

How Ontario's Right-of-Way Laws Affect Pedestrian Accident Claims

Toronto pedestrian accident lawyers explain how the legal process works

[Pedestrian accidents](#) happen at an alarming rate in Toronto and throughout Ontario. Every year, hundreds of people are injured or killed in pedestrian accidents on busy city streets and rural roads throughout Ontario. And in many cases, right-of-way legal issues come into play.

What are Ontario's right-of-way laws? Why do they matter when it comes to pedestrian accident claims? Who decides who has the right of way? And what if a pedestrian was partially at fault for causing their right-of-way accident? Can they still be compensated for their financial losses in Ontario? The Toronto pedestrian accident lawyers at [Smitiuch Injury Law](#) explain how the legal system works in Ontario when it comes to right-of-way pedestrian accidents.

What does right of way mean?

Right of way is a term often used in legal cases involving motor vehicle accidents. As the name suggests, right of way simply means which driver (or pedestrian or cyclist) had the legal right to proceed first. Meanwhile, all other drivers or road users must wait to proceed (yield) until the person with the right of way has safely proceeded.

When do right-of-way rules apply?

Right-of-way rules apply to many different scenarios involving drivers, pedestrians, and other road users. In general, if there are more than two individuals using the same road at the same time, right-of-way rules apply. Common scenarios involving right-of-way rules include:

- A pedestrian in a crosswalk when a car approaches.
- A pedestrian crossing the street, not in a crosswalk.
- A vehicle turning left while a pedestrian is crossing the street.
- Two vehicles stopped at an intersection.
- A vehicle stopped at a stop sign when a pedestrian approaches the intersection.
- Vehicles travelling in two lanes merging into one lane.

In each case, one individual has the right of way. However, determining exactly who has the right of way can be much more complicated than many people think, especially if the at-fault driver denies doing anything wrong.

What are Ontario's right-of-way traffic laws?

Like many other places, Ontario has a wide range of rules that apply to legal issues involving who had the right of way, especially in cases involving motor vehicle accidents. Many of these regulations can be found in the [Ontario Highway Traffic Act](#).

What is the Highway Traffic Act of Ontario?

Created in 1990 and revised as recently as 2025, Ontario's Highway Traffic Act includes many rules and regulations that apply to a wide range of traffic laws and driving situations. Divided into 10 parts, the Highway Traffic Act deals with many different aspects of vehicular traffic and the operation of a motor vehicle, including:

- Powers and duties of the Ministry of Transportation (Part I)
- Parking permit regulations (Part III)
- Vehicle equipment requirements (Part VI)
- Speeding regulations (Part IX)
- Right-of-way rules and other traffic regulations (Part X, also known as the Rules of the Road)

Violations of the Highway Traffic Act of Ontario involving pedestrian accidents often quickly turn into complex legal cases. This is why it's critical that you have an experienced pedestrian injury lawyer familiar with Ontario's traffic laws guiding your case through the legal system every step of the way.

What are Toronto's pedestrian bylaws?

Along with province-wide regulations like the Highway Traffic Act of Ontario, Toronto has additional regulations that apply to pedestrians. Many of these additional Toronto municipal bylaws were created to protect pedestrians and to prevent pedestrian accidents. These [Toronto bylaws](#) include:

- Toronto Municipal Code, Chapter 950 Section 300, which outlines pedestrians' rights, rules and duties in Toronto.
- Toronto Municipal Code, Chapter 950 Section 301, which explains that pedestrians are prohibited from walking on certain highways in Toronto.
- Toronto Municipal Code, Chapter 950 Section 302, which concerns where pedestrians can legally cross the street in Toronto.
- Toronto Municipal Code, Chapter 950 Section 950-300B, which applies to pedestrians crossing the street outside a crosswalk.

When do pedestrians have the right of way in Ontario?

While the details of specific pedestrian accidents vary from one situation to another, pedestrians generally have the right of way in many situations in Ontario. When must drivers come to a full stop and yield the right-of-way to pedestrians?

- A pedestrian is crossing the street while a "walk" signal is displayed.
- A pedestrian is crossing the street where there's a stop sign displayed.
- A pedestrian is crossing the street while in a crosswalk, which is often located at intersections and clearly identified with pavement markings.

