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STATUTORY ACCIDENT BENEFITS
POTENTIAL RECOVERY REGARDLESS OF FAULT
FOR ACCIDENTS AFTER OCTOBER 1ST 2003

(February 2004)

	NON - CATASTROPHIC INJURIES:	CATASTROPHIC INJURIES: **
ATTENDANT CARE	Up to \$3000 per month to a max of \$72,000 for care required for first 104 weeks after the accident.	Up to \$6,000 per month to a maximum of \$1 million.
MEDICAL AND REHABILITATION	Up to \$100,000.00 for expenses incurred within 10 years after accident	Up to \$1 million
HOUSEKEEPING	Up to \$100 per week reimbursable expense for a max. of 104 weeks	Up to \$100 per week reimbursable expense <u>not limited</u> to 104 weeks
INCOME REPLACEMENT	80% of net income to a max. of \$400 per week - one week deductible applies. If injury is a whiplash associated disorder the IRB is limited to either 12 or 16 wks.	80% of net income to a max. of \$400 per week - one week deductible applies
VISITOR EXPENSES	Reasonable expenses incurred by spouses, children, grandchildren, parents, grandparents brothers and sisters in visiting during treatment or recovery within 104 weeks after the accident	Same as non-catastrophic injury but is not limited to 104 weeks after accident
LOST EDUCATIONAL EXPENSE	Up to \$15,000 for educational expenses incurred before the accident for tuition, books equipment and room and board	Same as non-catastrophic injury
DAMAGE TO CLOTHING GLASSES HEARING AIDS ETC.	Reasonable expenses incurred by or on behalf of insured person in repairing or replacing clothing, eye wear, dentures etc.	Same as non-catastrophic injury
CAREGIVER BENEFITS	Pays for reasonable & necessary expenses incurred in caring for a person in need of care. The amounts paid are specified in the policy	Same as non-catastrophic injury
NON EARNER BENEFITS	If you do not qualify for an income replacement benefit and you have a complete inability to carry on a normal life after the first 26 weeks you could be entitled to this weekly benefit.	Same as non-catastrophic injury
DEATH BENEFITS & FUNERAL EXPENSES	Death benefits are available to a surviving spouse and dependants as defined. A funeral benefit of up to \$6000 is also available.	

* Note - if enhanced benefits have been purchased amounts available will be increased

** Catastrophic is **strictly** defined in the legislation and includes paraplegia or quadriplegia, loss of limbs (as defined), loss of vision in both eyes and serious brain injury (as defined).

IMPORTANT: The above information is intended as a guide only. It is recommended that you contact a lawyer for advice. The legislation also requires that you notify your insurer within 7 days after the accident.

A. POTENTIAL INJURY CLAIMS (Other than Motor Vehicle Accidents noted below at B)

Injuries may occur for a variety of reasons other than motor vehicle accidents. These can include but are not limited to slip and fall accidents, defective products, environmentally caused injuries or assault & battery. You are entitled to claim against a responsible party for these injuries. There are no restrictions with respect to seriousness of the injury and no deductible applies. Your out of pocket expenses are recoverable which include such things as loss of income, property damage, medical expenses, housekeeping, and babysitting. You are entitled to claim for your Economic Loss both past and future and no deductible applies. This can result in substantial claims.

The assessed value of your injury is based on previous awards as established by the courts. Note: The Courts have determined that claims for pain and suffering in Canada for any injury will not exceed \$300,000.00.

B. MOTOR VEHICLE ACCIDENTS

If you are injured in a motor vehicle accident in Ontario you can claim for the following:

Pain & Suffering – General Damages

In order to be compensated for pain and suffering in Ontario your injuries must be of a serious and permanent nature as defined in the legislation. If your injury qualifies as a serious injury the value is assessed and then a \$30,000 deductible is applied. There is no deductible if the injury is assessed at \$100,000 or more.

You are still restricted by the upper limit of compensation as set by the Courts of \$300,000.00.

You can also claim for your future loss of income if you are unable to return to your previous occupation.

Economic Loss: You are entitled to recover your loss of income after the first week deductible up to a maximum of 80% of net income less any amount received from the Accident Benefits carrier. This amount is available as long as your injuries prevent you from working. Recovery of this amount is not subject to the definition of permanent and serious injury.

FAULT (applicable to all injury claims)

You will recover based on your degree of fault. If you are not at fault you will recover 100% of damages however if for example you are 50% at fault you will recover 50% of your damages from the other party.

FAMILY LAW ACT CLAIMS (applicable to all injury claims)

Immediate family (as defined in the act) can claim for the loss of care guidance and companionship of the injured party. (A deductible of \$15,000 applies if the claim is as a result of a motor vehicle accident.)

Note: All accidents occurring during the course of your employment are subject to WSIB legislation. Consult legal counsel in these cases to determine your rights.