

Table of Contents

Volume 1

CHAPTER 1. INTRODUCTION

- § 1:1 History Leading to Creation of the Financial Services Commission of Ontario
- § 1:2 The Studies
- § 1:3 The 1990 Amendments (Bill 68)
- § 1:4 No-Fault Automobile Insurance Benefits
- § 1:5 Understanding the Automobile Insurance Compensation Schemes in Ontario
- § 1:6 A Decade Later

CHAPTER 2. STATUTORY ACCIDENT BENEFITS SCHEDULE — EFFECTIVE SEPTEMBER 1, 2010 O. REG. 34/10

I. HISTORY; NOTICE TO READERS

- § 2:1 Amendment History
- § 2:2 Editor’s Note
- § 2:3 Notice to Readers

II. PART I GENERAL

- § 2:4 [1. Citation]
- § 2:5 [2. Application and transition rules]
- § 2:6 —Territorial Limits
- § 2:7 —Generally
- § 2:8 [3. Definitions and interpretation]
- § 2:9 *[Reserved]*
- § 2:10 [3. Definitions and interpretation]—“Accident” - s. 3(1)
- § 2:11 —Catastrophic Impairment
- § 2:12 *[Reserved]*
- § 2:13 [3. Definitions and interpretation]—Cases Decided Under the Pre-June 1, 2016 Definition of “Catastrophic Impairment”
- § 2:14 —Complete Inability to Carry on a Normal Life

- § 2:15 —Dependant
- § 2:16 —Economic Loss - Incurred Expenses - s. 3(7)(e)
and s. 3(8)
- § 2:17 —Insured Person
- § 2:18 — —Generally
- § 2:19 —Minor Injury Guideline
- § 2:20 —Payments for Loss of Income - s. 3(7)(d)(i)
- § 2:21 —Self-Employed Person
- § 2:21.50 —Spouse
- § 2:22 [3.1 Catastrophic impairment]
- § 2:23 [3.1 — Catastrophic Impairment — Definition to
Apply to Accidents — Post June 1, 2016]—
Generally

III. PART II INCOME REPLACEMENT, NON- EARNER AND CAREGIVER BENEFITS

A. INCOME REPLACEMENT BENEFITS

- § 2:24 [4. Interpretation]
- § 2:25 —Generally
- § 2:26 [5. Eligibility criteria]
- § 2:27 —Generally
- § 2:28 [6. Period of benefit]
- § 2:29 —Generally
- § 2:30 [7. Amount of weekly income replacement
benefit]
- § 2:31 —Generally
- § 2:32 [8. Adjustment after 65]
- § 2:33 [9. If entitlement first arises on or after 65th
birthday]
- § 2:34 [10. No violation of Human Rights Code]
- § 2:35 [11. Temporary return to employment]
- § 2:35.50 —Generally

B. NON-EARNER BENEFITS

- § 2:36 [12. Non-earner benefit]
- § 2:37 —Generally
- § 2:38 —S.A.B.S. pre-June 1, 2016

C. CAREGIVER BENEFITS

- § 2:39 [13. Caregiver benefit]
- § 2:40 —Generally

TABLE OF CONTENTS

IV. PART III MEDICAL, REHABILITATION AND ATTENDANT CARE BENEFITS

- § 2:41 [14. Insurer liable to pay benefits]
- § 2:42 —Generally
- § 2:43 [15. Medical benefits]
- § 2:44 —Generally
- § 2:45 [16. Rehabilitation benefits]
- § 2:46 —Generally
- § 2:47 [17. Case manager services]
- § 2:47.50 [17. Case manager services]—Generally
- § 2:48 [18. Monetary limits re medical and rehabilitation benefits]
- § 2:49 —Generally
- § 2:50 [19. Attendant care benefit]
- § 2:51 —Attendant Care Benefits
- § 2:52 [20. Duration of medical, rehabilitation and attendant care benefits]
- § 2:53 —Generally

V. PART IV PAYMENT OF OTHER EXPENSES

- § 2:54 [21. Lost educational expenses]
- § 2:54.50 [21. Lost educational expenses]—Generally
- § 2:55 [22. Expenses of visitors]
- § 2:56 [23. Housekeeping and home maintenance]
- § 2:57 —Generally
- § 2:58 [24. Damage to clothing, glasses, hearing aids, etc.]
- § 2:59 [25. Cost of examinations]
- § 2:60 —Generally

VI. PART V DEATH AND FUNERAL BENEFITS

- § 2:61 [26. Death benefit]
- § 2:62 —Generally
- § 2:63 [27. Funeral benefit]

VII. PART VI OPTIONAL BENEFITS

- § 2:64 [28. Description of optional benefits]
- § 2:64.50 —Generally
- § 2:65 [29. Optional dependant care benefit]
- § 2:66 [30. Optional indexation benefit]

VIII. PART VII GENERAL EXCLUSIONS

- § 2:67 [31. Circumstances in which certain benefits not payable]

§ 2:68 —Generally

IX. PART VIII PROCEDURES FOR CLAIMING BENEFITS

A. GENERAL

§ 2:69 [32. Notice to insurer and application for benefits]

§ 2:70 —Generally

§ 2:71 [33. Duty of applicant to provide information]

§ 2:72 —Generally

§ 2:73 [34. Result if fail to comply with time limits]

§ 2:74 —Generally

§ 2:75 [35. Election of income replacement, non-earner or caregiver benefit]

§ 2:76 —Generally

§ 2:77 —Cases decided before the amendments of June 1, 2016

B. CLAIM FOR INCOME REPLACEMENT BENEFIT, NON-EARNER BENEFIT, CAREGIVER BENEFIT OR PAYMENT FOR HOUSEKEEPING OR HOME MAINTENANCE SERVICES

§ 2:78 [36. Application]

§ 2:79 —Generally

§ 2:80 [37. Determination of continuing entitlement to specified benefits]

§ 2:81 —Generally

C. CLAIM FOR MEDICAL OR REHABILITATION BENEFITS

§ 2:82 [38. Claims for medical and rehabilitation benefits and for approval of assessments, etc.]

