

ONTARIO'S NO-FAULT SYSTEM

Anyone injured in a car crash in Ontario is entitled to receive accident benefits, no matter who is at fault. The available benefits discussed below, compensate for some expenses, income losses and therapy. You may also be able to start a lawsuit for more complete compensation of your losses.

Preliminary Steps to Take:

- Notify your automobile insurer within 7 days of your injury.
- Ask your insurer about whether you have purchased optional benefits which may increase the benefits available to you beyond the amounts discussed below.
- Keep your receipts to prove your accident-related expenses.
- Call a lawyer and get legal advice before making any decisions that may affect your entitlement.

Injury Classification

THE AUTO INSURER WILL ASSIGN AN INJURY CLASSIFICATION BASED ON TYPE OF INJURY. THIS IMPACTS THE BENEFITS AVAILABLE.

1. Minor Injury Guideline (MIG)

The least serious injuries. Examples: Strains, sprains, bruises, cuts, and other minor injuries.

2. Non-Catastrophic Impairment (Non-CAT)

Injuries that are not minor, but are not catastrophic. Examples: many permanent injuries, broken bones, burns, loss of a finger.

3. Catastrophic Impairment (CAT)

The most serious injuries. Examples: Paraplegia, quadriplegia, loss of an arm or leg, blindness, certain brain injuries.

BENEFIT TYPE	WHAT DOES THIS PAY FOR?	MAXIMUM AMOUNTS AVAILABLE
Medical and Rehabilitation Benefits	<ul style="list-style-type: none"> • Medical, drug, and nursing expenses. • Home and vehicle modifications. • Therapies including occupational therapy, speech language therapy and physical therapies. 	<ul style="list-style-type: none"> • MIG: \$3,500 available. • Non-CAT: \$65,000 available (combined amount with attendant care benefits). These benefits are available for the first 5 years after the accident, or until age 28 for minors. • CAT: \$1,000,000 available (combined amount with attendant care benefits). These benefits are available for life.
Attendant Care Benefits	<ul style="list-style-type: none"> • The care-related services provided to an injured person by a PSW, homecare nurse, attendant, long-term care facility, and in limited circumstances, a family member. 	<ul style="list-style-type: none"> • MIG: Not available. • Non-CAT: \$3,000 per month maximum, with a total limit of \$65,000 in benefits (combined amount with medical and rehabilitation benefits). These benefits are available for the first 5 years after the accident, or until age 28 for minors. • CAT: \$6,000 per month maximum, with a total limit of \$1,000,000 (combined amount with medical and rehabilitation benefits). These benefits are available for life.
Caregiver Benefits	<ul style="list-style-type: none"> • Compensation for the expenses related to the lost ability to care for another person, such as a child. 	<p>Only available if CAT impairment or Optional Benefits purchased:</p> <ul style="list-style-type: none"> • \$250 per week for first person in need of care. • \$50 for each additional person in need of care.
Income Replacement Benefits	<ul style="list-style-type: none"> • Compensation for the lost ability to work and earn income. 	<ul style="list-style-type: none"> • 70% of your gross weekly income, to a maximum of \$400.00 per week. These benefits are not available for the first week off work. • After two years, the test to qualify for these benefits changes.
Non-Earner Benefits	<ul style="list-style-type: none"> • Income for individuals who are <u>not</u> working at the time of collision (includes students and stay at home parents). 	<ul style="list-style-type: none"> • \$185 per week. • Not available for the first 4 weeks after injury. • Only available if injured after age 18. Payable for a maximum of 2 years.
Housekeeping and Home Maintenance	<ul style="list-style-type: none"> • Keeping the inside and outside of your home clean, safe and maintained. 	<p>Only available if CAT impairment or Optional Benefits purchased:</p> <ul style="list-style-type: none"> • \$100 per week. • Need proof of payment.
Other Expenses	<ul style="list-style-type: none"> • Visitors Expenses • Funeral Benefits • Death Benefits • Lost Education Benefits • Damage to Clothing 	<ul style="list-style-type: none"> • Reasonable and necessary travel-related costs incurred by close family members while visiting the injured person in their recovery, such as mileage, parking, air fare, and hotel accommodation. • Funeral benefits up to \$6,000. • Spouses can receive up to \$25,000, dependants up to \$10,000. • Up to \$15,000 of lost education expenses (ex. tuition) if cannot continue in enrolled program. • Reasonable amounts to repair or replace the clothing, eyewear, or medical devices damaged in the crash.

Remember, it costs *nothing* to consult.

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SUING IF YOU'RE INJURED

There are many instances where an injured person can sue for their injuries. Here are just some examples of when it might be possible to sue and steps to take right away to protect your rights.

Car Crash Involving Drunk Driver

- The drunk driver may or may not have sufficient insurance; this means suing him or her may not be enough.
- The bar may be at fault. Often the drunk driver was seen at a bar, restaurant, or tavern. It is illegal under Ontario law to over-serve alcohol.
- Find witnesses to the crash, and witnesses for the excessive drinking/overservice issue.

Recommendations:

Call a lawyer who can send out an investigator right away. Memories will fade. Acting on this quickly can make the difference between your case being successful or not.

Single Car Crash

- Severe single car crashes happen for a reason. Sometimes, it is due to road conditions, potholes, ice and snow, obscured road signs, or stray animals. Each of these situations may give rise to a lawsuit.
- Do not assume you can't sue.
- Begin investigating the crash early, before evidence is lost or changed.
- Early notice of the crash to the potential defendant may be required, especially for government defendants.

Recommendations:

Call a lawyer who can investigate the circumstances quickly or take steps to preserve evidence.

Train-Car Crash

- Crashes at level crossings can be catastrophic. Train conductors must follow rules that are designed to alert drivers to their approach. Level crossing guards sometimes do not work properly. Sometimes they are not designed properly or in accordance with federal regulations.
- Investigation by speaking to neighbours, the investigating police officers and witnesses to the crash if any, early on is imperative.

Recommendations:

Call a lawyer who can investigate the circumstances quickly or take steps to preserve the evidence.

Falls, Trips and Slips

- There are strict time lines for notifying municipal authorities about a potential claim, as short as 7 days. This restriction does not apply to privately owned property.
- Preservation of evidence in these cases is critical.

Recommendations:

A family member or friend should take photos of the area immediately. Better is an investigator who is trained to take photos properly and make notes and observations. Keep footwear. Call a lawyer. The rules for suing municipalities are complicated and require advice. For private land, knowing what information to request can make the difference between success and failure.

Recreational Injuries

- There are multiple ways a person can be injured while having fun. Some are due to the condition of the vehicle, water craft, driver, trail, pool or set up of the gym. Sometimes these situations are the result of negligence.

Recommendations:

Do not assume there is no lawsuit. Assume there is one, and find out from a competent lawyer.

Dog Bites & Attacks

- If a dog bites or attacks, the owner is liable.

Recommendations:

Take photos of the injury showing the bite marks. This helps prove the dog bite. Identify who is the owner of the dog. Report the bite to Animal Control. Call a lawyer.

EXPERIENCED LAWYERS WORK ON A CONTINGENCY FEE BASIS. THE CLIENT DOES NOT PAY UNLESS THERE IS RECOVERY. ALL EXPERIENCED LAWYERS CONDUCT FREE INITIAL CONSULTATIONS. FEES AND COSTS WILL BE DISCUSSED UP FRONT.

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