

ELECTION ISSUE!

Wynne's Liberals

have consistently

STOLEN BENEFITS

FROM ACCIDENT VICTIMS

(FROM 2010 - CURRENT)

RECTIFY THE INJUSTICE!

**WHICH PARTY WILL MAKE THIS
AN ELECTION ISSUE?**

A TRAVESTY OF JUSTICE FOR INNOCENT VICTIMS

BY WYNNE'S GOVERNMENT

This report has been written by a family member of an innocent victim who was drastically affected by a serious injury in a motor vehicle accident, and whose family has now had to take responsibility for the victim and their injuries. Our lives have been changed forever, and the insurance industry, into which we have been paying for decades on the premise that we hope we never have to use it, but have it there in case we ever need it, has been released of its responsibility and has been free to shirk their obligations, thanks to the Ontario Provincial Liberals under Premier Kathleen Wynne.

As a family, we were lifelong Liberals, but Wynne's consistent attack on the innocent victims of motor vehicle accidents in Ontario, and her consistent acquiescence and loyalty to Ontario wealthy insurance industry has changed our minds forever. Any party that does not care about its people should not be running the province.

It's time to oust the Liberals from office and replace them with a party who will support the innocent victims of Ontario motor vehicle accidents.

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“Finance Minister Charles Sousa has basically written a blank cheque to Ontario auto insurers, (and) despite these massive reductions in coverage, insurers will not be required to reduce premiums by even one penny. What is wrong with the Ontario government?”

(Richard Vivian, Cambridge Lawyer)

"In (government) committee hearings, the (representatives of) The Insurance Bureau of Canada themselves admit that these changes alone resulted in \$2 billion dollars of annual savings for the insurance industry."

(Jagmeet Singh, Leader of the NDP)

EXECUTIVE SUMMARY

Noone in the general public even realizes the horrific situation faced by car accident victims in the province of Ontario - until they themselves are affected by a life changing injury. Since the Liberals have been in government, under Dalton McGuinty (2003-2013) and now under Kathleen Wynne, (the incumbent after 2013), they have consistently played into the hands of the insurance industry, instead of protecting Ontario's victims. This has resulted in a consistent and dramatic decrease in accident benefits for victims of serious motor vehicle accidents under the guise of reducing insurance rates, and reducing or eliminating a perceived, illustrious and supposed massive 'fraud scheme' by innocent victims. Under these false pretenses, the Liberal government has continued to enact anti-victim legislation, which has drastically reduced the benefits available to accident victims, particularly those with very serious injuries. *And no one realizes, until it's too late.*

Unfortunately, the public is not aware of this calculated acquiescence of the Ontario Liberals for the benefit of the mighty insurance industry, nor is the general insurance-paying public aware of the horrific affect this acquiescence has had on accident innocent victims. Once injured, innocent victims are made to endure life-changing events without the coverage they deserve. They are faced with a life of abrupt and drastic change, with very little help from the insurance community that they expected to protect them. By the time they are profoundly impacted by these changes, they are unable to become advocates against the massive insurance industry or even engage their local MPP to consider re-focussing the strategy back on victims. The government has been allowed to enact legislation that benefits the insurance industry and harms all affected Ontario citizens.

In 2008, the Insurance Bureau of Canada itself, conceded that premiums in Ontario were the highest nationwide: "On average, drivers in Ontario pay higher premiums than drivers in all other provinces where auto insurance is sold competitively by private companies – 25% more than in the "private" jurisdiction with the next highest premiums, Alberta."¹ The IBC continued their advocacy by blaming the victims and the providers servicing those same victims: "It is a system that has seeded a pervasive culture of entitlement not only for claimants, but also for their families, legal representatives, and a burgeoning corps of service providers."² This preposterous assertion that the majority of victims have a 'pervasive culture of entitlement' amounts to a clear shirking of the responsibility of insurers. Unfortunately, this rationale has been used by the Liberals to justify the continuous battering ram of restrictive legislation that has drastically affected the innocent victims.

Sadly, if you are a seriously injured victim of an MVA in Ontario today, thanks to Wynne's government, you will not be adequately compensated nor will you receive the care you need. Stealing from the innocent victims, and awarding billions in savings to the insurance industry, this government has now legislated the shirking of responsibility for the damage caused to the life of an innocent victim. It's time for Wynne's Liberal government to be discredited in an open campaign, so that all Ontarians are aware of the plight of all accident victims, (including maybe in you the future), and block this government from continuing to enact laws which add billions in profit to the insurance industry, but steal from the pockets of injured citizens of Ontario.

¹ "Submission to the Superintendent, Financial Services, FSCO." Toronto: Insurance Bureau of Canada, July 2008, 6.

² Ibid.

It's simply not fair.