§ 2:83 —Generally

§ 2:84 [39. If no treatment and assessment plan required]

D. CLAIM FOR MEDICAL OR REHABILITATION BENEFITS TO WHICH MINOR INJURY GUIDELINE APPLIES

§ 2:85 [40. Minor Injury Guideline]

§ 2:86 —Generally

§ 2:87 [41. If treatment confirmation form not required]

TABLE OF CONTENTS

E. CLAIM FOR ATTENDANT CARE BENEFITS

- § 2:88 [42. Application for attendant care benefits]
- § 2:89 —Generally

F. OTHER TYPES OF BENEFITS

- § 2:90 [43. Parts IV and V expenses and benefits]

G. ADDITIONAL MATTERS

- § 2:91 [44. Examination required by insurer]
- § 2:92 —Generally
- § 2:93 [45. Determination of catastrophic impairment]
- § 2:94 —Generally
- § 2:95 [45.1 Determination of catastrophic impairment]
- § 2:96 [46. Conflict of interest re referrals by insurer]

X. PART IX PAYMENT OF BENEFITS

- § 2:97 [46.1 Definition — provider]
- § 2:98 [46.2 Duty of provider to provide information]
- § 2:99 [46.3 Duty of insured person to provide information]
- § 2:100 [47. Deduction of collateral benefits]
- § 2:101 —Generally
- § 2:102 [48. Method of payment]
- § 2:103 [49. Amounts payable under a Guideline]
- § 2:104 [49.1 Amounts payable under a Guideline — unlicensed provider]
- § 2:105 [50. Explanation of benefit amounts]
- § 2:106 [51. Overdue payments]
- § 2:107 —Generally
- § 2:108 [52. Repayments to insurer]
- § 2:109 —Generally
- § 2:110 [53. Termination of benefits for material misrepresentation]
- § 2:110.50 [53. Termination of benefits for material misrepresentations]—Generally
- § 2:111 [54. Notice of right to dispute insurer’s refusal to pay or reduction of benefits]
- § 2:112 [55. Restriction on proceedings]
- § 2:113 —Generally
- § 2:114 [56. Time limit for proceedings]
- § 2:115 —Generally

XI. PART X RESPONSIBILITY TO OBTAIN TREATMENT, PARTICIPATE IN REHABILITATION AND SEEK EMPLOYMENT OR SELF-EMPLOYMENT

- § 2:116 [57. Treatment and rehabilitation]
- § 2:117 [58. Employment and self-employment]

XII. PART XI INTERACTION WITH OTHER SYSTEMS

- § 2:118 [59. Accidents outside Ontario]
- § 2:119 —Generally
- § 2:120 [60. Social assistance payments]
- § 2:121 [61 Workplace Safety and Insurance Act, 1997]
- § 2:122 —Generally

XIII. PART XII MISCELLANEOUS

- § 2:123 [62. Assignment of benefits]
- § 2:124 —Generally
- § 2:125 [63. Copies of this Regulation]
- § 2:126 [64. Notices and delivery]
- § 2:127 [65. Substitute decision-makers]
- § 2:128 [66. Forms]
- § 2:129 [67. When form is considered completed]
- § 2:130 [67.1. Transition re forms]

XIV. PART XIII TRANSITIONAL PROVISIONS

- § 2:131 [68. Transitional, optional benefits]
- § 2:132 —Generally
- § 2:133 [68.1. Application of Regulation 672, O. Reg. 776/93 and O. Reg. 403/96]

XV. PART XIV COMMENCEMENT

- § 2:134 [69. Commencement]

CHAPTER 3. PROCEDURE AND JUDICIAL REVIEW

- § 3:1 Introduction
- § 3:2 Judicial Review Applications From Decisions of the Financial Services Commission of Ontario - Dispute Resolution Group
- § 3:3 Judicial review decisions from LAT decisions

CHAPTER 4. TABLE OF SPECIAL AWARDS

- § 4:1 Regulation under the Insurance Act R.S.O. 1990, c. I.8 Unfair or Deceptive Acts or Practices O. Reg. 7/00
- § 4:1.50 Unfair or Deceptive Acts or Practices
- § 4:2 Table of special awards, investigations of business practices of insurers and tort damages for mental distress
- § 4:3 Special Awards (Post 04/2016)—Note to Reader
- § 4:4 Automobile Insurance, R.R.O. 1990, Reg. 664
- § 4:5 Special Awards at the LAT

CHAPTER 5. LICENCE APPEAL TRIBUNAL

I. PRACTICE DIRECTIONS

- § 5:0.10 Practice Direction—Requests for Reconsideration at the Licence Appeal Tribunal
- § 5:0.20 —Adjournment Requests at the Licence Appeal Tribunal
- § 5:0.30 Practice Direction Recording of Hearings at the Licence Appeal Tribunal
- § 5:0.40 Practice Direction Preliminary Issue Hearings at the Licence Appeal Tribunal

I.50. GENERAL

- § 5:1 Directory

II. COMMON RULES OF PRACTICE AND PROCEDURE — LICENCE APPEAL TRIBUNAL

A. INTRODUCTION

- § 5:2 Introduction

B. [R. 1 GENERAL]

- § 5:3 [R. 1.1 Authority for Rules]
- § 5:3.50 —Generally
- § 5:4 [R. 1.2 Conflict]
- § 5:5 [R. 1.3 Version]
- § 5:6 [R. 1.4 In Force Date]

§ 5:7 [R. 1.5 Application of Rules]

