



St. John's Rehab Hospital  
February 5, 2014

## Lunch & Learn With Thomson, Rogers

Presented by:

**Wendy Moore Mandel**

416-868-3165

wmooremandel@thomsonrogers.com

**David R. Tenszen**

416-868-3210

dtenszen@thomsonrogers.com

**Michael L. Bennett**

416-868-3246

mbennett@thomsonrogers.com

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# What Does Your Car Insurance Really Cover?

Presented by:

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In Ontario – in order to legally drive a car, we must carry automobile insurance.

The Compulsory Automobile Insurance Act

## Offences for driving without car insurance:

- Fine between \$5,000 to \$25,000 for your first offence
- Fine between \$10,000 to \$50,000 for any subsequent offence
- Loss of your driver's license for up to one year.
- Loss of your legal right to sue a driver at-fault for causing you injury
- Restricted access to No-Fault Accident Benefits

In Ontario, the minimum amount of liability coverage is \$200,000.

The coverage limit on your auto policy protects you (from financial harm) if you cause an accident.

The coverage limit protects you if you are injured by someone with no insurance or less insurance than you.

Minimum personal injury limits in the U.S. by state:

Arizona	15,000
California	15,000
Florida	10,000
Illinois	20,000
Michigan	20,000
New Jersey	15,000
New York	25,000
Wisconsin	50,000



- The coverage limit on your auto policy protects you (from financial harm) if you cause an accident.
- The coverage limit protects you if you are injured by someone with no insurance or less insurance than you.
- The coverage limit protects your family in case of injury

No-Fault Accident Benefits is standard coverage in all Ontario issued car insurance policies.

## Optional Benefits

- Increase IRB from max of \$400/week to \$600, \$800 or \$1000/week
- Provide housekeeping benefits or caregiver benefits (to cover childcare) even if your injuries are not CAT
- Increase med/rehab coverage from \$50,000 to \$100,000 or \$1,100,000 even if you are not CAT
- Increase attendant care coverage from \$36,000 to \$72,000 or \$1,072,000 even if you are not CAT
- Increase CAT limits from \$1,000,000 to \$2,000,000 for med/rehab or care
- Index your benefit amounts over time – to offset the effects of inflation
- Increase the death benefits

Review your auto insurance policy coverage (tonight).



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# Attendant Care Benefits Update “Incurred Expenses”

Presented by:

**Michael L. Bennett**

416-868-3246

[mbennett@thomsonrogers.com](mailto:mbennett@thomsonrogers.com)

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As of September 1, 2010, the definition of “incurred” was amended to prevent friends and family members from claiming payment for services they provide to their loved ones following an accident unless they could establish that they had suffered an ‘economic loss’.

***September 1, 2010 SABS specifically provides:***

*3(7)(c) For the purposes of this Regulation, an aide or attendant for a person includes a family member or a friend who acts as that person's aide or attendant, even if the family member or friend does not possess any special qualifications.”*

3(7)(e) “any expenses in respect of goods or services referred to in this Regulation is not **incurred** by an insured person unless ...

(iii) *the person who provided the goods or services:*

(A) *did so in the course of the employment, occupation or profession in which he or she would ordinarily have been engaged, but for the accident, or*

(B) **sustained an economic loss** *as a result of providing the goods or services to the insured person”.*



The amended definition of “incurred” forced friends and family members to prove that they continued to lose income while providing necessary care services.

*Henry v. Gore Mutual Insurance Company, Ontario Court of Appeal, 2013*

So long as there was any economic loss then the care provider can be paid for all of the services he or she provided to their loved one.

## *Ontario Regulation 347/13*

States that, “....the amount of the attendant care benefit payable in respect of that attendant care shall not exceed the amount of the economic loss sustained by the attendant care provider during the period while, and as a direct result of, providing the attendant care.”

The change, which is effective as of February 1, 2014, was made without consultation with accident victims and their advocates.

This legislative change discriminates against persons not currently in the workforce, like retirees, stay at home parents and the unemployed.



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# Litigation...And Why You Need A Lawyer

Presented by:

**David R. Tenszen**

416-868-3210

[dtenszen@thomsonrogers.com](mailto:dtenszen@thomsonrogers.com)

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# Thank You

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