- A pedestrian is crossing the street in a pedestrian crossover, which is often located in between intersections, clearly marked by signs and pavement markings.
- Drivers are entering or exiting a driveway, laneway, or parking area.
- Drivers are entering a roundabout where there are pedestrians crossing at the roundabout exits or entrances.
- A pedestrian is crossing the street while at least 30 meters from a crosswalk, provided that there is no oncoming traffic or traffic is far enough away for the pedestrian to cross safely.
- A police officer directing traffic indicates to a pedestrian that it's safe to cross the street.

Ontario's right-of-way laws are designed to reduce confusion and protect pedestrians. Failure to yield properly can lead to fines, demerit points and liability in a collision claim, especially in pedestrian accidents where the driver's duty of care is higher.

When do pedestrians not have the right of way in Ontario?

While Ontario's right-of-way pedestrian regulations can vary from one situation to another, there are certain scenarios when pedestrians generally should avoid crossing the street since they may not have the right of way. For example, if a pedestrian is:

- Crossing the street while a "Don't Walk" signal is displayed.
- Crossing the street less than 30 meters from a pedestrian crosswalk or pedestrian crossover.
- Crossing the street when a vehicle is too close to be expected to reasonably stop.
- Jaywalking, which often refers to crossing the street diagonally at an intersection, unless the intersection allows pedestrians to legally cross diagonally.

Questions about pedestrian right of way in Ontario can be extremely complicated. This is why it's important for injured pedestrians to talk to a lawyer who understands the rules and regulations that apply to right-of-way accidents in Ontario.

Does a driver turning right or left impact liability in a pedestrian accident?

Yes. Whether a driver was turning right or left can play a major role in deciding who was at fault for a pedestrian collision in Ontario. The direction and location of the turn determine what duty of care the driver had under Ontario's right-of-way laws. For example:

- **Car turning left at an intersection** – Left-turning drivers must yield to both oncoming traffic and pedestrians lawfully crossing the road they're turning onto.
- **Car turning right at an intersection** – Right-turning drivers must come to a full stop before turning and check both directions for pedestrians. Failing to look right while watching for vehicle traffic on the left is a common cause of right-turn pedestrian crashes.

- **Car turning left not at an intersection** – Drivers turning into driveways, parking lots, or side streets must yield to pedestrians walking along the sidewalk or crossing the entrance. Even if there's no marked crosswalk, pedestrians on a sidewalk have the right-of-way.
- **Car turning right not at an intersection** – Drivers exiting a driveway or private property must yield to anyone walking on the sidewalk.

Who decides who had the right-of-way after a pedestrian accident?

Fault often isn't decided by one person when it comes to pedestrian right-of-way accidents. Several different parties often have a say when determining who had the right of way. This includes:

- **Police officers at the scene** – The responding police officers are usually the first to assess who may have had the right-of-way. They collect statements, take crash site photos, draw diagrams, and issue tickets if traffic laws were broken under Ontario's Highway Traffic Act.
- **Insurance adjusters** – Each driver's insurance company assigns an adjuster to review the evidence – including the police report, statements, and any photos or video – to decide who was primarily responsible. Their conclusion can influence whether an insurance company pays for damages (legal term for financial losses), how much compensation is available and whether pedestrian claims are approved or denied.
- **Accident reconstruction experts** – In complex or high-impact collisions, independent experts analyze skid marks, vehicle speeds, sightlines, and signal timing to determine who had the opportunity and duty to yield. Their scientific reports often carry significant weight in settlement negotiations or courtroom trials.
- **Judges or arbitrators** – If the case cannot be settled through insurance, the final decision about right-of-way and fault is made by a judge (in court) or an arbitrator (in a tribunal). They review all the evidence, apply Ontario's right-of-way laws and issue a binding ruling on liability and compensation.
- **Lawyers** – When fault is disputed or injuries are serious, lawyers representing the injured pedestrian or at-fault driver often conduct their own investigations. They gather witness testimony, traffic camera footage, and expert opinions to show how the driver violated right-of-way rules and to challenge any unfair insurance findings.

Legal guidance can make a big difference in the outcome of a pedestrian accident in Toronto or anywhere in Ontario.

What evidence is used to determine fault in pedestrian right-of-way accidents?

