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ACCIDENT BENEFITS IN ONTARIO Catherine H. Zingg Originally co-authored by the late James M. Flaherty Release No. 2022-2, May 2022
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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 Correlation Table in the front matter if you wish to confirm references.

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This service provides in-depth guidance to the *Statutory Accident Benefits Schedule* in Ontario with summaries and analysis of case law with respect to arbitration decisions from the Licence Appeal Tribunal (L.A.T.), relevant judicial decisions and private arbitration decisions. Case digests are available online with links to the full-text decisions. Subscribers also receive the **Accident Benefits in Ontario Newsletter**, a monthly current awareness resource e-mailed to you directly.

Highlights

CASE LAW

SABS – 2010 – s. 3 – Catastrophic Impairment

This release includes several cases that consider the issue of catastrophic impairment under both the pre-June 1, 2016 definition and the post June 1, 2016 definition and a look at the GOS-E guidelines: see: *Kellerman-Bernard v. Unica Insurance Inc.*, 2022 CarswellOnt 1356 (Ont. L.A.T.) (February 3, 2022, Farlam, Vice-Chair) (Preliminary Issue Decision); *Abdi v. TD General Insurance Company*, 2022 CarswellOnt 1914 (Ont. L.A.T.) (February 16, 2022, Neilson) (Reconsideration Decision) and *Lockyear v. Wawanesa Mutual Insurance Company*, 2022 ONSC 94 (Ont. Div. Ct.).

The Lockyear decision also has a valuable discussion about procedural fairness at the LAT.

Insurance Act – s. 280 – Resolution of Disputes – Jurisdiction

Another case of interest in this release is the Court of Appeal's decision in *Yang v. Co-operators General Insurance Company*, 2022 ONCA 178, 2022 CarswellOnt 2452 (Ont. C.A.), where the LAT's jurisdiction over SABS-related issues was confirmed.

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking

- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
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