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FAIR Association of Victims for Accident Insurance Reform (FAIR)

**Comment on Proposed amendments to Insurance Act regulations regarding the Ontario Automobile Insurance Dispute Resolution System (AIDRS) Proposal
Number: 15-MOF031**

February 12, 2016

'FAIR – supporting auto accident victims through advocacy and education'

www.fairassociation.ca

FAIR is a grassroots not-for-profit organization of MVA (Motor Vehicle Accident) victims who have been injured in motor vehicle collisions, their care-givers and supporters.

Thank you for the opportunity to voice victim issues about the transition to the Ontario AIDRS.

It's concerning that we see no plan to review the effectiveness of the new LAT hearings system along with the plan to wind down the FSCO DRS.

According to the Financial Services Commission there were over 3,000 applications for mediation and arbitration hearings every month or 136 applications for hearings every business day in 2015 (Jan-Sept). This is an extremely high number of unresolved disputes and denied claims and likely more than a newly created system would be able to accommodate efficiently. According to these numbers Ontario's auto insurance disputes are on the same trajectory as discussed in the Ontario Ombudsman 2011 report with half of all claims denied and a system bogged down and bottlenecked.

The Ontario auto insurance system is broken and dishonest and behind these numbers is the chaos created by the poor quality medical examinations and reports on which many of these denials are built. Unless or until this problem with the medical information/evidence on which the system relies on is corrected, these numbers will continue to grow - this is the reasoning behind FAIR's call for a public inquiry into the medical evidence used in the adjudication of MVA claims.

In other words a tsunami of flawed medical evidence is about to flow into the AIDRS along with these unpaid claims and perhaps consideration should be given to putting some sort of review process in place within the first few months to ensure the system is functioning. Consideration might be given to allowing some of the more serious claims to continue to be heard at the FSCO DRS until it is clear that the AIDRS is able to handle the volume. Attached is a link to the Auditor General's report on the CPP Disability Program's transition into their new tribunal hearings system and the problems encountered with a high volume of claims and too few checks and balances.

The Auditor General's report addresses the expediting of high priority claims in that system. In the auto insurance context MVA victims with brain injuries should be given higher priority in the AIDRS. Timely treatment for catastrophic and brain injured MVA victims is of the utmost importance in those cases and a loss to timely recovery resources can result in a permanent loss of the opportunity for recovery .

We would be happy to discuss our concerns at any time.

Respectfully,
Rhona DesRoches
FAIR, Board Chair

The Auditor General's report on the Canada Pension Plan Disability Program http://www.oag-bvg.gc.ca/internet/docs/parl_oag_201511_06_e.pdf

<http://www.fairassociation.ca/wp-content/uploads/2015/11/Mediation-Arbitration-cases-at-FSCO-Sept-2015.pdf>