And the public is completely unaware
of this manipulation of the system
for the benefit of the insurance industry only,
and the massive decreases in benefits
for Ontario's insured,
by the Liberal government of Kathleen Wynne.

It's time to oust them from power,
for the harm they've done to ordinary Ontarians.

BACKGROUND

The legislation surrounding Motor Vehicle Accidents in Ontario includes *The Insurance Act* and *the Statutory Accident Benefits Schedule*. Under the Liberal governments, both of these *Acts* have been changed drastically, without consideration for victims during Premier Wynne's tenure, as well as during the previous Liberal Government's tenure, resulting in drastically reduced benefits for accident victims. These drastic reductions in protection for victims have had excellent benefits for insurance companies in Ontario, with respect to their bottom line. In fact the industry has amassed billions of dollars on the backs of the innocent victims of Ontario, who have continuously lost more and more benefits to which they should be entitled.

As a result of obvious intense lobbying by the insurance industry, and without the public's true understanding of the massive affect of these horrific changes, first Premier McGuinty's government and now, Premier Wynne's government, have enacted a series of changes which have drastically reduced benefits, having the affect of placing true victims of terrible accidents at a complete disadvantage:

The system we have now in Ontario is highly slanted to favour Ontario's insurers. It is this pro-insurer saturated environment that has brought us to this point where coverage is 'hit and miss' and benefits are inadequate because consumers are in the dark about their purchase.³

It is unfortunate in the first place that the lives of innocent victims are terribly decimated by vehicular impacts. It is a terrible injustice and should be a crime to then force innocent accident victims and their families to face additional decimation because of the laws enacted by our very own government. It is unfair that victims and their families now have to be responsible for the effects of accidents which should be the responsibility of the insurance companies.

Let is be clear that the Wynne government has knowingly and intentionally placed the responsibility of their severe injuries squarely on the backs of tragically innocent victims, and in turn given billions of dollars of savings on an already lucrative business, which has a corner on the market that they serve.

³ DesRoches, Rhona. Fair Association. Online:
<http://www.fairassociation.ca/wp-content/uploads/2014/02/FAIR-response-to-Review-of-the-Mandates-of-the-Financial-Services-Commission-of-Ontario-Financial-Services-Tribunal-and-the-Deposit-Insurance-Corporation-of-Ontario.pdf>.

HISTORY OF THE LAWS ENACTED BY THE LIBERALS AGAINST INNOCENT VICTIMS

"There are some very big changes in Ontario to the detriment of accident victims."⁴
(Prszler Law, 2015)

In 1996, about a year after taking power, the Ontario PC government of Mike Harris, MPP for North Bay, formed a government in the Provincial Legislature under the banner of the *Common Sense Revolution*. While we may have some introspective memories of that time frame in politics, about a year or so into Harris' tenure, his government updated *The Statutory Accident Benefits Schedule For Accidents On or After November 1, 1996, O. Reg. 403/96*, as amended. Regardless of what we may remember from that time, this legislation is far more protective of victims' rights than what we have today. The old system under the PC government of Mike Harris and the protections it offered was all about to change, to the detriment of accident victims - thanks to the Liberal Government of Ontario, under Premier McGuinty. The attack on innocent victims through negative legislation begun by Premier McGuinty was to continue again under the abysmal leadership of Premier Wynne.

The Ludicrous Income Replacements

The general insurance-buying public is completely unaware of the plight of victims of serious injury from motor vehicle accidents in Ontario. We have been blindly paying mandatory insurance premiums for decades, hopefully to never have to collect, since making a claim, even in the areas benefits is incongruous with basic fairness, and even incomparable to the government's other laws. For example, the so-called benefit for income replacement is maxed out to \$400 per week, which amounts to \$10/hour, a basic fact incongruous with the government's other legislation (*The Fair Workplaces, Better Jobs Act, of 2017*) which has forced Ontario businesses to pay a minimum of \$14/hour on January 1, 2018, and then \$15/hour on January 1, 2019. So, if you're working you are protected by the government, but if you are the innocent victim of a motor vehicle accident, you are completely at the mercy of the insurance industry, who is only legislated by the government to pay you \$10/hr, and that's only at the maximum level, and if your work history allowed the maximum, no matter how much you made prior to the injury. Even at that rate, this maximum only applies in some cases, and is still at the discretion of the adjuster; this is a horrendous situation. At the time one might need it the most, each Ontario citizen who is unlucky enough to be an innocent victim of a motor vehicle accident, has been all but abandoned by the reckless Ontario government. Unfortunately, by the time one realizes, it's way too late.

That's not all.

