

MADD Canada | National Conference for Victims of Impaired Driving

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Impaired Driving and Personal Injury Law: Pursuing Justice for Victims



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No-Fault Benefits Available to Victims & Family Members

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LIMITATION PERIODS



There are limitation periods which apply to claiming accident benefits:

- i. Notify insurer of claim within **7 days** of the accident
(time extended if person is incapable of notifying the insurer due to incapacity)
- ii. Claims for accident benefits must be made within **2 years** of the accident
- iii. Must file for mediation regarding any denied benefit within **2 years**

There have been numerous cases which have tried to define what constitutes a “proper denial” of a claim thereby triggering the limitation period to commence running.

MEDICAL AND REHABILITATION BENEFITS*

NON-CATASTROPHIC IMPAIRMENT	CATASTROPHIC IMPAIRMENT
Maximum of \$50,000 available for 10 years or until the person is 25 years old**	Maximum of \$1,000,000 available for life**

* The new definition of “incurred” may impact a claimant’s ability to recover these benefits

** Subject to Optional Benefits



ATTENDANT CARE BENEFITS*

NON-CATASTROPHIC IMPAIRMENT	CATASTROPHIC IMPAIRMENT
\$3,000 per month maximum (total maximum of \$36,000) for up to 2 years post (as determined by OT or RN)**	\$6,000 per month maximum (with a total maximum of \$1,000,000) for life (as determined by OT or RN)**

* The new definition of “incurred” may impact a claimant’s ability to recover these benefits

** Subject to Optional Benefits



TRANSPORTATION*

NON-CATASTROPHIC IMPAIRMENT	CATASTROPHIC IMPAIRMENT
Only for the portion of any distances over 50kms	YES

* The new definition of “incurred” may impact a claimant’s ability to recover these benefits

** Subject to Optional Benefits



HOUSEKEEPING AND HOME MAINTENANCE*

NON-CATASTROPHIC IMPAIRMENT	CATASTROPHIC IMPAIRMENT
Not Available*	Maximum of \$100 per week available for life

* The new definition of “incurred” may impact a claimant’s ability to recover these benefits

** Subject to Optional Benefits



LOST EDUCATIONAL EXPENSES*

NON-CATASTROPHIC
IMPAIRMENT

CATASTROPHIC IMPAIRMENT

Up to \$15,000 payable to those enrolled in school who are unable to continue with their program

* The new definition of “incurred” may impact a claimant’s ability to recover these benefits

** Subject to Optional Benefits



VISITOR'S EXPENSES*

NON-CATASTROPHIC IMPAIRMENT	CATASTROPHIC IMPAIRMENT
Available to certain immediate family members for 2 years post accident	Available for life

* The new definition of “incurred” may impact a claimant’s ability to recover these benefits

** Subject to Optional Benefits



DAMAGE TO CLOTHING*

NON-CATASTROPHIC IMPAIRMENT

CATASTROPHIC IMPAIRMENT

Reimbursement for damage to clothing, medical and dental devices lost or damaged in the accident (no limit)

* The new definition of “incurred” may impact a claimant’s ability to recover these benefits

** Subject to Optional Benefits



DEATH BENEFITS

NON-CATASTROPHIC IMPAIRMENT

CATASTROPHIC IMPAIRMENT

If fatality, \$25,000 to spouse, \$10,000 to supported former spouse and \$10,000 per dependant (or more if no spouse)**

* The new definition of “incurred” may impact a claimant’s ability to recover these benefits

** Subject to Optional Benefits



FUNERAL BENEFITS*

NON-CATASTROPHIC
IMPAIRMENT

CATASTROPHIC IMPAIRMENT

Paid up to a \$6,000 maximum in cases of fatality**

* The new definition of “incurred” may impact a claimant’s ability to recover these benefits

** Subject to Optional Benefits



INCOME REPLACEMENT BENEFITS

NON-CATASTROPHIC IMPAIRMENT

CATASTROPHIC IMPAIRMENT

If unable to return to work, paid at 70% of gross income to a maximum of \$400 per week** (not payable for first week and qualifying test changes at two year anniversary)

* The new definition of “incurred” may impact a claimant’s ability to recover these benefits

** Subject to Optional Benefits



NON-EARNER BENEFITS

NON-CATASTROPHIC IMPAIRMENT

CATASTROPHIC IMPAIRMENT

If completely unable to carry on a normal life, paid at \$185 per week and can be paid at \$320 per week 2 years post accident if enrolled in educational pursuits at or shortly before the time of the accident (not available for first 26 weeks)



CAREGIVER BENEFITS*

NON-CATASTROPHIC IMPAIRMENT	CATASTROPHIC IMPAIRMENT
Not available*	If substantially unable to engage in caregiving activities, available at \$250 per week for the first person in need of care plus \$50 per week for all other persons in need of care (available only after the 2 year anniversary if the person suffers a complete inability to carry on a normal life)

* The new definition of “incurred” may impact a claimant’s ability to recover these benefits