Evidence is the foundation of a pedestrian accident claim. It tells the story of how the crash happened and who broke the rules of the road. Key evidence often includes:

- **Police collision reports** documenting statements, diagrams, and citations issued at the scene.
- **Traffic-cam and dash-cam video** showing the sequence of lights, turns and crossing signals.
- **Witness statements** from bystanders, passengers, or nearby business owners.
- **Accident reconstruction reports** analyzing speed, visibility, and driver reaction times.
- **Medical records** linking the timing and severity of the injuries to the crash.
- **Weather or lighting reports** to assess whether conditions affected visibility or braking distance.
- **Driver cell phone data** showing distraction or texting before impact.

This evidence and additional information often build a clear picture of fault. The stronger and more consistent the proof, the easier it becomes to establish liability and secure fair compensation for the injured pedestrian.

How is fault determined in pedestrian right-of-way accidents?

Fault in Ontario pedestrian accidents is determined by examining whether each party followed their legal duties of care. Under the Highway Traffic Act, drivers must take reasonable steps to avoid hitting pedestrians, even when the pedestrian is partly at fault. That means if a driver fails to stop, yield, or pay attention, they can still be liable (legally responsible) even if the pedestrian made a mistake.

Investigators look at the context of the collision. Did the driver ignore a red light or turn while the pedestrian had the “walk” signal? Did the pedestrian cross outside a designated crosswalk, or step out suddenly from between parked cars? These details help decide the percentage of fault shared between both parties.

These discussions are extremely important since they will decide how much money is awarded to an injured pedestrian after their accident. If an injured pedestrian is wrongly found to be at fault, they might not receive the compensation they’re legally entitled to in Ontario.

Can injured pedestrians be compensated if they’re partially at fault?

Yes. In Ontario, being partly at fault does not automatically prevent you from receiving compensation. The province uses a “contributory negligence” system under the [Ontario Negligence Act \(R.S.O. 1990, c. N.1\)](#). This means compensation is reduced by someone’s percentage of fault but not eliminated entirely.

For instance, if a pedestrian’s financial losses (damages) total \$100,000 and they are found to be 25 percent at fault for crossing outside a crosswalk, they would receive \$75,000. The remaining 75 percent of responsibility would rest with the driver. Courts and insurers base these percentages on all available evidence, including traffic laws, witness accounts, and collision reports.

Deciding percentages of fault in a pedestrian accident can be a very complicated, confusing process. Worst of all, insurance companies often try to take advantage of such situations and unfairly assign a larger percentage of fault to pedestrians in an attempt to pay less money.

How can a lawyer help with an Ontario pedestrian right-of-way accident?

Hiring a lawyer can level the playing field when you're up against an insurance company. An experienced Ontario pedestrian accident lawyer can help in many different ways, including:

- **Investigate the crash thoroughly**, including collecting police reports, witness statements, and video evidence before it's lost or destroyed.
- **Apply Ontario's Highway Traffic Act** to show how the driver failed to yield or pay attention.
- **Work with medical and accident-reconstruction experts** to document your injuries and explain how the crash occurred.
- **Negotiate directly with insurers** to prevent lowball settlement offers or claim denials.
- **Pursue a lawsuit if necessary** in the Ontario Superior Court of Justice to maximize compensation.
- **Handle all communication** so you can focus on recovery instead of fighting insurance adjusters.

With a lawyer on your side, you can be sure that your claim meets all legal requirements and deadlines, and that every opportunity for compensation is explored.

Learn how our Toronto pedestrian accident lawyers can help you

Pedestrian injury claims involving questions about who had the right of way often quickly turn into complicated legal battles. Make sure you give your case the best opportunity to succeed. Talk to a Toronto pedestrian accident lawyer at Smitiuch Injury Law.

Our lawyers have the knowledge, skills and experience you need to build a strong legal case. We thoroughly understand Ontario's pedestrian accident laws. We know how fault is assigned, how to negotiate with insurance companies, and how to hold them accountable for reckless drivers' actions. That's why we have such a strong track record of success. [Case results](#) matter here.

Learn more about your legal options. [Contact](#) our law firm and schedule a [free consultation](#) with a Toronto pedestrian injury lawyer you can count on in a crisis. We handle pedestrian accident claims throughout Ontario and have three offices conveniently located in Toronto, Brantford, and Simcoe.