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ACCIDENT BENEFITS IN ONTARIO

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This service provides in-depth guidance to the *Statutory Accident Benefits Schedule* in Ontario with summaries and analysis of case law with respect to arbitration decisions from the Licence Appeal Tribunal (L.A.T.), relevant judicial decisions and private arbitration decisions. Case digests are available online with links to the full-text decisions. Subscribers also receive the **Accident Benefits in Ontario Newsletter**, a monthly current awareness resource e-mailed to you directly.

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What's New

This release features new case law and commentary as well as updates to legislation to the following chapters: 2 (Annotated S.A.B.S. – 2010); 5 (Licence Appeal Tribunal); 9 (Disputes Between Insurers); 10 (Loss Transfer); Appendix A (Statutes), and Appendix B (Regulations).

Highlights

Licence Appeal Tribunal Act – Section 11(6) – Appeal - Question of law

There have been several new cases commenting on procedural fairness at the LAT. Readers will find these cases in Volume 2 under s. 11 of the *Licence Appeal Tribunal Act* and under s. 23 of the *Statutory Powers Procedure Act*. The following decisions consider these issues:

- *Yatar v. TD Insurance Meloche Monnex*, 2024 SCC 8 (S.C.C.);
- *Travis v. Aviva Insurance Company*, 2024 ONSC 1683 (Ont. Div. Ct.);
- *Ravilotchanan v. Allstate Insurance Company of Canada*, 2024 ONSC 1629 (Ont. Div. Ct.);
- *Shahin v. Intact Insurance Company*, 2024 ONSC 2059 (Ont. Div. Ct.), which is discussed with reference to s. 23 of the *Statutory Powers and Procedure Act*.

SABS – Section 3 – Accident

There are also some new cases that address the definition of “accident” under s. 3 of the SABS, in the context of crimes: *Travis v. Aviva, supra*, and *Jiang v. The Co-operators General Insurance Company*, 2024 ONSC 1225 (Ont. Div. Ct.).