C. [R. 2 DEFINITIONS]

- § 5:8 [R. 2.1 “Appeal”]
- § 5:9 [R. 2.2 “Appellant”]
- § 5:10 [R. 2.3 “Automobile Accident Benefits Service (AABS) Claim”]
- § 5:11 [R. 2.4 “Case Conference”]
- § 5:12 [R. 2.5 “Certificate of Service”]
- § 5:13 [R. 2.6 “Contact Information”]
- § 5:14 [R. 2.7 “Day” and “Business Day” and “Holiday”]
- § 5:15 [R. 2.8 “Document”]
- § 5:16 [R. 2.9 “Electronic Format”]
- § 5:17 [R. 2.10 “Hearing”]
- § 5:18 [R. 2.11 “In-Person Format”]
- § 5:19 [R. 2.12 “Member”]
- § 5:20 [R. 2.13 “Motion”]
- § 5:21 [R. 2.14 “Objector”]
- § 5:22 [R. 2.15 “Particulars”]
- § 5:23 [R. 2.16 “Party”]
- § 5:24 [R. 2.17 “Proceeding”]
- § 5:25 [R. 2.18 “Public Interest Proceeding”]
- § 5:26 [R. 2.19 “Registrar”]
- § 5:27 [R. 2.20 “Representative”]
- § 5:28 [R. 2.21 “Respondent”]
- § 5:29 [R. 2.22 “Response”]
- § 5:30 [R. 2.23 “Rules”]
- § 5:31 [R. 2.24 “Statutory Accident Benefits Schedule (SABS)”]
- § 5:32 [R. 2.25 “Tribunal”]
- § 5:33 [R. 2.26 “Written Format”]

D. [R. 3 GENERAL]

- § 5:34 [R. 3.1 Liberal Interpretation]
- § 5:35 [R. 3.2 Tribunal Powers]
- § 5:35.50 —Generally
- § 5:36 [R. 3.3 Complete File Required Prior to Processing]
- § 5:37 [R. 3.4 Dismissal Without a Hearing (Grounds for Doing So)]
- § 5:38 [R. 3.5 Dismissal Without a Hearing (Notice)]
- § 5:39 [R. 3.6 Added Parties]
- § 5:40 [R. 3.7 Requirement to Attend In-Person or Electronic Hearing]

TABLE OF CONTENTS

- § 5:41 [R. 3.7.1 Requirement to Attend In-Person or Electronic Hearing—Party’s Failure to Attend Start of Hearing]
- § 5:42 [R. 3.7.2 Requirement to Attend In-Person or Electronic Hearing—Party’s Failure to Attend Hearing in Progress]
- § 5:43 [R. 3.7.3 Requirement to Attend In-Person or Electronic Hearing—Representative’s Failure to Attend Hearing]
- § 5:44 [R. 3.8 Application of Rule 3]

E. [R. 4 COMMUNICATIONS]

- § 5:45 [R. 4.1 Proceedings in French or English]
- § 5:46 [R. 4.2 Notice Regarding Interpreter]
- § 5:47 [R. 4.3 Written Communications to be Copied to Other Parties]
- § 5:48 [R. 4.4 Change in Contact Information]

F. [R. 5 CALCULATION OF TIME]

- § 5:49 [R. 5.1 Counting Days]
- § 5:50 [R. 5.2 Expiry of Time on a Holiday]

G. [R. 6 SERVICE AND FILING]

- § 5:51 [R. 6.1 Form of Service]
- § 5:52 [R. 6.2 Deemed Receipt]
- § 5:53 [R. 6.3 Deemed Receipt]
- § 5:54 [R. 6.4 Actual Receipt of Documents]
- § 5:55 [R. 6.5 Documents Filed with Tribunal After 5:00 pm]
- § 5:56 [R. 6.6 Certificate of Service]

H. [R. 7 HUMAN RIGHTS CODE ACCOMMODATION]

- § 5:57 [R. 7 Human Rights Code Accommodation]
- § 5:57.50 —Generally

I. [R. 8 SUMMONS]

- § 5:58 [R. 8.1 Issuing a Summons]
- § 5:58.50 —Generally
- § 5:59 [R. 8.2 Filing of a Request for Summons]
- § 5:60 [R. 8.3 Service of Summons and Attendance Money]
- § 5:61 [R. 8.4 Application of Rule 8]

J. [R. 9 DOCUMENT EXCHANGE, PRODUCTION ORDERS, WITNESS LISTS & HEARING BRIEFS]

- § 5:62 [R. 9.1 General]
- § 5:63 [R. 9.2 Production Orders by the Tribunal]
- § 5:64 [R. 9.2.1 Production Orders by the Tribunal—
Orders for Productions Between the Parties]
- § 5:65 [R. 9.2.2 Production Orders by the Tribunal—
Orders for Non-party Productions]
- § 5:66 [R. 9.3 Failure to Comply with the Rules]
- § 5:67 [R. 9.4, 9.4.1 Rules Specific to AABS Matters—
Document Exchange Between the Parties
(AABS)]
- § 5:68 [R. 9.4.2 Rules Specific to AABS Matters—
Deadline for Document Exchange (AABS)]
- § 5:68.50 [R. 9.4.2 Rules Specific to AABS Matters—
Deadline for Document Exchange (AABS)—
Generally]
- § 5:69 [R. 9.4.3 Rules Specific to AABS Matters—Filing
with the Tribunal – 21 Day Deadline for
Electronic and In-Person Hearings (AABS)]
- § 5:70 [R. 9.4.4 Rules Specific to AABS Matters—
Failure to Comply with the 21 Day Deadline
(AABS)]
- § 5:71 [R. 9.4.5 Rules Specific to AABS Matters—Filing
with the Tribunal - Deadline for Written
Hearings (AABS)]
- § 5:72 [R. 9.5, 9.5.1 Rules That Apply to General
Services Matters (GS)—Case Conference
Documents (GS)]
- § 5:73 [R. 9.5.2 Rules That Apply to General Services
Matters (GS)—Document Exchange and Filing
(GS)]
- § 5:74 [R. 9.6 Application of Rule 9]

K. [R. 10 EXPERT WITNESSES]

- § 5:75 [R. 10.1 General]
- § 5:76 [R. 10.2 Identification and Disclosure]
- § 5:77 [R. 10.3 Disclosure and Filing Timelines]
- § 5:78 [R. 10.4 Challenges to Qualifications, Reports,
Statements]
- § 5:79 [R. 10.5 Application of Rule 10]

TABLE OF CONTENTS

L. [R. 11 NOTICE OF CONSTITUTIONAL QUESTION]

§ 5:80 Generally

M. [R. 12 FORMAT OF HEARINGS AND CASE CONFERENCES]

§ 5:81 Generally

N. [R. 13 ACCESS TO HEARINGS]

§ 5:82 [R. 13.1 General Public Access]

