CRIMINAL INJURIES COMPENSATION BOARD

33rd ANNUAL REPORT

April 1, 2006 to March 31, 2007

Table of Contents

Mandate, Vision, Guiding Principles 3

Letters of Appreciation 4

History of the Board 5

Board Members 6

Organizational Chart 7

Financial Summary 8

Operational Summary 9

Program Overview 10

Types of Compensation Available 11

Applying to the Board 12

The Hearing Process 13

Types of Awards 14

Overview of the Claims Process 15

Statistics: Three-Year Trends

Three-Year Operational Summary 18

Interim and Variation Awards 19

Hearings 20

Compensation Awards 21

Breakdown of Awards by Type of Benefit 22

Breakdown of Awards by Type of Payment 23

Breakdown of Lump Sum Awards by Type of Offence 24

Table of Contents continued ...

Sample Decisions

Assault 26

Assault—Domestic 29

Assault—Elder Abuse 30

Assault—Police 31

Assault—Denial, No Injury 31

Assault—Denial, Sections 17(1) and 17(2) 32

Sexual Assault—Child 32

Sexual Assault—Adult 33

Sexual Assault—Historical 34

Criminal Negligence 37

Criminal Harassment 37

Homicide 38

Other—Application Dismissed 39

Appendix A: Board Member Biographies

Chair 42

Vice-Chairs 42

Board Members 43-47

Contact Information 48

Mandate

The Criminal Injuries Compensation Board is a quasi-judicial administrative agency that awards compensation to victims of crimes of violence that occurred in Ontario.

Vision

The Board provides a fair, caring and sensitive forum for victims to be heard.

Guiding Principles

The Board ...

- Recognizes the diversity of the people of Ontario and has a commitment to improve awareness and understanding of, as well as access to, our services
- Provides compassionate, sensitive, patient and fair services
- Promotes open, honest, clear communication
- Commits to a professional manner and to appropriate training to be helpful and informative
- Strives for excellence by continually improving our services
- Builds a work climate of courtesy, respect and trust

Letters of Appreciation

*"**T**he two interviewers expressed genuine compassion for us as individuals and victims. This was most appreciated. They created a relaxed atmosphere during an emotional situation."*

*"**I** think the Board Members at the hearing were very understanding and kind and this made the experience a pleasant one."*

*"**T**hough my son's settlement has not yet been determined, he was offered words of acceptance, comfort and encouragement. This is worth so much to him right now. He felt compassion at a time when he felt he would be scolded for having been in the wrong place at the wrong time. Being told publicly that this was not his fault is worth more than the money."*

*"**I** am very thankful for all the understanding you people have provided to me."*

*"**E**very person that I have spoken with regarding this matter has been wonderful."*

*"**I**t was helpful knowing there were people on the other end of the phone who were concerned and caring with my case. Thank you and God bless."*

*"**I** felt the Panel Members made me feel human and important."*

History of the Board

1967

The first provincially managed program for victims was the *Law Enforcement Compensation Act* (*LECA*). This Act provided compensation to peace officers, primarily police and firefighters, for injuries resulting from criminal acts. The maximum compensation available was $10,000.

1971

At the instigation of peace officers, the *Law Enforcement Compensation Act* was repealed and replaced with the *Compensation for Victims of Crime Act* (*CVCA*, 1971), creating the Criminal Injuries Compensation Board (CICB). The *Act* was designed to provide compensation to any victim of a violent crime committed in Ontario. The maximum compensation was increased to $15,000.

1986

The maximum lump sum compensation increased to $25,000 and the maximum total Periodic awards were increased to $250,000.

1996

The Case Management System (CMS) was introduced to help facilitate the electronic tracking and processing of claims.

2000

The *CVCA* was amended. Changes included: an increase to the timeframe for when a claim can be made from one year to two years after the date of the injury or death; an increase to the maximum amount for periodic payments to $365,000; the availability of interim payments to be made at the discretion of the Board in respect of support, medical and funeral expenses irrespective of the claimant's financial situation.

