



579A Lakeshore Road E. PO Box 39522, Mississauga, ON L5G 4S6

FAIR Association of Victims for Accident Insurance Reform (FAIR)

**LAT/ACRB/FSC Common Rules of Rules of Practice and Procedure Review—
Spring 2017**

Sent to:

**Office of the Executive Chair
Safety, Licensing Appeals and Standards Tribunals Ontario
250 Dundas Street West, 4th Floor. Suite 401
Toronto, Ontario, Canada M5T 2Z5**

May 31, 2017

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

www.fairassociation.ca

FAIR is a grassroots not-for-profit organization of car accident victims who have been injured in motor vehicle collisions, their care-givers and their supporters.

Ontario's car accident victims have many concerns about the AABS LAT system and the fact that our government found it necessary to strip the Charter right of all Ontarians by setting up the AABS LAT in an effort to control the volume of claims of unsatisfied and injured consumers.

Ontario's adjudication of auto insurance claims is part and parcel of the promise of coverage and quality of the insurance product that the government mandates we must purchase. Over time insurers have normalized the overuse of our court system as a part of the process to deter claims and enhance profits.

Changes to time-lines at 3.5 fail to take into consideration the limitations of injured MVA victims who may be self-represented or their legal representatives. There appears to be general confusion about how evidence is handled and how decisions are crafted by Ontario's new AABS adjudicators, many of whom have little to no experience with the law or serious medical conditions.

The newly created LAT hearings system appears to be suffering significant growing pains that victims and taxpayers, who are supporting MVA victims when insurers fail to, are paying for. Telephone hearings being the most common type of hearing, the lack of opportunity to challenge experts, no transcripts, confusion around possible appeals, dismissals of claims when the 10 page limit is exceeded, and victims burdened with paying their full legal costs even as insurers have wrongfully denied their claims are just some of the current issues. Changes to the wording at 18.1 and 18.2 would do nothing to remedy the above problems.

The Ontario government, individual insurers, the IBC, plaintiff and defense lawyers, treatment providers, and Ontario's brokers have all expressed concern that too few dollars are ending up in Ontario's MVA victim's hands. Yet the LAT has only rarely awarded legal costs to victims whose insurer has wrongly denied their claim and at such a low amount so as to be insulting to the victim whose life had been derailed by their insurer while again incentivizing insurers to turn down claims with impunity. This is creating an access to justice issue for claimants who can ill afford to hold their insurer to account when the AABS user fee and then legal fees are often beyond their means. This helps insurers while harming claimants. Proposed changes to wording at 19.3 and 19.5 would suggest that costs would be awarded and since that clearly has not been the case in the past 14 months we wonder why it is included in the list of changes when to imply that costs are probable is misleading.

Thank you for the opportunity to submit our views on the LAT/ACRB/FSC Common Rules of Rules of Practice and Procedure Review—Spring 2017.

Respectfully,

Rhona DesRoches
Board Chair, FAIR Association of Victims for Accident Insurance Reform

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