

## CHANGES TO ACCIDENT BENEFITS EFFECTIVE SEPTEMBER 1, 2010

By: Kevin Butler

Ontario motorists who are injured in motor vehicle accidents are entitled to receive accident benefits that are prescribed by regulation. There are a variety of accident benefits that may be available depending on the circumstances including income replacement benefits, medical and rehabilitation benefits, housekeeping benefits and caregiver benefits.

There are important changes to the accident benefits regime in Ontario that came into effect on September 1, 2010 and apply to accidents which occur on or after September 1, 2010.

These changes include but are not limited to the following (changes appear in bold and are underlined):

- **The calculation of the income replacement benefit payable has been changed from 80% of a person's net weekly income to 70% of the person's gross weekly income** to a maximum of \$400 per week. This benefit is payable if the insured person is substantially unable to perform the essential tasks of his or her employment due to an impairment suffered in the accident;
- **An insured person who suffers a whiplash injury is only entitled to receive a maximum of \$3,500 in medical and rehabilitation benefits.**
- **Total medical and rehabilitation benefits for persons who have not suffered a whiplash injury have been reduced from \$100,000 to \$50,000 maximum** unless the person has suffered a catastrophic impairment;
- **Housekeeping benefits are no longer available unless the insured sustained a catastrophic impairment.** Prior to September 1, 2010 a maximum housekeeping benefit of \$100 per week was payable if the insured person was substantially unable to perform the housekeeping services he or she carried out before the accident due to

the impairment suffered in the accident;

- **Caregiver benefits are no longer available unless the insured sustained a catastrophic impairment.** Prior to September 1, 2010 a caregiver benefit was payable if the insured person was substantially unable to engage in the care-giving activities which he or she performed at the time of the accident due to an impairment suffered in the accident;

The good news for Ontario motorists who have not been involved or injured in a motor vehicle accident is that optional benefits are available for purchase to increase the coverage that is available. Ontario drivers should contact their insurance broker or agent to inquire about the cost of these optional benefits.

If you have been injured in a motor vehicle accident you should consult immediately with a motor vehicle accident lawyer so that you are aware of your legal rights and entitlement to accident benefits, as well as to other compensation for your injuries that may be available from the insurer of the at-fault driver.