2003/04

Implementation of accrual accounting principles starting with 2003/04 fiscal year required that periodic awards granted in the current fiscal year be accrued for the next 20 years or their full life, whichever comes first.

2005

In December 2005, the CICB launched its website www.cicb.gov.on.ca The objective of the project was to create a tool that would provide stakeholders with information about the Board's processes and links to relevant legislation and other resources. Previous annual reports can be downloaded and printed from the website. The site gets about 2,500 hits a month. For general inquiries and feedback, the Board can be contacted by email at info.cicb@jus.gov.on.ca.

2006

In January of 2006 the Board introduced its new application forms. The Board redesigned the application forms to provide a more user-friendly format and less paperwork for the applicant. The Board consulted with victim assistance service providers and legal clinics in the design of the forms. The new application forms became effective December 11, 2006; however, any old application forms issued on or before December 9, 2006 continue to be accepted.

Board Members

The composition of the Board is intended to reflect the diversity of Ontario's population and its various regions. More detailed Biographies are provided in Appendix A of this document.

Chair

Marsha Greenfield	North Bay, July 1996 - present

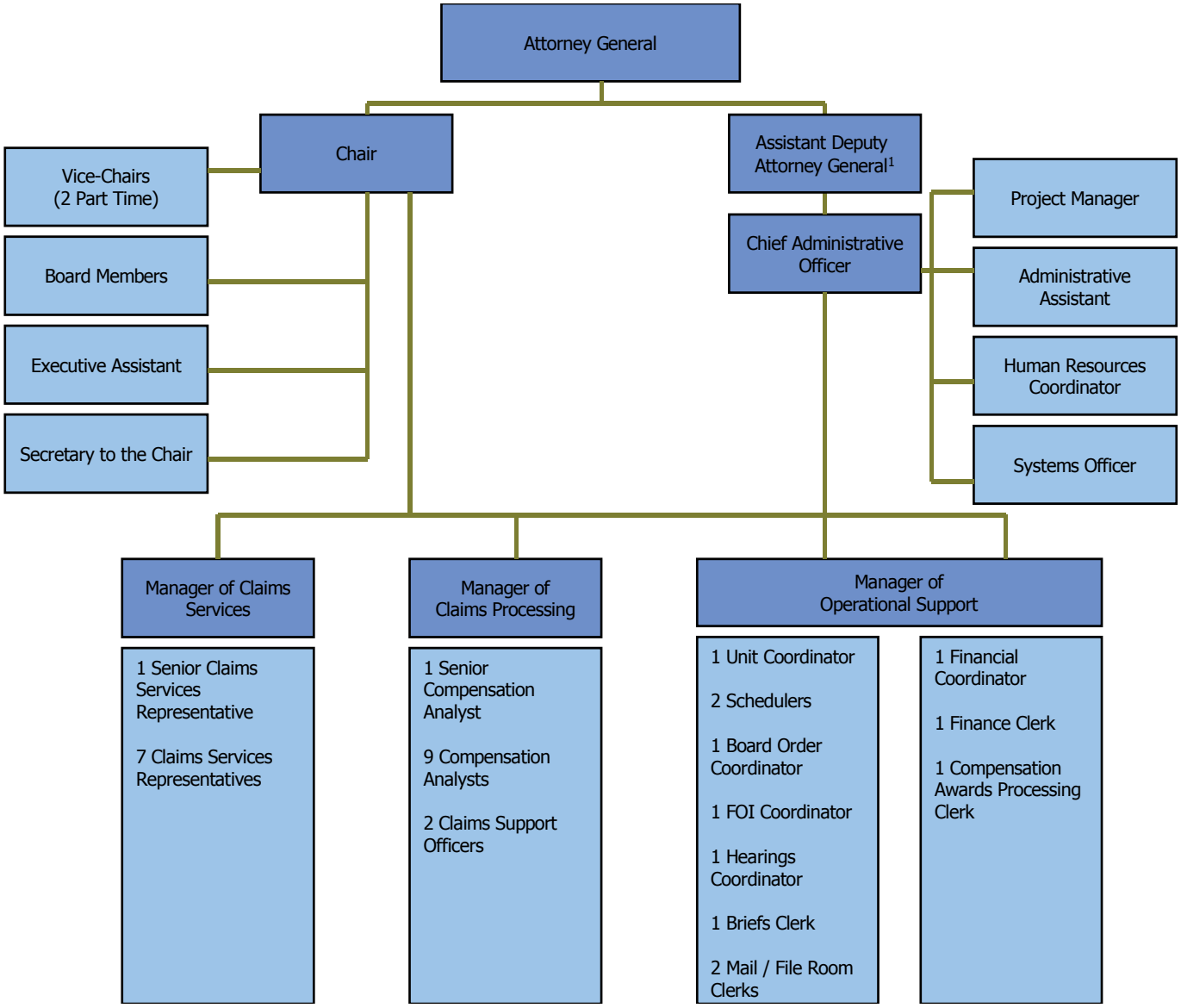
Vice-Chairs (2 Part-Time)

