

Accident Benefits cuts since 2010

1. Medical, rehabilitation and attendant care benefits available for the most seriously injured people have been reduced from \$2 million to \$1 million.
2. A more restrictive definition of catastrophic impairment, thereby limiting the number of people able to obtain higher levels of medical, rehabilitation, housekeeping and attendant care support.
3. Elimination of Housekeeping and Home Maintenance benefits.
4. Elimination of Caregiving Benefits for non-catastrophic injuries.
5. The advent of the Minor Injury Guideline and its \$3,500 cap for Medical/Rehabilitation Benefits (benefits were previously at \$100,000 per claim).
6. No Attendant Care benefits for non-catastrophic injuries beyond 2 years, even though the injuries may be long lasting and significant.
7. The requirement of income loss on the part of the caregiver (unless the caregiver is a professional caregiver who is paid hourly) in order to obtain Attendant Care Benefits.
8. The collapse of medical rehabilitation benefits from \$100,000 to \$50,000 (in 2010), and then in 2016 the amalgamation of attendant care benefits (previously available for life up to a maximum of \$3,000 per month) and medical rehabilitation benefits to total only \$65,000 in coverage for an injured person.
9. The timeline for when medical and rehabilitation benefits can be funded by the insurer reduced from 10 years to 5 years.
10. The prejudgment interest paid on overdue claims wrongfully denied by the insurance company has been reduced from 2 per cent compounded monthly to an amount in keeping with the Courts of Justice Act, 1.3% at present- significantly lower than the amount insurers have been earning keeping the funds in investments.
11. The elimination of lifetime non-earner benefits of \$185 per week; now limited to \$185 per week for two years.
12. The elimination of the lifetime non-earner benefit for students of \$320 per week; now limited to \$185 per week for two years.
13. The loss of the insured person to sue or to claim costs (including legal fees and disbursements incurred to obtain medical records and reports) at the LAT when benefits have been wrongly denied by the insurer.

These tremendous cuts have all taken place with no corresponding enhanced opportunities for innocent victims to recover their real, actual losses in Tort. In fact, the ability to recover damages in Tort has been significantly decreased.

Corresponding Tort reductions

1. The language of the threshold that an injured person must cross in order to be able to sue has prevented the majority of injured innocent accident victims from being able to sue to obtain compensation for their injuries.
2. A monetary threshold of \$30,000 was increased in 2003 which disappeared for general damages claims over \$100,000. In 2015, the deductible was increased to an indexed amount (currently \$37,385.17) and the deductible now only disappears in claims where general damages are greater than \$124,616.21.
3. Prejudgment interest for Tort claims has been reduced from 5 per cent to approximately 1.3 per cent, again, insurers are earning more than 1.3 per cent in their investments.
4. Innocent accident victims can only claim 70 per cent of loss of income (down from 100 per cent) between the date of the accident and the date of the trial.