The First Set of Drastic Reductions - 2010

⁴ Prszler Law Youtube Channel,

Unfortunately, McGuinty had been voted in by the Ontario people in the fall of 2003, and then again in 2007. Just after his election in the 39th Government of Ontario, his Liberal Government introduced drastic reductions for victims of motor vehicle accidents, which obviously only benefited the insurance industry. This was done under the guise of "insurance reform," but actual should have been recognized as "insurance industry to victim responsibility transfer." These drastic reductions in benefits allocated to victims of tragic vehicular accidents, became recognized in law as the *Statutory Accident Benefits Schedule* - Effective September 1, 2010, O. Reg. 34/10.⁵

Well known and respect lawyers Merkur & Kunka from Thompson Rogers, characterized this change as serving to "restrict and reduce the accident benefits," and having a "negative impact on motor vehicle accident victims in Ontario." No advance warning or public consultation was done, and no education of the insured public was implemented, so all Ontarians went into their renewed insurance policies without knowing that they were now subject to drastic changes in benefits, which only serve to broaden the bottom line for the insurance industry, and further victimize accident victims at the worst time in their lives - when they have already been victimized by a terrible accident. The idea that one is protected under one's auto insurance policy is a complete fallacy; we are no longer adequately protected by our auto insurance policies, thanks to the Ontario Liberal Government of Premier Wynne.

The Liberals reduced these benefits under the guise of reducing costs (which of course did not happen). They argued that the new insurance products (drastically reduced), still "allowed consumers to purchase optional benefits,"⁶ but only 3% of the insured persons ever purchase optional benefits historically.⁷ The fact is that most Ontarians don't even know about the changes and drastic reductions stolen from them by the Wynne government over the course of the last five years. "With this background, it is unrealistic to think that motorists will suddenly understand the need of purchase optional coverage to protect themselves in the event of a motor vehicle accident." Of course, as is the historical habit, very few people ever purchase these additional products. Then, tragedy strikes and you realize that instead of caring for Ontarians, the Ontario Government has been effectively lobbied by the insurance sector for their benefit. It is truly a rude awakening.

Without proper or even basic coverage for injuries, people have been and still are suffering all over Ontario, and no one in government seems to care. For a full and detailed list of the stolen benefits from severely injured victims in Ontario that our government put into place in 2010, please see Addendum 1, entitled *Drastic Accident Benefits Reduction 2010*.

It didn't stop there. In fact, the Liberals have continued to rob benefits from regular people for the benefit of the insurance industry right up until this last year in a systematic and consistent reduction of benefits, harming all Ontarians, without it being common knowledge.

Reviewing any one of the detailed points in Addendum 1 makes it clear that the economic health

⁵ Kunka and Merkur. *Accident Benefits Changes: Overview of the Statutory Accident Benefits Schedule - Ontario Regulation 34/10 -effective September 1, 2010*. Found Online at: <https://www.thomsonrogers.com/wp-content/uploads/2015/06/Overview-New-SABS-paper-April-8.pdf>.

⁶ Ibid.

⁷ Ibid.

and lobbying interests of the insurance industry were the primary focus of Wynne's government, rather than the needs of innocent victims whose benefits were drastically shortchanged. According to lawyers Merkur and Murray, who have synopsized the situation, "accident benefits for non-catastrophic impairment claims were cut by 50% as of September 1, 2010."⁸ And in turn, "since 2010, when our benefits were cut in half, auto insurance companies have made \$3 billion in profits. Case closed." (Konduros, 2010)

Of course, that wasn't all. The Liberal Government of Ontario was to further decrease benefits for innocent victims, without any interference from anyone, and without being made accountable or responsible in the least whether to accident victims, or the public at large.

The Second Set of Drastic Reductions - 2014

On the 30th of January 2014, the Ontario Government under Premier Kathleen Wynne increased the minimum wage for workers to \$11, but failed to increase the FSCO suggested rates of pay for attendant care workers. Yet again, the responsibility for this problem was downloaded onto the backs of the innocent victims and the workload on the innocent backs of the families of the victims. Furthermore, the families continued to be road-blocked with respect to compensation under the reprehensible umbrella of supposed fraud. It baffles any logic to consider that all families under any situation with a family member who has had a terrible injury, will always be guilty of fraud, and should not be compensated at all costs, even though the attendant care costs allocated by the government fall severely short of the requirements, especially in severe cases. In these situations, families have no option but to take up the slack. This is truly a horrific situation. It would shock most people to know that even in the most serious of cases, where an innocent victim is severely and permanently injured, only \$6000 per month is allocated to costs of their care, and further, family members cannot be compensated, even though they bear the brunt of all of the residual care. Even in those cases, it is at the total discretion of the insurance companies whether a victim is even going to be allocated their benefits at all, even though these benefits are supposedly entrenched in law. In cases where the insurance company has adjudicated an legitimate case and rejected a claim, the family has to endure taken care of **all** of the needs of the injured patient.