William Liber	Toronto, March 1996 - present
Anne Stanfield	Ottawa, November 1973 - present

Board Members (Part-Time)

George Berrigan	North Bay, February 2007-present
Marion Boyd	London, October 1999-present
John Brothers	Kitchener, June 2005-present
Max Dokuchie	Ottawa, June 2005-present
Gemma Harmison	Barrie, 1997-2003 and September 2006-present
Paula Klein	Toronto, November 2004-present
Stephen Leach	Toronto, May 2003-present
Ronaq Massey	Mississauga, April 1999-present
Willson McTavish	Mississauga, February 2003-present
Elaine Newman	Toronto, November 2005-present
Stanley Newman	Toronto, June 2005-present
John R. Radmore	Manotick, February 2004-present
Sharon A. Saunders	Guelph, October 2002-present
Gail Scott	Toronto, December 1998-present
Al Spadaccini	Ottawa, June 2006– present
Dawn Sullivan	Ottawa, February 2007– present
Leni Untinen	Thunder Bay, February 2007-present

Organizational Chart



1. Ontario Victim Services Secretariat

Financial Summary

Funding of the Criminal Injuries Compensation Board

The funds allocated to the Criminal Injuries Compensation Board for awards and operating expenses come from the Consolidated Revenue Fund. Awards are transfer payments that go directly to the victims; operating expenses reflect the cost of administering the program.

The costs of administering the program have risen in each of the last three years while operating budgets remained the same. Increasing average compensation awards were covered by allocations from the Victims' Justice Fund: $6.5 million in 2004/05, $4.5 million in 2005/06 and $6.8 million in 2006/07.

The financial information below is presented on a cash basis and alternatively on an accrual basis for transfer payments. The accrual basis for accounting was introduced in 2003/04 when the Board started accruing payments for victims that received periodic awards. This has resulted in accruing awards for active claims for a period of 20 years.

In 2006/07, the Board processed $22.2 million in transfer payments. The number of periodic awards granted in this fiscal year outnumbered the number of periodic awards terminated, resulting in a $0.1 million (approximate) charge to expenditure, bringing spending to $22.3 million (accrual basis).

Cash Basis ($'000s)

	Allocated Budget	Total TP Expenditure	Total Operating Expenditure	Total Expenditure
2004 / 05	$ 20,345.9	$ 21,096.2	$ 3,484.0	$ 24,580.2
2005 / 06	$ 20,443.3	$ 18,337.7	$ 3,542.2	$ 21,879.9
2006 / 07	$ 20,302.9	$ 22,242.4	$ 3,947.9	$ 26,190.3

Accrual Basis ($'000s)

	Transfer Payments on Accrual Basis
2004 / 05	$ 22,577.4
2005 / 06	$ 17,002.0
2006 / 07	$ 22,322.6

Operational Summary

A number of activities must happen in order to process a claim. Staff at the Board communicate with the claimants via phone and email, issue claim packages and extension requests, data enter returned forms into an electronic case management system, gather documentation from police and treatment providers in support of the claim, schedule hearings, and finally, process and record the adjudicators' decisions, and if applicable, process the award.

