

BENEFITS & COMPENSATION

for Car Accident Victims



ACCIDENT BENEFITS

- Income benefit equal to 70% of gross income, maximum \$400/week
- If unemployed - \$185/week payable after 6 months

What is a Catastrophic Injury?

- Paraplegia or quadriplegia
- Loss of use of an arm or a leg
- Total loss of vision in both eyes
- Brain impairment which rates 9 or less on the Glasgow Coma Scale
- Brain impairment which rates 2 or 3 on the Glasgow Outcome Scale
- 55% impairment of the whole person under AMA Guides
- Class 4 or 5 impairment due to mental or behavioural disorder under AMA Guides
- Special considerations for children under the age of 16

If catastrophically injured:

- \$1,000,000 maximum for medical and rehabilitation over lifetime
- \$1,000,000 maximum for attendant care over lifetime
- \$100/week for housekeeping/home maintenance for life
- Services of a case manager
- Expenses of visitors to hospital
- Lost education expenses
- Reimbursement for personal effects destroyed in accident
- If caregiver - \$250/week for expenses incurred to continue to provide care, plus \$50/week for each extra person

If not catastrophically injured:

- \$50,000 maximum for medical and rehabilitation over 10 years
- \$36,000 maximum for attendant care over 2 years
- Expenses of immediate family members to hospital
- Reimbursement for personal effects destroyed in accident

In cases of death:

- \$25,000 to spouse
- \$10,000 to each dependent
- \$6,000 maximum for funeral expenses

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CLAIMS AGAINST AT-FAULT DRIVER

- Claim for “pain and suffering” – injury must be “permanent and serious” and is subject to a deductible of \$30,000, unless the award exceeds \$100,000
- Claim for income loss – 80% of net before trial and 100% of gross after trial
- Claim for impairment of ability to earn income
- Claim for out-of-pocket expenses
- Claims on behalf of family members – subject to a deductible of \$15,000, unless award exceeds \$50,000
- Claims arising out of death of family member
- Claim for excess medical and rehabilitation expenses

TIME LIMITS FOR CAR ACCIDENTS

Note: It is strongly recommended that you obtain free legal consultation with a lawyer specialized in personal injury practice before notifying your insurer or at-fault parties of your injuries/claims.

Car Accidents – Accident Benefits

- Notify your insurer within 7 days of accident
- Submit application for benefits within 30 days of receipt
- Mediate denial of any benefit within 2 years of date of denial

Car Accidents – Claim against at-fault driver

- Written notice of intention to sue within 120 days of accident
- Start a lawsuit within 2 years of accident

Other Time Limits

- Accidents involving streetcar, train or subway – sue within 2 years of accident
- Car accidents caused by slippery road or non-repair of road
 - provincial road – sue within 2 years of accident
 - municipal road – written notice within 10 days, sue within 2 years of accident

HOW TO CHOOSE YOUR LAWYER

- Ensure lawyer practices 100% in personal injury litigation
- Lawyer should provide free initial consultation
- Car accident lawyer does not ask for a retainer or payments during the case, waits until the end of the case to be paid
- Lawyer is personally responsible for all aspects of the case, including claim for accident benefits
- Lawyer is knowledgeable in locating an expert rehabilitation team
- Lawyer is a member of a large law firm with considerable financial resources

YOUR ADVANTAGE,
in and out of the courtroom.



TF: **1.888.223.0448** T: **416.868.3100** W: **www.thomsonrogers.com**

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