The drastic reductions by the Wynne government against innocent victims didn't stop there. In fact, a further reduction to the 'incurred' definition of expenses means also that family members who now bear the brunt of the accident victims' pain and care requirements, (because the limits are not enough, and because when the PSW goes home, (if they're lucky enough even to qualify), family members are left to deal with the victim, and all assistance must be given without choice. In this way, the new insurance regulations have downloaded all of the residual care to the family members and completely removed all ability to easily receive some compensation for that care. This change was put into place on February 1, 2014. It is known as *Ontario Regulation 347/13*, and formed yet another blow to innocent accident victims, since their attendant care was limited to actual sustained economic loss. Even if a family member was working round the clock to support an innocent victim and their injuries, they would only now receive the amount of money they could prove that they were losing. This translates into terrible situations: a stay-at-home mom who does not have provable income loss, now is not compensated **at all for any of the extra care** she may need to provide to a child or husband who has sustained a serious injury. The wide variety of examples

⁸ Merkur, 3.

of the unfairness of this situation are limitless. Even the limits of attendant care amounts are an issue, because who do they expect to do the rest of the work, after the PSW has gone home? Family members are being forced to do the remaining support work, (and this is if the attendant care is approved at all!), and this is to be done with no compensation whatsoever. It's simply ludicrous. In the words of one lawyer, "it seems obvious that this new legislation marks a major change to an insured person's substantive rights to attendant care benefits."⁹

Under the guise of reducing 'fraud,' in November of 2014, the Liberal Government passed Bill 15, known as *The Fighting Fraud and Reducing Automobile Insurance Rates Act, 2014*.¹⁰ Yet again, the ridiculous assumption that vehicle accident victims would only be focussed on committing fraud simply served to cover up the government's willingness to acquiesce to the heavy lobbying of the billion dollar insurance industry. One specific element of that piece of legislation was that innocent victims were robbed of the possibility of suing or engaging in mediation through FSCO, to resolve unfair denials by the mighty insurance companies. Yet again, innocent victims would suffer unnecessarily, and more power is given to the mighty insurance companies. It is baffling that these companies now know that they cannot be sued, thanks to the protection they have received by the Wynne government. It is baffling as to why the government, which is supposed to represent the people, enacted laws to take rights away from innocent citizens of the province, and give expanding powers to the insurance sector. Now, since there is no legal oversight of the entire insurance industry through the court system, there is no limit to their power with respect to accident benefit claims. The unconstitutionality of blocking someone from suing when they are wronged, seems to be applied only to innocent victims in terrible motor vehicle accidents! What a travesty of justice for the innocent victims of accidents courtesy of the Wynne government.

Unbelievably, many stakeholders opposed the changes, including defence lawyers.¹¹ Eventually, an inexperienced tribunal took over the job of the 25 year FSCO tribunal, and no padded experience by the new tribunal LAT exists. Gone are 25 years of experience mitigating the effects of disputes for innocent victims.

And that wasn't all; there was even more to come. Premier Wynne's government was to further continue to attack innocent victims of vehicular accidents without question.

The Third Set of Drastic Reductions - 2015

In yet another concession to the insurance industry, and in another attacked against the innocent victims of Ontario's road accidents, the Wynne government drastically reduced the tort

⁹ Merkur, 10.

¹⁰ The full Bill 15 can be found at:
www.ontla.on.ca/web/bills/billsdetail.do?locale=en&Intranet=&Bill10=3007.

¹¹The full transcript of the November 5, 2014 meeting of the Standing Committee on General Government discussing Bill 15, *Fighting Fraud and Reducing Automobile Insurance Rates Act, 2014* can be accessed at:
http://www.ontla.on.ca/web/committeeproceedings/committee_transcripts_details.do?locale=en&BillID=3007&ParlCommID=8998&Business=&Date=2014-11-05&DocumentID=28303.

prejudgement interest rate effective on January 1, 2015. It went from an interest rate of 5% per year, to a meagre 1% per year. This certainly is another huge incentive to the insurance industry as it encourages them to keep the money owed to victims invested, rather than be given to the client, as they can actually make money on investments gaining over 1%. It's incredulous that the complete focus of the Wynne government has been to give the billion dollar insurance sector a series of massive breaks, which led to massive profits, while stealing deserved benefits from Ontarians. Why should the insurance companies get a break, after they've spent years pushing the innocent victims into submission, backed by the province's legislators? It baffles the mind.

On that same date, the government also legislated further reductions in the accident benefit dispute interest rate, further victimizing the innocent victims of these terrible accidents. The reduction went from interest rates compounded monthly to interest rates in the amount of 1% per annum. This was also effective January 1, 2015. Yet another bonus for the insurance industry, and another pressure on innocent injured victims.