§ 5:83 [R. 13.2 Audio and Video Recordings]

§ 5:84 [R. 13.3 Audio and Video Recording by Parties May be Permitted]

O. [R. 14 CASE CONFERENCES]

§ 5:85 [R. 14.1 Directions and Orders at Case Conferences]

§ 5:86 [R. 14.2 Scope of Case Conference Subject Matter]

§ 5:87 [R. 14.3 Member Not to Participate on a Hearing Panel]

§ 5:88 [R. 14.4 Settlement Discussions]

§ 5:89 [R. 14.5 Case Conferences Not Public]

§ 5:90 [R. 14.6 Party Attendance at Case Conferences]

§ 5:91 [R. 14.7 Application of Rule 14]

P. [R. 15 MOTIONS]

§ 5:92 [R. 15.1 Filing a Motion]

§ 5:93 [R. 15.2 Motion Heard at a Scheduled Event]

§ 5:94 [R. 15.3 Responding and Reply Submissions]

§ 5:95 [R. 15.4 Attendance at Motion Hearings]

§ 5:96 [R. 15.5 Application of Rule 15]

Q. [R. 16 ADJOURNMENTS]

§ 5:97 [R. 16.1 Requests for Adjournments]

§ 5:98 [R. 16.2 Oral Adjournments Requests]

§ 5:99 [R. 16.3 Factors to Consider]

§ 5:100 [R. 16.4 Adjournment Requests Following a Denial]

§ 5:101 [R. 16.5 Application of Rule 16]

R. [R. 17 REVIEW AND CORRECTION
(TYPOGRAPHICAL, CALCULATION AND
OTHER MINOR ERRORS)]

§ 5:102 Generally

S. [R. 18 RECONSIDERATION OF A TRIBUNAL
DECISION]

§ 5:103 [R. 18.1 Request for Reconsideration]

§ 5:104 [R. 18.2 Criteria for Granting Reconsideration]

§ 5:104.50 —Generally

§ 5:105 [R. 18.3 Opportunity to Make Submissions]

§ 5:106 [R. 18.4 Outcome of Reconsideration]

§ 5:107 [R. 18.5 Review on Own Initiative]

§ 5:108 [R. 18.6 Application of Rule 18]

T. [R. 19 COSTS]

§ 5:109 [R. 19.1 Cost Requests]

§ 5:110 [R. 19.2 How Cost Requests Are to be Made]

§ 5:111 [R. 19.3 Submissions on Costs]

§ 5:111.50 [R. 19 Costs]—Generally

§ 5:112 [R. 19.4 Content of Submissions on Costs]

§ 5:113 [R. 19.5 Powers of the Tribunal]

§ 5:114 [R. 19.6 Amount of Costs]

U. [R. 20 AUTOMOBILE ACCIDENT BENEFIT
SERVICE (AABS) CLAIMS]

§ 5:115 [R. 20.1 Application of This Rule]

§ 5:116 [R. 20.2 Response to AABS Claim]

§ 5:117 [R. 20.3 Response to AABS Claim Must Detail
Jurisdictional Issues]

§ 5:118 [R. 20.4 AABS Case Conference Summary]

§ 5:119 [R. 20.5 Settlement at Case Conferences]

§ 5:120 [R. 20.6 Combining AABS Claims]

§ 5:121 [R. 20.7 Interpreter to be Arranged at Tribunal's
Expense]

§ 5:122 [R. 20.8 Application of Rule 20]

V. [R. 21 APPLICATIONS TO REMOVE LIQUOR
LICENCE CONDITIONS]

§ 5:123 [R. 21.1 Application of Rule 21]

§ 5:124 [R. 21.2 Application to Remove Liquor Licence
Conditions (*Liquor Licence and Control Act 2019*)]

TABLE OF CONTENTS

- § 5:125 [R. 21.3 Reply to Application to Remove Liquor Licence Conditions (*Liquor Licence and Control Act 2019*)]

W. [R. 22 PUBLIC INTEREST PROCEEDINGS]

- § 5:126 [R. 22.1 Application of This Rule]
§ 5:127 [R. 22.2 Notice]
§ 5:128 [R. 22.3 Proceeding Where Objector Does Not Attend Case Conference]
§ 5:129 [R. 22.4 Request by Objectors to Be Made a Party in a Public Interest Proceeding]
§ 5:130 [R. 22.5 Effect of Party Status]
§ 5:131 [R. 22.6 Non-party Objectors]

X. [R. 23 *HIGHWAY TRAFFIC ACT* APPEALS]

- § 5:132 [R. 23.1 Application of Rule 23]
§ 5:133 [R. 23.2 Appeals Under *Highway Traffic Act* (HTA) to be Scheduled within 30 Days]
§ 5:134 [R. 23.3 Disclosure Timelines for (HTA) Appeals]
§ 5:135 [R. 23.4 Application]

Y. [R. 24 REPRESENTATION]

- § 5:136 Generally
§ 5:137 [R. 24.1 Party's Ability to Have a Representative]
§ 5:138 [R. 24.2 Declaration of Representative Required]
§ 5:139 [R. 24.3 Proceeding without a Representative]
§ 5:140 [R. 24.4 Representative Withdrawal]
§ 5:141 [R. 24.5 Withdrawal Less Than 30 Days Before Next Adjudicative Event]
§ 5:142 [R. 24.6 Requirements Respecting Privileged, Prejudicial Information]
§ 5:143 [R. 24.7 Outcome of Tribunal Review]
§ 5:144 [R. 24.8 Requests for Adjournment Due to Withdrawal of Representative]
§ 5:145 [R. 24.9 Application of Rule 24]

**CHAPTER 5A. FORMER LICENCE
APPEAL TRIBUNAL RULES (PRE-AUGUST
2023)**

I. GENERAL

- § 5A:1 Directory

II. COMMON RULES OF PRACTICE AND PROCEDURE — LICENCE APPEAL TRIBUNAL

A. INTRODUCTION

§ 5A:2 Introduction

B. [R. 1 GENERAL]

- § 5A:3 [R. 1.1 Authority for rules]
- § 5A:4 [R. 1.2 Conflict]
- § 5A:5 —Generally
- § 5A:6 [R. 1.3 Version]
- § 5A:7 [R. 1.4 In force date]
- § 5A:8 [R. 1.5 Application of rules]

