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**THE ANNOTATED INSURANCE ACT OF ONTARIO**

**John P. Weir**

**Release No. 9, October 2026**

This comprehensive four-volume service provides the entire *Insurance Act* of Ontario, with amendments, exhaustive case annotations, Schedules and Regulations as well as a wide range of annotated Related Statutes and Regulations. Other features include cross-referencing to legislation in other provinces, expert and informative commentaries, and bibliographies for selected key sections.

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## *HIGHLIGHTS*

This release features the addition of recent Licence Appeal Tribunal decisions in Appendix C15.

The applicant, aged 75, was walking on a paved path in a park when a dog leaped out of an open window of a parked van and attacked her, causing soft-tissue and nerve injuries and a partial finger amputation. The applicant argued the incident was an "accident" under the Schedule, relying on a theory that the dog was "chattel" or "cargo" of the vehicle. The Tribunal found the applicant had not proven the incident met the definition of an "accident" under section 3(1) of the Schedule, ruling that whether a dog is classified as a "pet", "chattel", or "cargo" has no bearing on the determination. *Voll v. Definity Insurance Company*, 2026 CarswellOnt 1521.

The applicant sought a determination of catastrophic (CAT) impairment pursuant to Criterion 8 (mental and behavioural disorder). A prior hearing held in January 2024 had already determined that the applicant did not sustain a CAT impairment under that specific criterion. The applicant submitted a subsequent OCF-19 application for the same criterion based on an assessment date that predated the first hearing. The Tribunal found that the applicant was barred from proceeding with the new application by the doctrine of *res judicata*, as the issue had been previously adjudicated and finality in litigation is essential. *Larose and Intact Insurance Company, Re*, 2026 CarswellOnt 2725.

In her reply submissions, the applicant sought to exclude an Investigation Report dated November 27, 2024, because the respondent failed to produce the underlying surveillance video footage. The respondent had delivered the written report but not the video evidence within the timelines mandated by the Case Conference Report and Order (CCRO). The Tribunal agreed that without the video footage, the Investigation Report is less reliable. Finding the respondent in breach of Rule 9.4 of the *Licence Appeal Tribunal Rules*, 2023, the Adjudicator excluded the Investigation Report from the analysis.

*Zaghla v. TD General Insurance Company*, 2026 CarswellOnt 2722.