



FAIR Association of Victims for Accident Insurance Reform  
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April 11, 2022

Sent by email to Mark White, FSRA CEO

Dear Mr. White

I am writing to you in my role as Vice Chair of FAIR Association of victims for Accident Insurance Reform and on behalf of Ontario's injured car crash survivors. I am very concerned that consumers appear to have very little voice with the Regulator and they are actively excluded from Panels and Committees at FSRA. I agree with ABISS members (copy of their letter attached) that *"People with lived experience purchasing and making insurance claims need to be represented on any stakeholder committee."*

FSRA's failure to create seats at the table for those the FSRA is said to be committed to protecting is very alarming. Omitting people with real-life experience navigating the auto insurance system when injured is contrary to the public's interest and fails to promote trust in this sector. Other than FAIR Chair Rhona DesRoches and Mr. Bonn of OTLA there are no other voices for consumers in relation to auto insurance and the 10 plus million drivers in Ontario. Without a doubt, the way to judge how well this product is doing is to speak to those who not only pay for it but who use it after a car crash are heard. The dozens of individuals sitting on the various auto insurance panels all have a stake in promoting the product, not protecting the public or improving the product.

There are a growing number of examples where consumer input is absent from consideration on the FSRA website and in FSRA policy:

- Short time windows for applications or consultation submissions in respect to auto insurance issues on the FSRA website.
- Lack of clarity. Currently ID 2022-007, a 27 day consultation on proposed principles for conduct of insurance intermediaries, is not listed as part of Auto but filed as Life and Health Insurance. [1] In the document the "Scope" refers to: *"This Guidance applies to FSRA licensed Property and Casualty ("P&C") and Life and Health ("L&H") insurance sector entities and intermediaries, as well as intermediaries not licensed with FSRA that have a role to play in distributing or servicing insurance products, unless otherwise noted."*
- The language used in these consultation documents is not geared toward the average consumer and word choices seem to mislead and confuse consumers. Where is plain understandable language?
- The effort to exclude the public or consumers who interact with the mandated product is made by failing to use the words 'auto insurance'. The word 'auto' is not mentioned at all. 'Property and Casualty' is mentioned only once and the term 'P&C' is mentioned 3 times. This is language geared toward the industry, not the public.
- What an 'intermediary' is should be clear at the start of the document- not in the Appendix. FSRA eventually defines it with: **Definition of intermediary:** *Intermediary is given broad meaning, and will differ based on the applicable definitions within different jurisdictions across Canada. It encompasses adjusters, agents, brokers and representatives, as well as business entities that distribute insurance products and services, including managing general agencies and third party administrators. It also applies to all distribution methods, including over the internet.* [2]

This failure to consider the experiences of Motor Vehicle Accident (MVA) claimants has resulted in almost 16,000 applications for hearings at the LAT AABS Tribunal in 2021. [3] This speaks to a system without appropriate regulation or guidance and this results in long-term harm (health and financial) to MVA survivors, their families and our economy through the download of costs to taxpayers. Is the FSRA providing value for money for insurers or for consumers?

I am looking forward to hearing from your office about what FSRA intends to do to rectify the exclusion of public and consumer input and the resulting unfair advantage insurers have gained to influence policy within FSRA.

Sincerely,  
Tammy Kirkwood  
FAIR, Vice Chair

[1] ID: 2022-007

Type: Policy

Sector: Life and Health Insurance

Status: Open

Date: April 6, 2022

Comment Due Date: May 3, 2022

<https://www.fsrao.ca/engagement-and-consultations/consultation-proposed-principles-conduct-insurance-intermediaries>

[2] <https://www.fsrao.ca/industry/life-and-health-insurance/proposed-principles-conduct-insurance-intermediaries>

[3] Tribunals Ontario Annual Report 2020-2021, Table 4: LAT-AABS Caseload Overview pg 51

[https://tribunalsontario.ca/documents/TO/Tribunals\\_Ontario\\_2020-2021\\_Annual\\_Report.pdf](https://tribunalsontario.ca/documents/TO/Tribunals_Ontario_2020-2021_Annual_Report.pdf)