C. [R. 2 DEFINITIONS]

- § 5A:9 [R. 2.1 “Appeal”]
- § 5A:10 [R. 2.2 “Appellant”]
- § 5A:11 [R. 2.3 “Automobile Accident Benefits Service
(AABS) claim”]
- § 5A:12 [R. 2.4 “Case conference”]
- § 5A:13 [R. 2.5 “Certificate of service”]
- § 5A:14 [R. 2.6 “Contact information”]
- § 5A:15 [R. 2.7 “Day” and “business day” and “holiday”]
- § 5A:16 [R. 2.8 “Document”]
- § 5A:17 [R. 2.9 “Electronic format”]
- § 5A:18 [R. 2.10 “Hearing”]
- § 5A:19 [R. 2.11 “In-person format”]
- § 5A:20 [R. 2.12 “Member”]
- § 5A:21 [R. 2.13 “Motion”]
- § 5A:22 [R. 2.14 “Objector”]
- § 5A:23 [R. 2.15 “Particulars”]
- § 5A:24 [R. 2.16 “Party”]
- § 5A:25 [R. 2.17 “Proceeding”]
- § 5A:26 [R. 2.17 “Proceeding”—Generally]
- § 5A:27 [R. 2.18 “Public interest proceeding”]
- § 5A:28 [R. 2.19 “Registrar”]
- § 5A:29 [R. 2.20 “Representative”]
- § 5A:30 [R. 2.21 “Respondent”]
- § 5A:31 [R. 2.22 “Response”]
- § 5A:32 [R. 2.23 “Rules” or “common rules”]
- § 5A:33 [R. 2.24 “Statutory accident benefits schedule
(sabs)”]

TABLE OF CONTENTS

§ 5A:34 [R. 2.25 “Tribunal”]

§ 5A:35 [R. 2.26 “Written format”]

D. [R. 3 GENERAL]

§ 5A:36 [R. 3.1 Liberal interpretation]

§ 5A:37 —Generally

§ 5A:38 [R. 3.2 Practice directions]

§ 5A:39 [R. 3.3 Complete file required prior to processing]

§ 5A:40 [R. 3.4 Dismissal without a hearing (grounds for doing so)]

§ 5A:41 —Generally

§ 5A:42 [R. 3.5 Dismissal without a hearing (notice)]

§ 5A:43 [R. 3.6 Added parties]

E. [R. 4 COMMUNICATIONS]

§ 5A:44 [R. 4.1 Proceedings in french or english]

§ 5A:45 [R. 4.2 Notice regarding interpreter]

§ 5A:46 [R. 4.3 Written communications to be copied to other parties]

§ 5A:47 [R. 4.4 Change in contact information]

§ 5A:48 —Generally

F. [R. 5 CALCULATION OF TIME]

§ 5A:49 [R. 5.1 Counting days]

§ 5A:50 [R. 5.2 Expiry of time on a holiday]

G. [R. 6 SERVICE AND FILING]

§ 5A:51 [R. 6.1 Form of service]

§ 5A:52 —Generally

§ 5A:53 [R. 6.2 Deemed receipt]

§ 5A:54 [R. 6.3 Deemed receipt]

§ 5A:55 [R. 6.4 Actual receipt of documents]

§ 5A:56 [R. 6.5 Documents filed with tribunal after 5:00 pm]

§ 5A:57 [R. 6.6 Certificate of service]

§ 5A:58 [R. 6.7 Representation]

H. [R. 7 *HUMAN RIGHTS CODE* ACCOMMODATION]

§ 5A:59 [7 Human Rights Code accomodation]

§ 5A:60 [R. 7 Human Rights Code accomodation]—
Generally

I. [R. 8 SUMMONS]

- § 5A:61 [R. 8.1 Issuance of summons]
- § 5A:62 [R. 8.2 Filing of a request for summons]
- § 5A:63 [R. 8.3 Service of summons and attendance money]
- § 5A:64 —Generally

J. [R. 9 DISCLOSURE]

- § 5A:65 [R. 9.1 Production of documents — General]
- § 5A:66 [R. 9.1 Production of documents]—Generally
- § 5A:67 [R. 9.2 Disclosure of documents]
- § 5A:68 [R. 9.3 Production of documents]
- § 5A:69 [R. 9.4 Failure to comply with disclosure rules]
- § 5A:70 —Generally

K. [R. 10 EXPERT WITNESSES]

- § 5A:71 [R. 10.1 Expert witness — General]
- § 5A:72 [R. 10.2 Expert witnesses (identification and disclosure)]
- § 5A:73 —Generally
- § 5A:74 [R. 10.3 Expert witnesses (disclosure timelines)]
- § 5A:75 [R. 10.4 Expert witnesses — Challenges to qualifications, reports, statements]
- § 5A:76 —Generally

L. [R. 11 NOTICE OF CONSTITUTIONAL QUESTION]

- § 5A:77 [11 Notice of constitutional question]

M. [R. 12 FORMAT OF HEARINGS AND CASE CONFERENCES]

- § 5A:78 [R. 12.1 Hearing or case conference may be oral or written]

N. [R. 13 ACCESS TO HEARINGS]

- § 5A:79 [R. 13.1 General public access]
- § 5A:79.50 —Generally
- § 5A:80 [R. 13.2 Audio and video recordings]
- § 5A:81 [R. 13.3 Audio and video recording by parties may be permitted]

O. [R. 14 CASE CONFERENCES]

- § 5A:82 [R. 14.1 Directions and orders at case conferences]

TABLE OF CONTENTS

- § 5A:83 [R. 14.2 Scope of case conference subject matter]
- § 5A:84 [R. 14.3 Member not to participate on a hearing panel except on consent]
- § 5A:85 [R. 14.4 Confidentiality of case conference settlement discussions]
- § 5A:86 [R. 14.5 Case conference not public]
- § 5A:87 [R. 14.6 Attendance and authority of representatives at case conference to settle issues]
- § 5A:88 —Generally

