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## **CAN I CLAIM FOR INJURIES FROM A CAR ACCIDENT?**

Motor vehicle accidents in Ontario have been governed, since 1990, by a system of insurance referred to as no fault insurance. That system has changed several times over time and continues to evolve as a result of legislative changes and court decisions that interpret the law and your entitlement to claim compensation.

In effect when involved in a car accident, there are two separate and distinct potential parts to a claim. The first, referred to as an ACCIDENT BENEFIT claim, is a claim all injured parties have, whether at fault or not and is usually a claim put forward to your own insurer. In certain circumstances, where you do not have your own insurance (i.e. as a pedestrian who does not own a car) these benefits will be claimed against the responsible vehicle's insurer or the motor vehicle accident claims fund if the other vehicle is uninsured.

Benefits available from an accident benefit perspective are numerous and varied. They include the potential to claim for income replacement benefits, non-earner benefits, attendant care benefits as well as medical and rehabilitation benefits. The benefits that you are entitled to as well as the amount of the same, depends upon the severity of your injury and how the injuries are impacting your life.

The second part of your claim is referred to as a TORT claim. If the accident was the fault of someone else you may be able to sue for pain and suffering. In order to pursue such a claim your injury must be seen as serious and permanent and exceed a monetary deductible. In addition to making a claim for pain and suffering, there may be other damages available to you with respect to claims for economic losses you may have suffered. Certain of these economic losses you are entitled to claim without the necessity of having to pierce the serious and permanent threshold as referred to above.

The legislation that governs your right to sue is complex and ever-changing. There are strict time limits you must be aware of and adhere to. These time limits will affect your rights!

If you wish to pursue a claim you should immediately contact a member of our personal injury team for a free consultation in order to learn about your rights and have all of your questions answered.