



Can I make a claim if I am injured in an accident?

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If you are injured in an accident, you may have the right to make a claim against the person(s) or company who caused or contributed to your injury. Claims for damages and financial compensation can be made for injuries or death suffered in many situations and is often covered by insurance. These include:

- accidents involving cars, motorcycles, planes, boats, trains, snowmobiles, ATVs and other motorized vehicles including public transportation;
- slips and falls on public or private property;
- injuries caused by defective products;
- medical negligence;
- assaults.

What if the accident is my own fault?

Even if you are at fault for the accident and are injured in an automobile, snow-mobile, ATV, motorcycle or dirt bike accident, you may be entitled to accident benefits paid by your own insurance company. Depending on the circumstances of the accident, you may also be entitled to benefits from other sources, such as disability benefits through your employer's benefit plan.

If I have a claim what might it be worth?

If you have suffered a significant injury in an accident caused or contributed to by another person(s), then you will be entitled to compensation for those injuries. Damages are generally divided into a number of categories, the most common of which are as follows:

General Damages

General damages include compensation for pain and suffering and loss of enjoyment of life. The Supreme Court of Canada has imposed a cap on damages for pain and suffering, currently in the approximate amount of \$330,000.

Car accident victims cannot claim general damages unless their injuries meet what is commonly called the "threshold", meaning that the injuries have caused a permanent and serious impairment or

disfigurement. In addition, an injured person's general damages are reduced by a deductible imposed under the Ontario Insurance Act.

Loss of Income

You are entitled to be compensated for income which you have lost as a result of the accident, as well as any income which you may lose in the future. You are also entitled to damages for any reduction in your income earning ability or ability to compete in the labour market.

Other Monetary Losses

These are typically your "out of pocket" losses, which include travel expenses, housekeeping or home maintenance expenses, past or future care costs, etc. In some cases, medical expenses not otherwise covered by OHIP or any insurance policy can be recovered.

Family Law Act Claims

Usually, an injured person's family members also suffer from the accident indirectly. Under Ontario law, family members of an injured person are entitled to claim compensation for their losses that they have suffered as a result of the injuries sustained by the injured relative. These losses include any expenses incurred on behalf of the injured person and compensation for the loss of the care, guidance and companionship which would have been provided by the injured relative in the absence of the accident. In the case of car accidents the claims of family members can be reduced by a significant deductible imposed under the Ontario Insurance Act.

How do I know if I have a claim?

You have a claim if another person(s) or company caused or contributed to the accident, even if you are partly to blame. It can be difficult even in the simplest of accidents to determine who might be considered responsible. For example if you have tripped and fallen on a defect in a concrete sidewalk, your first thought might be that you have no claim because the fall was your fault. However it could be that there was a defect in the design or construction of the sidewalk, giving rise to a possible claim against the contractor who poured the sidewalk or the engineer who designed it. There could even be a claim against the company which made the concrete or the municipality responsible for maintaining it.

It is important then if you have been injured to see a personal injury lawyer as soon as possible, because there are strict time limits and deadlines that must be met to avoid your claim from being disqualified. For example if you were injured after slipping on ice over a city owned sidewalk, the city should be notified in writing within 7 days of the accident. The time frames for giving notice and filing claims can be very short.

Delay can also result in the loss of evidence crucial to establishing your claim against the at fault person. **You must act quickly.**

Many people are reluctant to see a lawyer believing that they can't afford to have a lawyer assess whether they have a claim. However almost every lawyer who handles personal injury claims, including lawyers at Waterous Holden Amey Hitchon LLP, do not charge a fee for the initial consultation.

What should I bring to an initial free consultation with a lawyer at Waterous Holden Amey Hitchon LLP?

- Police Report
- Driver's licence
- Detailed description of how the accident happened
- Health Card
- Annual auto insurance endorsement
- Any photographs of the scene
- List of prescribed medication
- list of treating physicians and specialists
- Tax returns and pay stubs
- A list of your out-of-pocket expenses