

If you have been injured in a car accident

If you have been hurt in a car accident in Ontario, you may be able to make claims against your own insurance company (the "accident benefits" claim). You may also have claims against the driver of any vehicle responsible for your injuries (the "tort" claim).

Even if the accident is not your fault, your insurance company, not the other driver's insurance company, is responsible for repairing your car. If the accident is your fault, your insurance company will repair your car if you have purchased collision coverage.

Our no-fault system further allows you to claim benefits from your own insurance company. If you are unable to work, there is no payment for the first week of work missed. After that you may claim a percentage of your income based on your average earnings during the four- or 52-week periods prior to the accident. There is a limit of \$400 per week for income replacement benefits unless you purchased higher coverage.*

If you have disability insurance through work, you must first claim benefits from that insurer. Your insurance company will also pay for your physiotherapy, chiropractor, acupuncture, massage therapy and medication. Again, if you have medical coverage through work, you must first claim expenses from that insurer.

However, it is common for an insurer to eventually deny benefits, including income replacement and medical expenses, on the basis that doctors retained by the insurer do not feel you are entitled to these claims.

You may or may not want to hire a lawyer or paralegal to help you with your accident benefits claim. Generally speaking, you will pay the lawyer or paralegal a percentage of the benefits you receive. There is a myriad of paperwork to deal with. If you are comfortable with this, you may want to handle the claim yourself. It is our experience, however, that most individuals benefit from having representation from the onset of the claim. Once a benefit is denied by the insurer, you will probably want to hire a representative to take the matter to mediation if you have not done so already.

If the other driver is at fault for the accident, you may sue him or her for a percentage of your loss of income that exceeds the \$400 per week income replacement benefit from your insurance company.* You may also sue the other driver for pain and suffering if you have sustained a serious disfigurement (i.e., a scar) or an injury that will prevent you from returning to your regular employment or your usual daily activities indefinitely.* You generally have two years from the date of the accident to start this claim; you should retain a lawyer to help you do so.

**For a better understanding of Economic Loss and Accident Benefits, download Useful Definitions from the Downloads page of our website.*

*Although every case is different, finding the best resolution to your case is our common goal.
Please contact us today if you have any questions or concerns.*