Ontario

Financial Services Commission of Ontario
5160 Yonge Street
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Dispute Resolution Services

Guide For Completing Dispute Resolution Services (DRS) Forms

Application for Mediation - Form A

What is mediation at the Financial Services Commission of Ontario (FSCO)?

- Mediation is an informal and confidential process in which a neutral third party (the mediator) helps resolve accident benefit disputes between insurance companies and claimants.

What accident benefits can be mediated at FSCO?

You can claim accident benefits (also known as statutory accident benefits or no-fault benefits) from the insurance company if you have been injured in an automobile accident. If you qualify, anauto insurance policy provides various accident benefits, for example:

- Income replacement benefits help replace lost income if an employed or self-employed claimant is disabled.
- Caregiver benefits pay certain childcare or caregiver expenses if you are a caregiver, and are unable to care for a child or other person in need of care.
- Non-earner benefits are paid if a claimant who is not employed or self-employed is unable to carry on his or her normal pre-accident activities.
- Medical and rehabilitation benefits pay for treatment and rehabilitation assistance that is not covered by OHIP or another disability insurance plan.
- Attendant care benefits to pay for someone to look after a seriously injured claimant.
- Funeral expenses and death benefits are paid if an insured person dies as a result of the accident.
- Depending on your circumstances, you may also be entitled to other benefits, such as payments for lost education expenses, housekeeping assistance, visitors' expenses, repair or replacement of eyeglasses or clothing damaged in the accident, or case management services.

When to use the Application for Mediation - Form A

- After a motor vehicle accident, when a dispute arises about whether you qualify for accident benefits and/or how much these benefits should be.

Before filing an Application for Mediation

- The parties should contact each other to identify the issues in dispute, clarify the facts, exchange documents relevant to the dispute and discuss settlement.

How to complete the Application* - Answer all questions relevant to your dispute.

Section 1 Complete **all** parts in this section as follows:

- **General Information**
- **Claimant** - is the person making the claim for statutory accident benefits under an automobile insurance policy. The claimant is not necessarily the policyholder.
- **IMPORTANT: If the Claimant is less than 18 years old or is mentally incapable, an authorized person must sign the Application for Mediation and complete and file Form P - Representing Minors or Mentally Incapable Persons, which is available on the FSCO website or by calling Mediation Services.**
- **Claimant's Representative** - complete only if applicable
- **Insurance Company** - include full name of the insurance company, insurance company contact, name of the policy holder, policy number and claim number.
- **Insurance Company Representative** - for insurer applications only.

Section 2 Provide a **full** description of the accident benefits that are in dispute.

Section 3 Complete the **entire** section.

- **Document List** - list key relevant documents (such as medical reports, tax returns) in your possession to which you will specifically refer in the mediation.

  - also list key documents not in your possession, which you intend to get from other sources for use in the mediation.

  - include any documents requested from the other party which have not yet been provided.

- **Signature and Certification** - ensure that you read the declaration before signing.

  The claimant (unless a minor or mentally incapable) and/or their representative must provide an original signature and current date at the bottom of Section 3.

Language Preference

- Mediation services are provided in either English or French.
- Claimants who require interpretation services in languages other than English or French must arrange and pay the cost of any interpretation services that are required.

Once the Application for Mediation is completed, what happens next?

- Provide **the original and one copy** of the completed application to Mediation Services at the address noted below. Keep an additional copy of the completed application for yourself. **Incomplete applications may be rejected.**
- Include a copy of any relevant documentation (for example - insurance company's written explanation of why they denied the claimed benefit, medical reports, etc.).
- Mediation Services will review your application for completeness and timeliness and will contact you if additional information or clarification is required.
- Once your application has been accepted, a mediator will be appointed, your application will be forwarded to the other party and a mediation meeting will be scheduled.
- The claimant and insurance company representative are obliged to participate personally in the mediation process, even if they have a representative.
- The mediator issues a Report of Mediator describing what the parties agreed on and the issues that remain in dispute, which completes the mediation process.

What does mediation cost?

- There is no cost to an insured person for mediation.
- The claimant and insurance company must pay for their own expenses, for example, travelling expenses, accounting services, additional medical reports, interpreter expenses and any legal fees.

For additional information concerning this application or the mediation process, please refer to the Dispute Resolution Practice Code and FSCO's website at www.fsco.gov.on.ca or contact:

Mediation Services
Dispute Resolution Services
Financial Services Commission of Ontario
5160 Yonge Street, 14th Floor, Box 85
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Mediation Inquiries In Toronto at: 416-590-7210 or Toll Free: 1-800-517-2332, ext. 7210 Fax: 416-590-7077