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THE ANNOTATED INSURANCE ACT OF ONTARIO

John P. Weir

Release No. 5, June 2022

Publisher's Special Release Note 2021

The pages in this work were reissued in September 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the September 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Table of Contents in Volume 1 for a complete review of the contents and renumbering.

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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. This looseleaf is supplemented 10 times per year.

HIGHLIGHTS

This release features amendments to the *Insurance Act* up to S.O. 2021, c. 40, Schedule 14.

NEWS

S. Smellie, “Government calling on N.L. insurance industry to offer solutions, not exploit opportunity” *The Canadian Press/CBC News Newfoundland and Labrador* (8 June 2022): “Ukrainians who fled the Russian invasion of their country and arrived in Newfoundland are being asked to pay thousands of dollars for car insurance, and advocates say the high rates are complicating refugees’ efforts to settle in the province.” Online: <https://www.cbc.ca/news/canada/newfoundland-labrador/ukrainian-refugees-nl-car-insurance-1.6481139>

J. Contant, “How the derecho impacted claims service levels” *Canadian Underwriter* (7 June 2022): “It’s only natural claims adjusting service levels will drop, given the large number of claims arising from the derecho that struck parts of Ontario and Quebec in May, says the president of the Canadian Independent Adjusters’ Association (CIAA).” Online: <https://www.canadianunderwriter.ca/insurance/how-the-derecho-impacted-claims-service-levels-1004222179/>

P. Porado, “Brokers beware: High inflation may catch up to claims valuation software” *Canadian Underwriter* (20 May 2022): “Valuation models in software systems used by insurers to calculate replacement and restoration costs for commercial structures must be checked more often when inflation’s running high.” Online: <https://www.canadianunderwriter.ca/insurance/brokers-beware-high-inflation-may-catch-up-to-claims-valuation-software-1004221542/>

David Gambrill, “Tow truck driver granted ‘absolute discharge’ for his role in staged collision” *Canadian Underwriter* (19 May 2022): “Ontario’s Court for Appeal has given an ‘absolute discharge’ to a tow truck driver who pleaded guilty to fraud under \$5,000 — and served a six-month conditional sentence — for his role in a staged collision that cost two insurers a total of more than \$17,000.” Online: <https://www.canadianunderwriter.ca/insurance/tow-truck-driver-granted-absolute-discharge-for-his-role-in-staged-collision-1004221504/>

David Gambrill, “New innocent co-insured law does not apply retroactively: Appeal Court” *Canadian Underwriter* (18 May 2022): “Ontario’s new innocent co-insured law does not apply retroactively to claims events that happened before the legislation was passed, the Ontario Appeal Court has ruled.” Online: <https://www.canadianunderwriter.ca/insurance/new-innocent-co-insured-law-does-not-apply-retroactively-appeal-court-1004221413/>

LEGISLATION

The *Insurance Act* is amended up to S.O. 2021, c. 40, Schedule 14 (Bill 43, *Build Ontario Act (Budget Measures)*), ss. 1–5 [ss. 1, 2 not in force at date of publication.] [s. 4 to come into force January 1, 2024]. As well, sections 1, 2, and 5 to 12 of S.O. 2021, c. 8, Schedule 5 (*Protecting the People of Ontario Act (Budget Measures), 2021*), are now in force.

Build Ontario Act (Budget Measures), 2021, S.O. 2021, c. 40, Schedule 14 amends the *Insurance Act* as follows:

The Authority is given rule-making authority with respect to variable insurance contracts and a corresponding regulation-making authority is repealed.

The Statutory Conditions set out in sections 148 and 300 of the Act are amended to provide when certain five-day notice periods begin.

Section 263 of the Act is amended to provide that insureds may elect, in accordance with the regulations, not to recover damages under subsection 263(2). [S.O. 2021, c. 40, Schedule 14, *Explanatory Note*]

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