

## Does "no fault" mean I can't sue if I have been in a car accident?

No. "No fault" benefits are, by law, included in every automobile insurance policy available in Ontario. An injured party can obtain compensation if they have been injured in an accident. The nature and amount of this compensation is determined by regulations known as the "Statutory Accident Benefits Schedule". In order to claim these benefits, it is important to enlist the services of a legal professional to guide you through the process and protect your rights. Our law clerks and lawyers are experts in this process.

Even in the "no-fault" system of Ontario, if you have sustained a "serious permanent impairment" of an important physical, mental or psychological function as a result of the accident, you may be able to sue the other driver.

## Should I speak to the adjuster from the insurance company?

You may speak to the adjuster, but we will do that for you. When you consult with us, we will advise you as to your rights and options and we will help you understand your insurance policy and its terms. You may have different options available to you such as suing the other driver or you may be eligible for income replacement benefits and short-term disability. Your DSF legal representative will negotiate with your insurance company to provide you with the best possible coverage for your particular needs.

A lawyer with expertise in personal injury will be better able to advise you of the benefits you are entitled to receive through your insurance company. You could be at a great disadvantage by dealing solely with an insurance adjuster. As employees of insurance companies, adjusters may not necessarily point out or protect your rights to privacy, compensation, treatment and other important issues affecting you in the short term and in the future. Our lawyers and clerks are experts in filing and processing claims with the insurer and in suing other insurers. Your lawyer will also provide significant guidance and preparation in establishing your claim.

## How do I earn an income if I cannot work due to my accident?

By consulting a lawyer in the area of personal injury, you will be informed of the different options available to you such as accident benefits, short-term disability and long-term disability.

## What are "Accident Benefits"?

Following is a listing of the most common accident benefits:

- **Income replacement.** You are entitled to 80% of your net income to a maximum of \$400 per week if you are substantially unable to perform the essential tasks of your occupation or employment during the first 104 weeks. Thereafter, you can continue to receive these benefits as long as you are continuously disabled from any occupation for which you are reasonably suited by education, training and experience for up to \$400 a week or 80% of your net income.
- You may receive **non-earner benefits** of up to \$185 a week if you are not employed. If you suffer a complete inability to carry on a normal life as a result of the injuries from the accident. No benefits are payable under this category for the first six months after the accident.
- **Caregiver** costs of up to \$250 a week, if you were the primary caregiver of a person in need (with whom you were residing), plus \$50 for each additional person in need of care
- **Special Attendant Care** of up to \$3,000 a month for two years for a non-catastrophic injury, and up to \$6,000 a month for the victim's lifetime for a catastrophic injury

- **Medical and rehabilitation** costs (above OHIP) to a maximum of \$100,000 for up to 10 years for a non-catastrophic injury, and up to \$1,000,000 for the rest of the victim's life in the case of a catastrophic injury.
- **Death Benefits** of \$25,000 for the spouse of the victim; \$10,000 for each of the victim's dependents; \$10,000 to the person who cared for the victim; up to \$6,000 for funeral expenses.
- **Housekeeping and Home Maintenance** of up to \$100 per week.
- **Travel Expenses** for family members or those living with the accident victim for their visiting costs during treatment or recovery.
- **Lost Education** benefits for students to a maximum of \$15,000.

## What is a “limitation period”?

A limitation period is a legal time limit that forces you to sue within a specific period of time following the incident that caused your injury. Failure to do so will preclude you from suing or filing to recover compensation.

The specific limitation periods for different matters range from several years to merely a number of months.

## How much does it cost to hire Devry Smith & Frank?

Your legal team is paid on a contingency basis which means DSF gets paid only once your claim is settled. That means that you are not required to pay any money for legal fees upfront. DSF will also pay for all of the costs necessary to bring your case forward such as expert medical reports, court filing fees, photocopies and many other items.

## What do I have to bring to the initial consultation with a lawyer at Devry Smith and Frank LLP?

Please bring the following documents to your free consultation:

- Police motor vehicle accident report
- Doctors' reports
- Driver's licence
- Detailed description of how accident happened
- Social Insurance Card
- Health Card
- Pink insurance declaration certificate
- Any photographs of the scene
- X-Ray results
- List of prescribed medication
- List of treating physicians and specialists
- Pay stubs
- A list of your out-of-pocket expenses