The following are a few statistics that demonstrate the volume of work the Board managed in 2006/07:

Number of Phone Calls	**36, 213**
Number of Unique Visitors to the Website	**20, 661**
Number of E-mails	**192**
Total Number of Claims Sent Out	**6,291**
Number of Claim Packages Sent Out	4,850
Number of Extension Requests Sent Out	1,441
Total Number of Claims Returned [1]	**3, 203**
Number of Claim Packages Returned	2,496
Number of Extension Requests Returned	707
Number of Hearings Held [2]	**2,425**
Number of Awards Processed [3]	**2,233**
Number of Claims Denied (at the Hearing)	**218**
Average Award	**$8,773**

NOTES:

1. The total number of claims returned in any given year includes claim packages returned that were issued in the current fiscal year as well as in previous years. It often takes time for an applicant to complete the forms and submit their package to the Board, and this delay sometimes overlaps fiscal years.
2. The number of hearings held includes hearings held for interim payments (Section 14), lump sum and periodic awards, variations (Section 25) and annual reviews for periodic payments.
3. Does not include payments for Section 14, Section 22, Section 25 or medical reports. An applicant may receive an interim award and/or variation award in addition to the lump sum and/or periodic award made at the hearing.

Program Overview

The Criminal Injuries Compensation Board is a quasi-judicial administrative agency committed to serving the public by providing compensation to innocent victims of crimes of violence that have occurred in the Province of Ontario. It is governed by the *Compensation for Victims of Crime Act (CVCA),* R.S.O., 1990, c. C.24 and is subject to the *Statutory Powers Procedure Act* and the *Freedom of Information and Protection of Privacy Act.*

All claims must be filed with the Board **within two years** from the date of the incident. However, in certain circumstances, this time limit may be extended, as determined by the Board. An Extension request (per Section 6 of the *CVCA*) must be made and approved in order to move the claim forward.

A parent, guardian, legal representative or other responsible adult must be the one to make an application on behalf of a victim less than 18 years of age.

Who is Eligible for Compensation?

- Individuals who have been injured as a result of a crime of violence committed in Ontario. Examples of Criminal Code offences include assault, sexual assault, criminal harassment, etc. Injuries received from a motor vehicle accident (hit and run or drunk driving) are excluded under the *CVCA*, unless the vehicle is used as a weapon

- Individuals who are responsible for the care of a victim of crime and suffered a loss of income or had expenses as a result of the victim's injury or death

- Individuals who are the dependants of a deceased victim (in the case of murder)

- Individuals who were injured while trying to prevent a crime or while helping a police officer make an arrest

Individuals do not need to be a resident of Ontario, Canada to make an application to the Board.

The Board does not award compensation for the following items:

- Damaged or stolen property
- An accident involving a motor vehicle (i.e. drunk driving or hit and run)
- Legal fees for criminal court and/or civil suits
- Distress of attending criminal court
- Workplace accidents (claims should be filed with the Workplace Safety and Insurance Board)

In assessing compensation, the Board will consider if the victim's behaviour caused or contributed to the injury or death, if the victim reported the incident promptly to the police and cooperated with any investigation and if the victim has received any benefits, compensation or indemnity paid by private insurance, the Workplace Safety and Insurance Board (WSIB) or any other source. This does not include Ontario Works (OW) or the Ontario Disability Support Program (ODSP).