In August of that year, the Ontario government posted *Ontario Regulation 251/15*, which included three major changes: a reduction in non-catastrophic benefit limits, and the duration that benefits are available, a major reduction in the scope of non-earner benefits, and finally, a reduction in the catastrophic impairment benefits limits.¹² These were all to be in place after June 1, 2016.

The Fourth Set of Drastic Reductions - 2016

Unbelievably, the Liberal government under the current Premier Kathleen Wynne, again attacked innocent victims and their families by legislating yet another drastic decrease in care costs in June of 2016. Medical rehabilitation costs drastically decreased to a maximum of \$65,000 for non-catastrophic cases, and a maximum of \$1,000,000 for catastrophic cases, which now was decreased to a combined \$1,000,000 for medical rehabilitation and attendant care costs over the lifetime of the accident victim. Picture a severely and permanently injured person who suddenly requires 24-hour care ... then inform yourself about the costs of attendant care and medical expenses, and it will quickly become clear how severely limited these limits are in the life of seriously injured accident victims. It is certainly clear that the 'constant lobbying of the Insurance Bureau of Canada has led to changes that have given the insurance industry greater profits on the backs of a vulnerable population with no accountability to anyone.'¹³ Clearly, Wynne's government has continuously expanded the attack on the innocent victims of Ontario's tragic vehicular accidents.

The major reductions to statutory accident benefits that came into legislative dictation on June 1, 2016, "threw seriously injured accident victims off the (proverbial) bus and then deprived them of the ability to make a good recovery from their injuries."¹⁴ Furthermore, at this time, the government narrowed the definition of catastrophic impairment, thereby reducing the number of claimants in this category; this will provide a massive benefit to insurers yet again, but profoundly affect the

¹² Merkur, 3.

¹³ Fair Association, 2016.

¹⁴ Merkur, 3.

plight of seriously injured innocent accident victims even further. The attack on victims by the Wynne's government continued.

At this terrible point, for clarification, the Ontario government made basically what amounts to massive reductions in accident benefits. For accidents after June 1, 2016, a 25% reduction across the board in non-catastrophic benefits was enacted. Previously there was a combined benefit of \$86,000, which was made up of \$50,000 in medical and rehabilitation benefits, and an additional \$36,000 in attendant care benefits. The new combined benefit was to max out at a total of \$65,000, which represents a \$21,000 total reduction to innocent victims. Further the time for accessing these benefits was reduced by an abrupt 50%, going down to five years from the previous ten year limit.

It should be noted that prior to September 1, 2010, the benefits totalled \$172,000 for innocent victims who were involved in a non-catastrophic (but still serious) injuries. The new reduction, "accounting for inflation, is about 35% of what used to be available, or about a 65% reduction from the benefits available prior to 2010.¹⁵ The effect of these drastic reductions of course, would be *profit for the insurance industry*, not protection for Ontario consumers. However, this was clearly the intent of the Wynne government.

At the same time, there was a major adjustment reducing the eligibility for non-earner benefits from life to a maximum of a two year period. "This change will have a horrific impact on accident victims who were expected to shortly earn an income but are now unable to do so because of their injuries. Those who were about to enter the workforce will now only be eligible for weekly benefits totalling \$18,500 over their lifetime, instead of a lifetime of access."¹⁶ Yet another attack on the innocent victims of tragic accidents in Ontario.

As well, catastrophically injured innocent victims had a massive 50% reduction in their benefits, from a total of \$2,000,000 down to a combined total of \$1,000,000. All of these massive decreases benefit **only** the insurance industry. The provincial government, in their lunacy, doesn't seem to care that the requirements for care will ultimately be downloaded to both the province's Disability Assistance Programs and the already stressed medical care system, when the meagre benefits run out. It baffles the mind to realize that they would provide massive benefits to the billion dollar insurance sector, while downloading the immediate financial responsibility to the innocent victims, only to have future costs born by the province's already stretched hospital care system and the Ontario Disability Support Program? It is abundantly clear that the power for even adjudicating the leftover very basic benefits lies with the adjuster at the insurance company, and this results in illegitimate denials, so often even these limits are being downloaded immediately to the province's pocket, when the insurance company refuses to pay.

If these drastic reductions weren't already enough, on August 1, 2015, the Government of Ontario raised the threshold for a deductible for injury awards of pain and suffering, to \$121,799 and \$60,899 for *Family Law Act* claims (up drastically from \$100,000 and \$50,000 respectively). These deductibles will be indexed for inflation going forward. This means there is an even larger reduction on any award up to \$121,799, born by the innocent victim. Can you imagine having a deductible

¹⁵ Merkur, 4.

