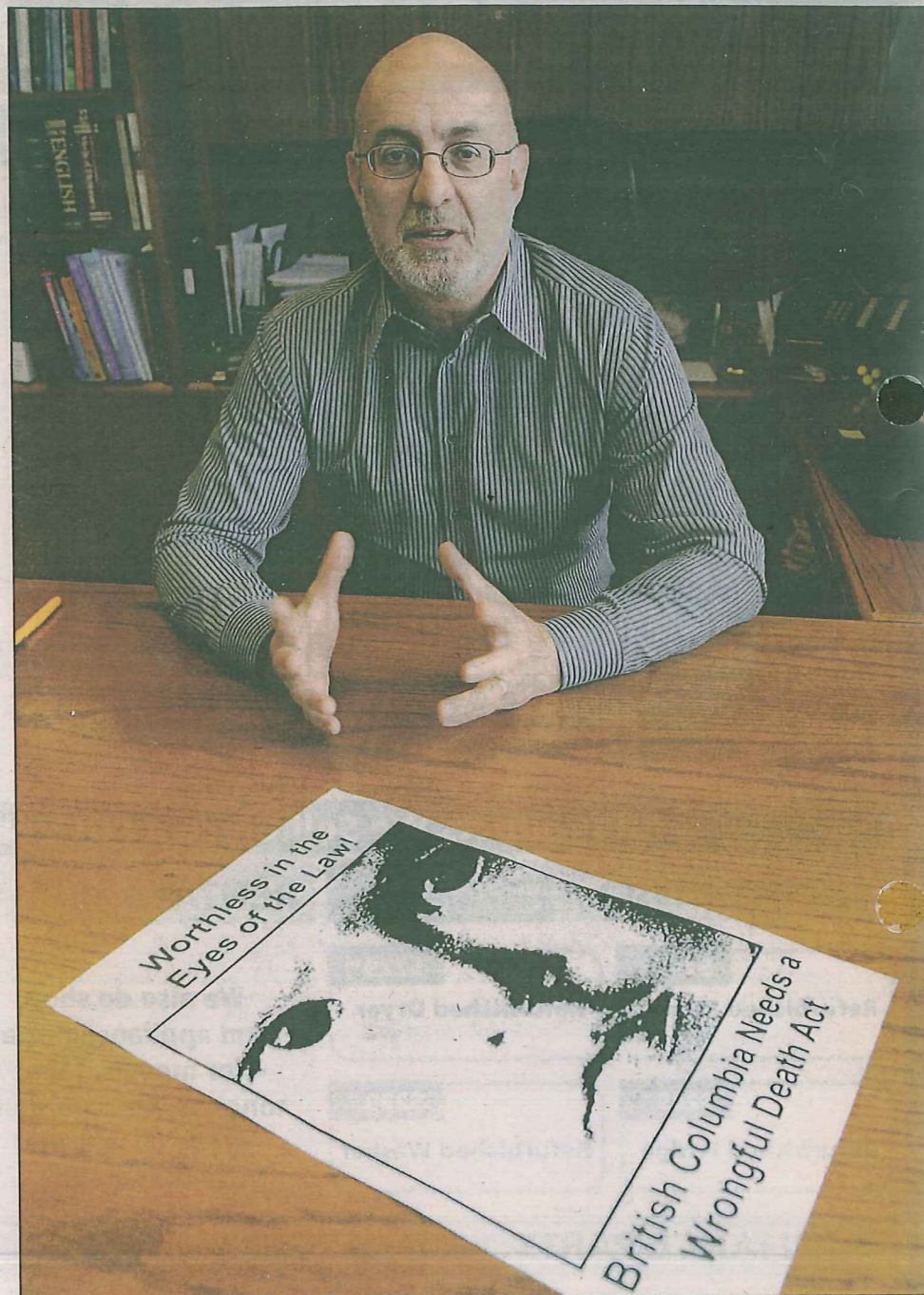
The B.C. Coalition of People With Disabilities has called for a Wrongful Death Act that would include full compensation and justice for surviving family members.

"It would include proper assessment of the circumstances of each case, accountability for anguish and grief and empowerment to seek punitive damages," said Jeanette Andersen, a ventilator user and coalition board member.

B.C.'s Ministry of the Attorney-General did not answer a list of questions submitted by *The Province* and a spokesman said Attorney-General Michael de Jong was not available.

"Government is currently considering the Family Compensation Act," said the spokesman.

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Lawyer Don Renaud is lobbying for a Wrongful Death Act in B.C. GERRY KAHRMANN — PNG

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