

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



FAIR Association of Victims for Accident Insurance Reform

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November 30, 2018

Mr. Brian Mills, Superintendent of Financial Services
Financial Services Commission of Ontario
5160 Yonge St, 17th Floor, P.O. Box 85
North York, ON, M2N 6L9

Sent by email

Cc (by email) to: Minister of Finance Vic Fedeli, Mr. Doug Downey MPP Parliamentary assistant MOF, and Mr. Gurratan Singh MPP NDP critic

Dear Mr. Mills

Thank you for responding to our recent letter about Ontario's auto insurers failing to pay the HST on goods and services required by MVA survivors in their recoveries.

I am puzzled by your response and although I do understand that the FSCO is being sued in the proposed class action for the failure to act in the past, it does not preclude your office from taking action now and in the future.

Consumers expect that action will be taken when insurers behave badly and stand in the way of their customer's recovery process. It's clear in the FSCO mandate that your office "is to provide regulatory services that protect the public interest and enhance public confidence in the sectors it regulates."

There is nothing in that mandate that indicates that the legal duty to protect consumers doesn't exist while a lawsuit is in the works. Nor is there any legislative provision that allows FSCO to abdicate their legal duty or refuse to answer legitimate questions relating to active and ongoing regulatory issues.

Can you please indicate if FSCO will take action to protect vulnerable, injured car accident survivors and if so what that action will be to hold these insurers to account in the future?

I look forward to hearing back from your office.

Sincerely,

Rhona DesRoches
FAIR, Board Chair