P. [R. 15 MOTIONS]

- § 5A:89 [R. 15.1 Contents of motions]
- § 5A:90 [R. 15.2 Service of notice of motion]
- § 5A:90.50 —Generally
- § 5A:91 [R. 15.3 Service of responding party's motion materials]
- § 5A:92 —Generally

Q. [R. 16 ADJOURNMENTS]

- § 5A:93 [R. 16.1 Requests for adjournments]
- § 5A:94 [R. 16.2 Oral requests for adjournments]
- § 5A:95 —Generally

R. [R. 17 REVIEW AND CORRECTION (TYPOGRAPHICAL, CALCULATION AND OTHER MINOR ERRORS)]

- § 5A:96 [17 Review and correction (typographical, calculation and other minor errors)]

S. [R. 18 RECONSIDERATION OF A TRIBUNAL DECISION]

- § 5A:97 [R. 18.1 Request for reconsideration]
- § 5A:98 [R. 18.2 Criteria for granting reconsideration]
- § 5A:98.50 —Generally
- § 5A:99 [R. 18.3 Opportunity to make submissions]
- § 5A:100 [R. 18.4 Outcome of reconsideration]
- § 5A:101 [R. 18.5 Application of rule 18]
- § 5A:102 [R. 18.6 Note to readers]
- § 5A:103 [R. 18.7 Generally]

T. [R. 19 COSTS]

- § 5A:104 [R. 19.1 Cost requests]

- § 5A:105 [R. 19.2 How cost requests are to be made]
- § 5A:106 [R. 19.3 Submissions on costs]
- § 5A:107 [R. 19.4 Content of submissions on costs]
- § 5A:108 [R. 19.5 Powers of the tribunal]
- § 5A:109 [R. 19.6 Amount of costs]
- § 5A:110 —Generally]

U. [R. 20 AUTOMOBILE ACCIDENT BENEFIT SERVICE (AABS) CLAIMS]

- § 5A:111 [R. 20.1 Application of this rule]
- § 5A:112 [R. 20.2 Response to aabs claim]
- § 5A:113 [R. 20.3 Response to AABS claim must detail jurisdictional issues]
- § 5A:114 [R. 20.4 Aabs case conference summary]
- § 5A:115 [R. 20.5 Combining AABS claims]
- § 5A:116 [R. 20.6 Interpreter to be arranged at tribunal's expense]

V. [R. 21 APPLICATIONS TO REMOVE LIQUOR LICENCE CONDITIONS]

- § 5A:117 [R. 21.1 Application of rule 21]
- § 5A:118 [R. 21.2 Application to remove liquor licence conditions (*Liquor Licence Act*)]
- § 5A:119 [R. 21.3 Reply to application to remove liquor licence conditions (*Liquor Licence Act*)]

W. [R. 22 PUBLIC INTEREST PROCEEDINGS]

- § 5A:120 [R. 22.1 Application of this rule]
- § 5A:121 [R. 22.2 Notice]
- § 5A:122 [R. 22.3 Proceeding where objector does not attend case conference]
- § 5A:123 [R. 22.4 Request by objectors to be made a party in a public interest proceeding]
- § 5A:124 [R. 22.5 Effect of party status]
- § 5A:125 [R. 22.6 Non-party objectors]

X. [R. 23 *HIGHWAY TRAFFIC ACT* APPEALS]

- § 5A:126 [R. 23.1 Application of rule 23]
- § 5A:127 [R. 23.2 Appeals under *Highway Traffic Act* (HTA) to be scheduled within 30 days]
- § 5A:128 [R. 23.3 Disclosure timelines for (HTA) appeals]

CHAPTER 6. GUIDELINES

I. 2010

- § 6:1 Cost of Assessments and Examinations Guideline (No. 08/10)
- § 6:2 Optional Indexation Benefit Guideline (No. 09/10)

II. 2011

- § 6:3 Health Claims for Auto Insurance December 2011 Guideline (No. 03/11)

III. 2013

- § 6:4 Cost of Goods Guideline (No. 01/13)

IV. 2014

- § 6:5 Minor Injury Guideline (No. 01/14)
- § 6:6 Attendant Care Hourly Rate Guideline (No. 02/14)
- § 6:7 Professional Services Guideline (No. 03/14)

V. 2015

- § 6:8 Health Claims for Auto Insurance May 2015 Guideline (No. 01/15)
- § 6:9 Attendant Care Hourly Rate Guideline (No. 02/15)

VI. 2016

- § 6:10 Catastrophic Impairment - Public Hospitals Guideline (No. 01/16)
- § 6:11 Cost of Goods Guideline (No. 02/16)
- § 6:12 Attendant Care Hourly Rate Guideline (No. 03/16)
- § 6:13 Transportation Expense Guideline (No. 04/16)

VII. 2017

- § 6:14 Health Claims for Auto Insurance Guideline (No. 01/17)
- § 6:15 Attendant Care Hourly Rate Guideline (No. 02/17)
- § 6:16 Attendant Care Hourly Rate Guideline (No. 03/17)

VIII. 2018

- § 6:17 Attendant Care Hourly Rate Guideline (No. 01/18)
- § 6:18 Health Claims for Auto Insurance Guideline (No. 02/18)

- § 6:19 2019 Automobile Insurance Legislated and Regulatory Adjustments and Optional Indexation Rates Under the Statutory Accident Benefit Schedule (No. 06/18)

IX. 2020

- § 6:20 Statutory Accident Benefits Claims during the COVID-19 Outbreak (No. AU0133INT)
§ 6:21 2020 Automobile Insurance Indexation Amounts
§ 6:22 2020 Automobile Insurance Indexation Amounts AU0129DEC

X. 2021

- § 6:23 2021 Automobile Insurance Indexation Amounts Guidance (updated December 18, 2020)

CHAPTER 7. BULLETINS

I. 2010

- § 7:1 Transition to the New Statutory Accidents Benefits Schedule — Effective September 1, 2010 (No. A-04/10 - Property & Casualty - Auto)

