Bulletin

No. A-18/10
Property & Casualty
– Auto

Implementing Auto Insurance Reforms: Updated Dispute Resolution Practice Code and Revised Forms

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To the attention of all insurance companies licensed to transact automobile insurance in Ontario

With this Bulletin, the Dispute Resolution Services Branch of the Financial Services Commission of Ontario (FSCO) is highlighting revisions to the Fourth Edition of the Dispute Resolution Practice Code (Code) and issuing four revised dispute resolution forms and two accompanying guides.

The Code and forms have been revised to reflect reforms to Ontario automobile insurance that will take effect September 1, 2010. The revisions also correct typographical errors and make miscellaneous housekeeping-type changes.

At a later date, FSCO plans to review the Code to ensure that the rules continue to support a just, expeditious and cost effective resolution for all disputes. FSCO also plans to undertake a more comprehensive revision aimed at creating more simplified, user-friendly forms and guides.

Key Changes to the Dispute Resolution Practice Code

Key changes to the Code include:

- Preamble (Introduction) and Section A – Rule 4 Definitions, adding references to the new Statutory Accident Benefits Schedule (SABS) – Effective September 1, 2010, Ontario Regulation 34/10.
- Rule 75.2 – Award of Expenses, adding a new subsection (g), an additional criterion for an adjudicator to consider in awarding expenses.
- Practice Note 10 – Process for Settling Disputes Between Auto Insurance Companies (Regulation 283/95), has been removed as a result of amendments made to Ontario Regulation 283/95: Disputes Between Insurers. (See FSCO Auto Bulletin A-07/10)
- Practice Note 12 – What Claimants Need to Know about Designated Assessment Centres, has been removed.

- Section B
  - The following Superintendent's Guidelines have been eliminated:
    - Guideline for Identifying Self-employed Individuals.
    - Guideline for Statutory Accident Benefits Applications, the Claims Process and the Mediation Process (Bill 59).
    - Guideline for Statutory Accident Benefits Applications, the Claims Process and the Mediation Process.
    - Guideline on Designated Assessment Centre Selection Process.
    - Guideline for Identifying Students Who Qualify for the Student Non-Earner Benefit (Bill 59)

- Guideline for Identifying Individuals Who Qualify for Education Disability Benefits

- The following Superintendent's Guidelines have been or will be replaced:
  - Transportation Expense Guideline – to be replaced by a revised Guideline.
  - Guideline on the Management of Claims Involving Whiplash-Associated Disorders – replaced with current PAF Guideline and MIG (see below).

- The following new Superintendent's Guidelines have been released:
  - Minor Injury Guideline – See **FSCO Bulletin A-10/10**.
  - Attendant Care Hourly Rates Guideline – See **FSCO Bulletin A-13/10**.
  - Professional Services Guideline – See **FSCO Bulletin A-14/10**.

- Section E – Settlement Disclosure Notice, for accidents on or after November 1, 1996, has been amended.
- Section F – Expense Regulation, has been amended to include the updated excerpt from section 12 of Ontario Regulation 664, as well as the updated Schedule (Dispute Resolution Expenses).
- Section G – Forms
  - Forms A, B, C, and D have been amended to include a field where Claimants/ Applicants have the option to include an email address.
  - Forms A and C have been amended to include a question about accessibility requirements in compliance with the Accessibility for Ontarians with Disabilities Act, 2005.
  - Form C (Application for Arbitration) has been amended as follows:
    - The question, "Does this claim involve optional benefits?" has been added to Section 2 of Form C.
    - References to the Treatment and Assessment Plan (OCF-18) have been changed on Form C to reflect the combining of treatment and assessment requests on one form and the elimination of the Application for Approval of an Assessment or Examination (OCF-22).

Effective Dates

The revised Code takes effect September 1, 2010.

Revised Form A and revised Form C must be used for applications made on and after September 1, 2010. The previous versions of Form A and Form C will be accepted by FSCO for a three-month period (from September 1 to December 1, 2010). After December 1, 2010, Applications for Mediation or Arbitration submitted using the old forms will be returned to claimants/applicants and they will be required to re-submit their applications using the revised forms.

Copies of the Code and Revised Forms

The revised Code, revised Forms and Guides will be available on FSCO's website at www.fsco.gov.on.ca, under Automobile Insurance, Dispute Resolution Services on or before August 6, 2010.

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