¹⁶ Ibid.

on a payout for an injury when it's not your fault? Can you imagine a legislated deductible on any other court awarded payout? Imagine for a moment a deadbeat parent being given a break on outstanding amounts owing, or a civil claim have a deductible for the party found to be in the right by a court of law? Is it even in the realm of possibility to imagine a break being given to the guilty party at the expense of the injured party, in any other legal proceeding? This ludicrous deductible threshold basically amounts to penalizing the innocent victim and their family. Why would there even be any deductible to help to assist to offsets costs and accrue more profit for the insurance industry? It baffles the mind.

CONCLUSION

In short, all of “the government’s announced changes reduce the funding available to all victims, and drastically reduce the chance for an accident victim to regain their independence and result in further pressure on the chronically under-resourced public health care system.”¹⁷ Even though the intent of the provincially mandated automobile insurance is supposed to protect the public, it does not under the Liberals. Where some semblance of protection used to be available, the Provincial Liberals under Premier Wynne have completely capitulated to the heavy lobbying of the insurance industry, actually promoting and legislating massive changes to the benefits available to innocent accident victims in a crusading and increasingly restrictive series of legislative changes, which have put into law less and less protection for the injured. Wynne’s Liberals have gotten away with this attack on injured innocent victims with zero accountability for their anti-citizen legislation for far too long.

These new restrictive legislative changes have been made under the guise of reducing insurance premiums, which are the highest in the country, but anyone can tell you that their personal rates haven’t gone down.¹⁸ Worse yet, individual people do not know that they are no longer protected in any appropriate way when they are innocent victims of terrible accidents. In fact, the more seriously they are injured, the worse the protection has become. Victims of terrible motor vehicle accidents are at a disadvantage and at the mercy of the entire insurance industry, which has been backed and supported by the Ontario Liberals for almost a decade:

“Unfortunately, Ontario’s auto insurance is grossly out of balance. Instead of achieving equilibrium among claims costs, premiums and profits, we have a system that guarantees high profits at the expense of auto accident victims and all premium-paying policyholders.”¹⁹

This is all gratis the Ontario Liberals under the Wynne leadership. In fact, since more and more responsibility for dealing with the affects of motor vehicle accidents has been placed squarely on the backs of innocent victims through Premier Wynne’s completely flawed and illegitimate attack against Ontarians, the insurance companies are profiting by the billions! “In 2011 and 2012 respectively, (the first two years after the massive reductions seriously affecting innocent victims), Ontario auto insurance companies have raked in huge profits. In 2011 and 2012, insurers earned \$1.4 billion and \$1.6 billion respectively.”²⁰ Furthermore, even though the official regulator has earmarked the permissible benchmark of profit to 11%, the “level of return on equity achieved by insurers is in the range of 16% to 20%.”²¹

¹⁷ Ibid.

¹⁸ Financial Services Commission of Ontario. Rate Increase Tables.

¹⁹ “MPP Advisor: Special Edition.” OTA: September, 2013.

²⁰ General Insurance Statistical Agency, Office of the Superintendent of Financial Institutions, via MPP Advisor, 1.

²¹ Ibid.

Along with record profits, the insurers, with the backing of the provincial government, have reduced the protective factor for innocent victims of tragic accidents in Ontario to 96.5% less of what it was prior to 2010, while at the same time, premiums have risen by 20%.²² It's startling to know that innocent victims have been so re-victimized by the Ontario government, who has shown care and concern only for the profits of this billion dollar industry, by focussing on legislation geared to help only the industry, and focussed only on lumping all accident victims as 'fraudsters,' while drastically reducing benefits across the board to legitimately innocent accident victims. This is a complete travesty of justice by the current Liberal government.

Premier Wynne's slogan is that "Ontario will be the best place to live, from childhood to retirement,"²³ Unfortunately, if you are unlucky enough to be an accident victim in Ontario, the 'best place to live,' turns into the 'best place for insurance companies to engage in their businesses for huge profits, while innocent victims suffer needlessly, without adequate benefits, and at the whim of the insurance adjuster, who has no oversight for their decisions. Ontario is surely now one of the best places for the insurance industry to reap massive financial rewards, but the worst place to be for accident victims and their families.

No one seems to realize (unless you're horrifically injured of course, or the family member of one of those innocent victims) that the Ontario Government under Premier Wynne, has slashed benefits to Ontario drivers, in their almost decade long attack against insured Ontarians. For the most part, a person can expect to drive their whole life without getting into a serious accident in Ontario. According to most reports, "Overall, Ontario has one of the lowest levels of auto accidents and fatalities in Canada and the most expensive auto insurance premiums."²⁴ Living in the province with the lowest number of auto accidents is surely a positive statistic - unless of course, you find yourself unlucky enough to become an innocent victim of a tragic accident in this province. Now, in addition to having the lowest levels of auto accidents and the most expensive insurance premiums, it also now has the worst accident benefits and worst protection for accident victims. Innocent victims are now re-victimized by the hidden agenda of the Wynne Government which has been appeasing and capitulating to the insurance industry by drastically reducing the benefits available, thereby leaving the most vulnerable accident victims at a terrible disadvantage, plagued by permanent injuries, whose affects are now downloaded to the victim and their families.