II. 2014

- § 7:2 Revised Minor Injury Guideline and Treatment and Assessment Plan (OCF-18) (No. A-01/14 - Property & Casualty - Auto)
§ 7:3 New Regulations for Service Provider Licensing and Proclamation Order (No. A-02/14 - Property & Casualty - Auto)
§ 7:4 New Proclamation Dates for Service Provider Licensing (No. A-03/14 - Property & Casualty - Auto)
§ 7:5 Revised Attendant Care Hourly Rate Guideline (No. A-04/14 - Property & Casualty - Auto)
§ 7:6 Revised Standard Benefit Statement (No. A-05/14 - Property & Casualty - Auto)
§ 7:7 Revised Treatment and Assessment Plan (OCF-18) and Auto Insurance Standard Invoice (OCF-21) for Service Provider Licensing (No. A-06/14 - Property & Casualty - Auto)
§ 7:8 Revised Ontario Application for Automobile Insurance (Owner's Form) (OAF-1), Application for Accident Benefits (OCF-1) and Treatment

TABLE OF CONTENTS

- Confirmation Form (OCF-23) (No. A-07/14) -
Property & Casualty - Auto)
- § 7:9 Updated Professional Services Guideline (No.
A-08/14 - Property & Casualty - Auto)
- § 7:10 Private Passenger Automobile Filing Guidelines —
Simplified for proposed revisions to Automobile
Insurance Rates and Risk Classification Systems
(No. A-09/14 - Property & Casualty - Auto)
- § 7:11 Amendments to the Private Passenger Automobile
Filing Guidelines — Major, Technical Notes and
Benchmarks (No. A-10/14 - Property & Casualty -
Auto)
- § 7:12 Interim Process for OCF-23 — Treatment
Confirmation Form in the Health Claims for Auto
Insurance system and Minor Corrections to Other
Forms (No. A-11/14 - Property & Casualty - Auto)
- § 7:13 Revised Health Claims for Auto Insurance Guideline
(No. A-12/14 - Property & Casualty - Auto)
- § 7:14 Amendments to the Statutory Accident Benefits
Schedule, Service Provider Regulations,
Administrative Penalties and Eligibility for
Transportation Expenses (No. A-14/14 - Property &
Casualty - Auto)
- § 7:15 Proclamation Date for Amendment to Prejudgment
Interest Rate (No. A-15/14 - Property & Casualty -
Auto)
- § 7:16 2015 Indexation Percentages under the Statutory
Accident Benefits Schedules (No. A-16/14 -
Property & Casualty - Auto)

III. 2015

- § 7:17 Changes to Automobile Insurance Regulations;
Guideline Update (No. A-06/15 - Property &
Casualty - Auto)

IV. 2016

- § 7:18 Auto Insurance Reforms and Policyholder
Communications, Part 2 (No. A-01/16 - Property &
Casualty - Auto)
- § 7:19 Processing Direct Payments to Service Providers for
“Listed Expenses” (No. A-02/16 - Property &
Casualty - Auto)
- § 7:20 Implementing Automobile Insurance Reforms:
Amendments to the Ontario Automobile
Application, Endorsement and Related Forms (No.
A-03/16 - Property & Casualty - Auto)

ACCIDENT BENEFITS IN ONTARIO

- § 7:21 Implementing Automobile Insurance Reforms:
Amendments to the Accident Benefit Claims Forms
(No. A-04/16 - Property & Casualty - Auto)
- § 7:22 Implementing Automobile Insurance Reforms:
Amendments to Three Ontario Automobile Policy
Forms — OAP-1, OPF-2 and OAP-4 (No. A-05/16 -
Property & Casualty - Auto)
- § 7:23 Amendments to Accident Benefit Forms -
Application for Determination of Catastrophic
Impairment (OCF-19) and Standard Benefit
Statement (No. A-06/16 - Property & Casualty -
Auto)
- § 7:24 Amendments to Automobile Insurance Regulations
(No. A-07/16 - Property & Casualty - Auto)
- § 7:25 Amendments to the Settlement Disclosure Notice
(No. A-08/16 - Property & Casualty - Auto)
- § 7:26 Catastrophic Impairment - Public Hospitals
Guideline and Updated Cost of Goods Guideline
(No. A-09/16 - Property & Casualty - Auto)
- § 7:27 Amendment to Catastrophic Impairment Definition
(No. A-10/16 - Property & Casualty - Auto)
- § 7:28 Revised Assessment of Attendant Care Needs and
Introduction of Form 1 HCAI Pilot Project (No.
A-11/16 - Property & Casualty - Auto)
- § 7:29 Private Vehicles for Hire — Ridesharing: Fleet
Insurance Policy (Intact/Uber), Approval of an
Electronic Insurance Card for Ridesharing, and
Amendments to the Definition of “Fleet” (No.
A-12/16 - Property & Casualty - Auto)
- § 7:30 Revised Auto Insurance Claim Forms: OCF-18,
OCF-21 and OCF-23 (No. A-13/16 - Property &
Casualty - Auto)
- § 7:31 Revised Attendant Care Hourly Rate Guideline and
Transportation Expense Guideline (No. A-14/16 -
Property & Casualty - Auto)
- § 7:32 Amendments to the Private Passenger Automobile
Filing Guidelines and Technical Notes (No. A-15/16
- Property & Casualty - Auto)

V. 2017

- § 7:33 New Participating Insurer in Health Claims for
Auto Insurance (No. A-02/17 - Property & Casualty
- Auto)
- § 7:34 Revised Attendant Care Hourly Rate Guideline (No.
A-03/17 - Property & Casualty - Auto)
- § 7:35 Revised Attendant Care Hourly Rate Guideline (No.
A-04/17 - Property & Casualty - Auto)

TABLE OF CONTENTS

- § 7:36 2018 Automobile Insurance Legislation and Regulatory Adjustments and Optional Indexation Rates under the Statutory Accident Benefit Schedule (No. A-05/17 - Property & Casualty - Auto)

VI. 2018

- § 7:37 Mandatory use of HCAI for the Assessment of Attendant Care Needs Form (Form 1) (No. A-01/18 - Property & Casualty - Auto)
- § 7:38 Revised Attendant Care Hourly Rate Guideline and Clarification of Health Care Providers Subject to the Professional Services Guideline (No. A-03/18 - Property & Casualty - Auto)
- § 7:39 Mandatory use of HCAI for Form 1 (No. A-04/18 - Property & Casualty - Auto)