Types of Compensation Available

Where adequate proof exists, the Board may award compensation for the following:

Pain and Suffering

May be awarded to a victim of a violent crime. Awards are based on the degree of violence involved in the incident; the seriousness of the injuries sustained; the recovery period and the possibility of a continuing disability as well as other factors dependant upon the case.

Treatment – Medical, Dental and/or Therapy Expenses

This includes ambulance fees, eyeglasses, prescriptions; treatment required to bring teeth back to the pre-injury condition; or sessions provided by an accredited therapist as a result of the incident. Only expenses not payable by any other source can be considered.

Funeral and Burial Expenses

This includes the cost of a funeral director, clergyman, casket, cemetery plot, grave marker, newspaper notices, death and birth certificates.

Legal Representation and Costs

May be considered if a lawyer assists with a claim to the Board, but not for attending a Board hearing or any other court proceeding.

Travel Expenses

May be considered if the victim must travel outside of the city where he/she lives to receive treatment or to attend a Board hearing.

Income Loss

May be awarded to the victim (or a person responsible for the care of a victim) who is unable to work because of injuries arising from the incident. The maximum award is $250 per week to a maximum of $1,000 per month. Any benefits received from other sources will be considered and possibly deducted from this amount.

Loss of Support

May be awarded to the dependants who relied on the deceased victim for financial support at the time of the crime. The Board requires proof of previous financial support to make this type of award.

Applying to the Board

Claim packages are available through the Criminal Injuries Compensation Board. The Board can be contacted at:

By phone:	toll-free #**1-800-372-7463** locally (GTA) #**416-326-2900**
In writing:	Criminal Injuries Compensation Board 439 University Avenue, 4th Floor, Toronto, Ontario, M5G 1Y8

Claims Process

Initial Stage

Upon initial contact, CICB staff will gather general information about the incident and the applicant including name, address, date of birth, and details of the incident. A claim package will then be mailed to the applicant to complete. In this package the applicant is asked to provide more details about their claim and to return the completed package to the Board.

Once the completed claim package is returned to the Board, a Claim Services Representative (CSR) will review the package and enter the information into an electronic case management system. If all necessary information is complete, the claim will be moved to the next step; if information is missing, the CSR will follow up with the applicant until all information is complete.

The Board depends on the applicant to provide a complete package, and the submission of incomplete packages may result in a processing delay.

Information Gathering Stage

The file is then assigned to a Compensation Analyst. The role of the Analyst is to verify the information provided and to gather any other necessary information, such as outstanding police and medical reports. It may require time to gather police and medical reports as police services and hospital records departments are overloaded with requests.

In order to facilitate the process, the Board pays for all hospital records and medical, dental and therapy reports that are required to process the claim for compensation.

The Hearing

When the file is complete and all relevant documentation has been submitted, the file is scheduled for a hearing. After the hearing takes place, a written decision will be mailed to the Applicant.

The Hearing Process

Hearings are held to enable the Board to determine whether the applicant has been the victim of a crime of violence resulting in injury and, if so, to determine the amount of compensation to be awarded (if any).

The Hearing Panel

The Chair of the Board appoints one or two Board Members to serve as a hearing Panel and, in the case of a two-Member Panel, appoints one of the Panel Members to serve as Chair of the hearing.

Types of Hearings

The Board determines the type of hearing. A hearing can be either written or oral. An oral hearing can be either in person or electronic.

If the hearing is **written**, parties do not attend. One Board Member makes a decision after reviewing the supporting information on file.

For **oral** hearings, parties are required to attend. Two Board Members will conduct the oral hearing, which is open to the public except when it involves allegations of a sexual offence, domestic violence or child abuse. In these cases it would generally be closed to outside observers. If the hearing is electronic, the applicant attends at the location where the Board is sitting, and the Alleged Offender attends via teleconference at another location.