Why has the Wynne government been allowed to so drastically reduce benefits to innocent Ontario accident victims without recourse? It's time to vote out this horrific government who has attacked one of Ontario's most vulnerable groups - the innocent accident victims who've always paid for the mandatory insurance, and do not know yet how they will be affected, should they be as unfortunate as those of us in the position of being an innocent victim, and family members of an innocent victims, who now have to shoulder the responsibilities shirked by the insurance companies, and aided and abetted by Wynne's Liberals.

²² Ibid.

²³ Ontario Premier Kathleen Wynne. Online: <https://www.ontario.ca/page/premier>.

²⁴ Marshall, David.

Will one party or one MPP please help the innocent victims?

Will one party or one MPP please awaken the Ontario public to what the Liberals have done to innocent victims and our insurance coverage?

Will one party or one MPP please help us tell Ontario voters to vote for one of the other parties?

Will one party or one MPP help us to finally oust Wynne's citizen attacking Liberals from retaining power in this upcoming election?

WHICH PARTY WILL HELP MAKE THIS AN ELECTION ISSUE?

Thank you for your consideration of this report.

ADDENDUMS

Addendum 1 Drastic Accident Benefits Reduction 2010

Following the drastic reduction of benefits to innocent accident victims, implemented by the Liberal Government in a bill known as Bill 34, *The Statutory Accident Benefits Schedule - Effective September 1, 2010, O. Reg. 34/10*, innocent victims of terrible accidents were now going to have a large majority of the responsibility of the affects of the accident born on their own shoulders, instead of the shoulders of the billion dollar insurance industry, thanks to the Ontario Liberal Government's interest in protecting the rights of the entire insurance industry. In a short list of the most detrimental changes, it is quite clear to see the negative affects on innocent victims by this draconian piece of legislation.

1. Medical and Rehab Benefits were reduced from 100k to 50k for non-catastrophic injuries, and assessment costs were now coming out of this drastically reduced amount.
2. Attendant care was drastically reduced from 72k to 36k, which effectively reduced ALL victims to this limit during the first two years, even coma victims, because NO catastrophic categories can be applied during the first two years post-accident, so this is a flawed part of the system. They make it look like it's only for non-catastrophic injuries, but if you are victimized by an accident and end up in this category, you are NOT able to qualify as catastrophic, until well AFTER the two years post-accident period. Even worse, they limited who could help the victim fill out the forms, creating another massive obstacle for the helpless victim, and ensuring that the insurance company could retain even more of the money that should go to accident victims.
3. Housekeeping benefits were eliminated for non-catastrophic injuries, so again, this effectively deletes it for catastrophic injuries too.
4. Caregiver Benefits were eliminated for non-catastrophic injuries, again affectively eliminating them for catastrophic injuries too, as this cannot be categorized until well after the two year period.
5. Assessment Costs were eliminated as a category, and now had to be used from the newly and drastically limited benefit allowances. This is yet another stolen benefit from the backs of innocent, tragic victims of life-changing accidents. I can't tell you how many thousands of dollars goes to those fees.
6. In addition to all these drastic reductions, the victim still had to face the insurer's potential denials, if they deemed even minor expenses as 'reasonable and necessary.'
7. Insurers also got an extended time frame (from 3 to 10 days) to respond to any treatment plans submitted. Needless to say this is only meant to benefit the insurer, and leaves the victim in further extended excruciating positions.
8. Rebuttal reports were also eliminated at this time, so in the event that the insurance company denied a reasonable claim (which they do all the time now), no ability to rebuke

any part of the denial, even if there -are errors in the reports, is allowed. This means that anyone whose life has drastically changed because of a motor vehicle accident to the point of catastrophic impairment, now has even more challenges, and much less protection from vicious insurance companies, whose goal is clearly different from the goals of accident victims, their families and their treatment providers.