VII. 2019

- § 7:40 Amendments to Three Ontario Automobile Policy Forms - OAP 1, OPF 2 and OAP 4 (No. 01/19)

Volume 2

CHAPTER 8. PRACTICE DIRECTIONS

- § 8:1 Practice Direction—Adjournment Requests at the Licence Appeal Tribunal
- § 8:2 —Requests for Reconsideration at the Licence Appeal Tribunal
- § 8:3 Practice Direction on Recording Hearings at the Licence Appeal Tribunal
- § 8:4 Practice Direction on Document Exchange, Production Orders, Witness Lists & Hearing Briefs at the Licence Appeal Tribunal—Automobile Accident Benefits Service

CHAPTER 9. DISPUTES BETWEEN INSURERS

I. EXCERPT FROM THE INSURANCE ACT, R.S.O. 1990, C. I.8, SECTION 268

- § 9:1 [Section 268 Statutory accident benefits]
- § 9:2 Cancellation of Insurance Policy
- § 9:3 Choice of Insurer

- § 9:4 Company Automobiles and Rental Automobiles - s. 66 - S.A.B.S. - 1996
- § 9:5 Definitions—"Accident"/"Automobile"
- § 9:6 —"Dependants"
- § 9:7 —"Insured Person"
- § 9:7.50 Involved in the Incident
- § 9:8 Definitions—"Occupant"
- § 9:9 —"Principally Dependent for Care"
- § 9:10 —"Spouse"
- § 9:11 —"Struck"
- § 9:12 Doctrine of Transmission of Force
- § 9:13 Excess Insurance
- § 9:14 Excluded Driver
- § 9:15 Innocent Third Party Claims
- § 9:16 Reasonableness of Payments

II. REGULATION UNDER THE INSURANCE ACT, R.S.O. 1990, C. I.8 — DISPUTES BETWEEN INSURERS, O. REG. 283/95

- § 9:17 [Section 0.1]
- § 9:18 [Section 1]
- § 9:19 —Jurisdiction
- § 9:20 —Motor Vehicle Accident Claims Fund
- § 9:21 —Power of Attorney and Undertaking
- § 9:22 [Section 2]
- § 9:23 —First Insurer to Receive Completed Application
- § 9:24 [Section 2.1]
- § 9:25 [Section 3]
- § 9:26 —Notice of Dispute
- § 9:27 —Withdrawal of Agreement to Accept Priority
- § 9:28 [Section 3.1]
- § 9:29 —DBI Notice to Fund
- § 9:30 [Section 4]
- § 9:31 [Section 5]
- § 9:32 [Section 6]
- § 9:33 [Section 7]
- § 9:34 —Initiation of Arbitration - One-year Limitation Period
- § 9:35 [Section 8]
- § 9:35.50 —Generally
- § 9:36 [Section 9]
- § 9:37 —Generally
- § 9:38 [Section 10]
- § 9:39 [Section 11]

CHAPTER 10. LOSS TRANSFER

I. STATUTES, REGULATIONS AND BULLETINS

- § 10:1 Loss Transfer, s. 275, Insurance Act
- § 10:2 Indemnification for Statutory Accident Benefits, s. 275, Insurance Act (R.R.O. 1990, Reg. 664, s. 9)
- § 10:3 Fault Determination Rules, R.R.O. 1990, Reg. 668
- § 10:4 Loss Transfer, Bulletin No. A-9/92
- § 10:5 —Loss Transfer Summary (Chart)
- § 10:6 Loss Transfer: Standardized Forms and Procedures, Bulletin A-11/94

II. ANNOTATIONS

A. LOSS TRANSFER - S. 275, INSURANCE ACT

- § 10:7 Application of Fault Determination Rules
- § 10:8 Cancellation of Insurance Policy
- § 10:9 Conflict of Laws
- § 10:10 Costs
- § 10:11 Deductible - s. 275(3) - \$2,000
- § 10:12 Excluded Driver
- § 10:13 Heavy Commercial Vehicle
- § 10:14 Interest
- § 10:15 Limitation Period
- § 10:16 Negligence Act
- § 10:17 Offset from Tort Action
- § 10:18 Reimbursable Payments/Loss Control Issues—
DAC/Medical Rehab Assessments Payments
- § 10:19 Restitution
- § 10:20 Settlements
- § 10:21 Standard of Proof/Evidence/Legal Opinions

APPENDICES

Appendix A. Statutes

- Appendix A1. Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009
- Appendix A2. Arbitration Act, 1991
- Appendix A3. Compulsory Automobile Insurance Act
- Appendix A4. Financial Services Commission of Ontario Act, 1997
- Appendix A5. Insurance Act, R.S.O. 1990, c. I.8
- Appendix A6. Judicial Review Procedure Act

ACCIDENT BENEFITS IN ONTARIO

Appendix A7. Licence Appeal Tribunal Act, 1999

Appendix A8. Statutory Powers Procedure Act

Appendix B. Regulations

Appendix B1. Agents — O. Reg. 347/04

Appendix B2. Assessment of Health System Costs — O.
Reg. 401/96

Appendix B3. Automobile Insurance — R.R.O. 1990, Reg.
664

Appendix B4. Fault Determination Rules — R.R.O. 1990,
Reg. 668

Appendix B5. O. Reg. 534/06

Appendix B6. Statutory Conditions — Automobile
Insurance — O. Reg. 777/93

Appendix B7. Unfair or Deceptive Acts or Practices — O.
Reg. 7/00

Appendix B8. Uninsured Automobile Coverage — R.R.O.
1990, Reg. 676

Appendix C. Ontario Automobile Policies

Appendix C1. Ontario Automobile Policy (OAP 1) Owner's
Policy

Appendix C2. OPCF 44R — Family Protection Coverage

Appendix D. Directory

Appendix D1. Annual Business Plan, 2021-2024

Appendix D2. Licence Appeal Tribunal/Automobile Accident
Benefits Service Directory

Table of Added Cases

Table of Cases

Index