Review hearings are held when the applicant does not agree with the decision made by a **single** Board Member. These are scheduled before a two-member Panel (oral hearing), pursuant to Section 10 of the *Act.*

Appeals can be made **only on a point of law** (not on award amount) to the Superior Court of Justice (Divisional Court) within 30 days of receiving the Order. Appeals can be made when a two- Member Panel makes a decision about the claim and the applicant believes that not all aspects of the incident/ injury were taken into consideration.

Hearing Procedure

The Board requests that applicants provide all relevant information and documentation before the hearing. The Board will accept any evidence (written or oral) relevant to the application. The hearing is informal and applicants do not need a lawyer to present their case. If a lawyer has been assisting the applicant through the application process, the lawyer will be a party at the hearing. The applicant may bring a support person who can attend at the discretion of the Board. The Board will arrange for interpreters where a party requests it.

Decisions

The Board's written decision and award cheque, if any, will be mailed to the last known address of the applicant or can be picked up in person when prior arrangements are made with the Board.

Types of Awards

The Board may order one of the following types of awards:

Lump Sum Awards

The Board may award up to a maximum amount of $25,000 per incident
The maximum award to all applicants in respect of any one occurrence cannot exceed $150,000.

Periodic Awards (monthly payments)

The amount is up to $1,000 per month and will not exceed a total of $365,000 for all applicants in respect of one occurrence.

Interim Awards (Section 14 of the *Compensation for Victims of Crime Act*)

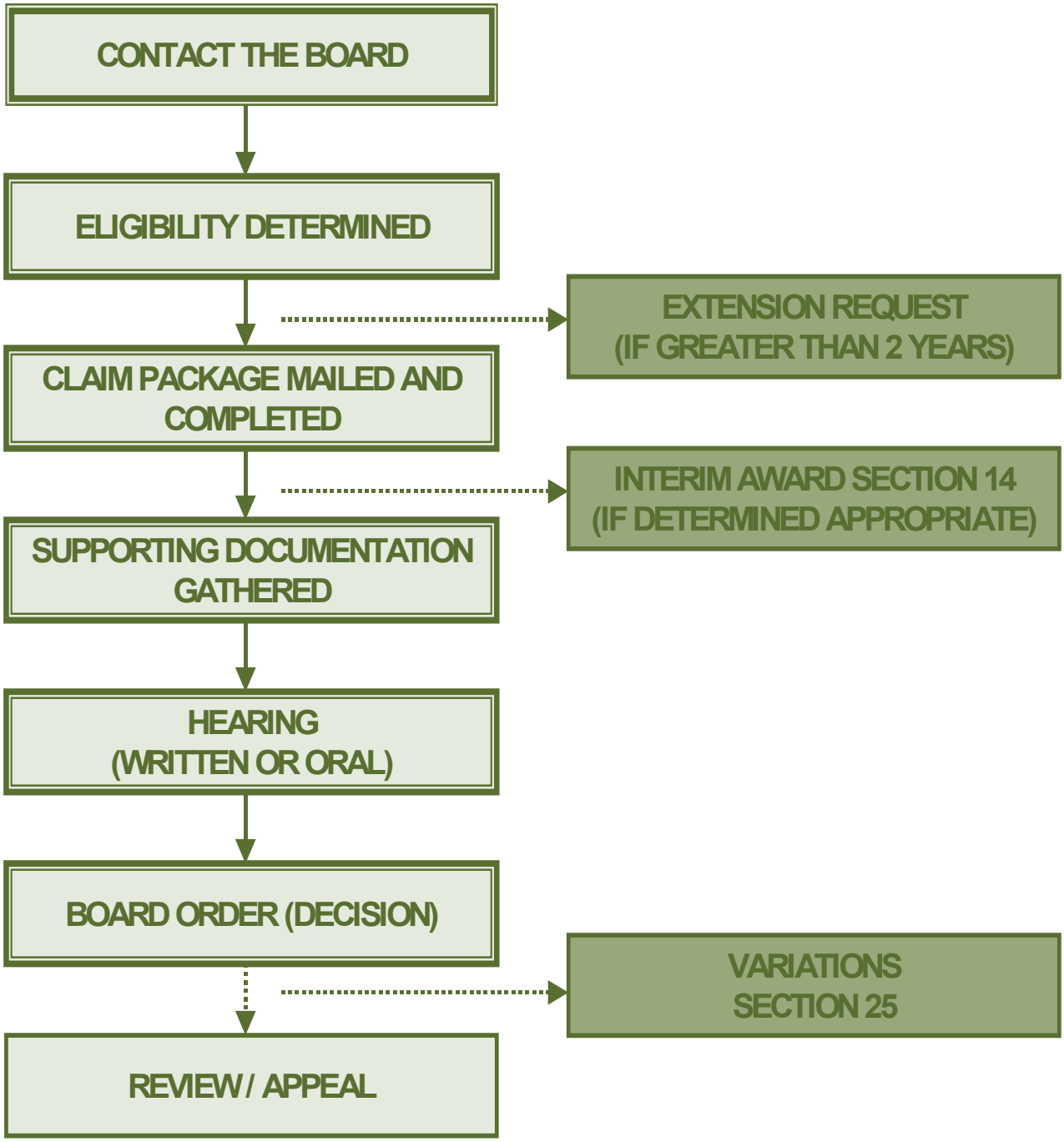
The Board may, in its discretion, order interim payments to the applicant in respect of support, medical expenses and funeral expenses incurred as a result of the victim's injury or death.