9. Incredibly, future care plans were completely eliminated as a responsibility of the insurers: "insurers have always argued that the costs of a future plan should be borne by the tort insurer." This is an incredible supposition in and of itself. There is NO logic that makes a victim responsible for someone else's mistake!
10. Unbelievably, the "tort insurer" (read: at fault) is entitled to a credit for future claims on attendant benefits! It is unbelievable to realize that "at fault" insurers are free to steal even further monies from victimized Ontarians. In what other logical situation, can an at fault party be given free credit?
11. Deadlines for insurance companies to substantiate their denials had been put in place to protect victims prior to this point, but in 2010, these deadlines were completely eliminated, further victimizing the injured person. Now, insurance companies can take as long as they want! While there is a 30-day deadline, in practicality, this is more a suggested deadline than a requirement. Many examples of insurance companies taking as long as they want would be easily identifiable by any simple investigation.
12. The most "horrendous change in the new SABS from the perspective of the insured person, is the new definition of 'incurred.'" This new 'assistance only to the insurance industry - not to the victim- was found in Section (7)(e) of the new SABS document of 2010. In fact, victims who required immediate and demanding care, because of the fault of a driver, had no longer any choice but to provide the care, and be blocked from accessing the dollar amounts allocated. In reality, there is no way an accident victim can use 'professionals' to care for an injured person in the rates allocated by the government on behalf of their friends, the insurance industry. "Real market rates" for attendant care do NOT exist in these provisions; it is a fallacy and a twisted interpretation to believe that accident victims are covered. Instead, families are forced to provide care for something which is NOT their fault, and is the clear fault of the insured. Then, after being forced to take responsibility for the victim and the shocking aftermath of the accident, they are blocked from being compensated in any way. The 'fictional' coverage for attendant care therefore is a complete fallacy. Unbelievably, in ALL cases of catastrophic impairment, the family is NOW almost completely responsible for extra care in ALL situations regardless of the situation, (from the moment of the injury), since "the rates for various professional services provided for in the SABS do NOT reflect the real market rates for purchasing these service," and the "limits for the various categories of accident benefits are not sufficient to cover the expenses."²⁵
13. The issue of pay scales/rates for PSW attendant care discrepancies are why families would chose to do their own care, because otherwise it is simply not affordable, or actual care would be only a fraction of the time required, and then the rest of the care would fall to the family or victim anyways. There is absolutely no consideration for the accountability of the

²⁵ Merkur.

at fault insurance industry. A profile of this is easily viewed online at the paper written by Thomson Rogers, a legal outfit specializing in MVA claims in Ontario. They confirm that at various levels for attendant care, the Form 1 for Attendant Care in Ontario is as follows: \$Level 1 care is \$11.23, Level 2 care is \$8.75, Level 3 care is \$17.98 and Level 4 care is \$17.98. These are per hour rates allocated from within the limit. However, the commercial agency rate for personal support workers is on the average, \$26 per hour, almost \$8 more than the highest hourly rate level prescribed in the SABS Form 1. Just where is the difference supposed to come from? Obviously, the back of the injured, innocent party and of course, their family.

14. In the unlucky event that someone requires 24 hour care, (think tracheotomy or other medical issue), and they have been situated in their homes post-injury), then the cost for 24 hour care at a reasonable rate for a 4 week month would be in the range of \$17k, but only \$6 is allowed. What is a family to do? This does not even consider the months were there are 5 weeks in the month instead of four. In the unlucky event that someone needs 18 hour care, but would be okay during the night, then that estimate would be in the range of (18 hours X 7 days per week = 504 hours per week, X minimum 11.23 pay scale of the Form 1, that would still be \$5,659.92. This doesn't consider other issues like a 5 week month, the minimum pay allowed now in Ontario, the need for a more specialized PSW (where can you get an \$11/hour PSW worker anymore?). The whole thing is ludicrous and completely stacked against the innocent Ontario victims of vehicle accidents.

Addendum 2 Drastic Accident Benefits Reduction 2016

1. According to the new Statutory Accident Benefits Schedule Summary, (Sections 14, 15, 16, 18, 20), the minor accident guideline is now a measly \$3500, the non-catastrophic impairment (but one that could still be very serious), has been reduced to a maximum of \$65000, which now includes attendant care (previously there were two categories). This had been previously \$86,000 (\$50k for medical and rehabilitation benefits and \$36k for attendant care). This change represents a \$21,000 reduction, or 25% reduction in benefits.
2. For catastrophic injuries, the care has been reduced to a maximum for both Attendant Care and Medical and Rehabilitation Benefits. Instead of \$2,000,00 in total *over the course of the entire life of the innocent victim*, there has been a drastic reduction to a combined \$1,000,000. Any simple mathematical calculation means that in a few years, when this maximum is achieved, (if the insurance company even agrees to pay - they are virtually untouchable and can decide for themselves in arbitrary ways, not to pay out), then the rest will be eventually downloaded to ODSP, or some other provincial funding mechanism, such as the medical system.
3. For non-catastrophic injuries, even if an innocent victim requires assistance for daily care, they are only allocated \$3000/month, and this cannot be a family member who may work for less; this must be a registered PSW worker. It would be clear by adding up a care workers' \$20/hr salary, that this is not an adequate limit. No compensation is available for any excess assistance provided by the family members at all, since they are not PSW workers.

4. For catastrophic injuries, the reductions are even worse. The attendant care is only allocated in the \$6000/month range, and again this must be a registered PSW worker. 24-hour care for a severely injured accident victim is far more than

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