Variation Awards (Section 25 of the *Compensation for Victims of Crime Act)*

The Board may vary an order for payment of compensation based on a change of circumstances for the applicant.

The processing of the variation claim follows the same steps as outlined for an initial application.

Overview of the Process



STATISTICS

THREE-YEAR TRENDS

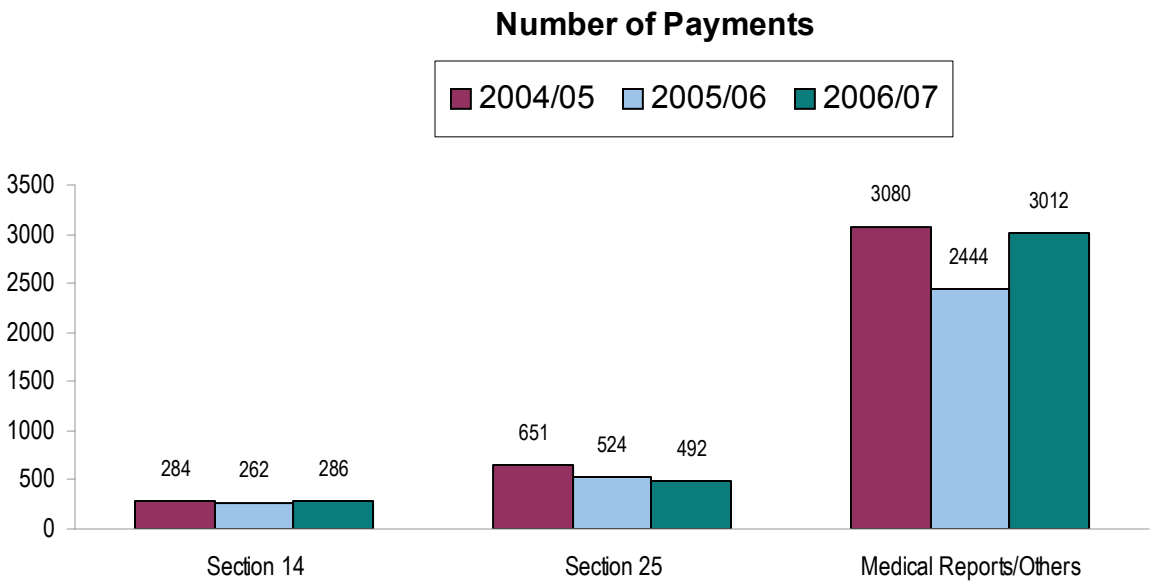
Three-Year Operational Summary

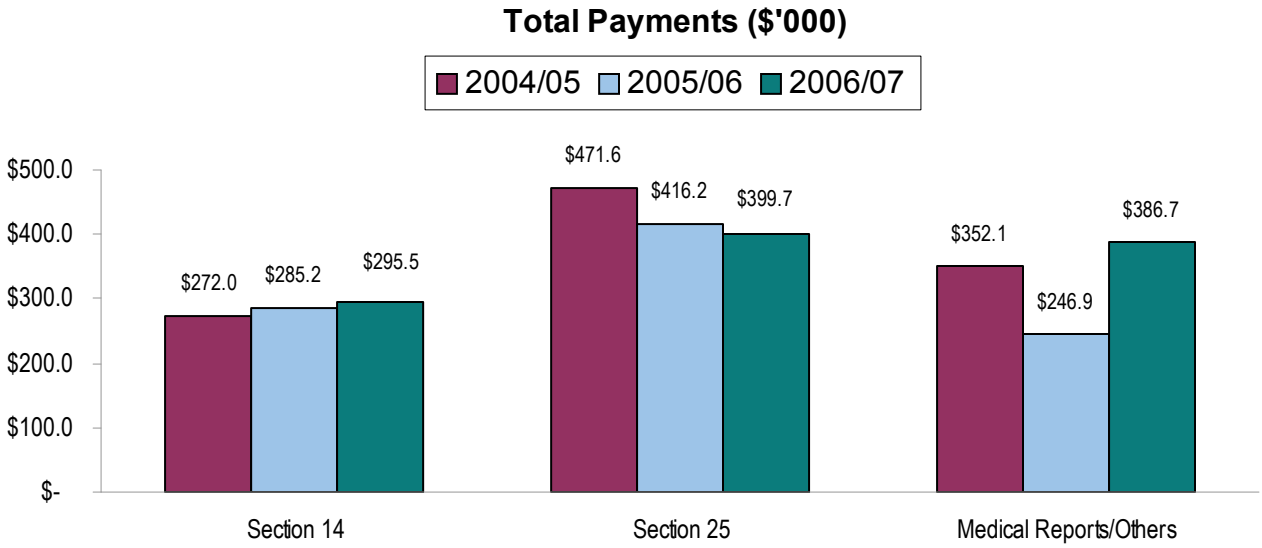
	2004/05	2005/06	2006/07
Number of Phone Calls	33,920	36,641	36,213
Average Number of Unique Visitors to the Website per Month	n/a	6,076[1]	1,722
Number of E-mails [1]	n/a	77[1]	192
Total Number of Claims Sent Out	6,733	6,413	6,291
Number of Claim Packages Sent Out	5,197	5,017	4,850
Number of Extension Requests Sent Out	1,536	1,396	1,441
Total Number of Claims Returned [2]	4,157	3,838	3,203
Number of Claim Packages Returned	3,202	2,908	2,496
Number of Extension Requests Returned	955	930	707
Number of Hearings Held [3]	2,515	2,840	2,425
Number of Award Cheques Issued [4]	2,654	2,321	2,233
Number of Claims Denied (at the Hearing)	143	241	218
Average Compensation Award	$7,228	$6,815	$8,773

NOTES:

1. Since the launch of the website.
2. The total number of claims returned in any given year include claim packages returned that were issued in the current fiscal year as well as in previous years. It often takes time for an applicant to complete the forms and submit their package to the Board, and this delay sometimes overlaps fiscal years.
3. The number of hearings held includes hearings held for interim payments (Section 14), lump sum and periodic awards, variations (Section 25) and annual reviews for periodic payments.
4. Does not include payments for Section 14, Section 22, Section 25 or medical reports. An applicant may receive an interim award and/or variation award in addition to the lump sum and/or periodic award made at the hearing.

Interim and Variation Awards





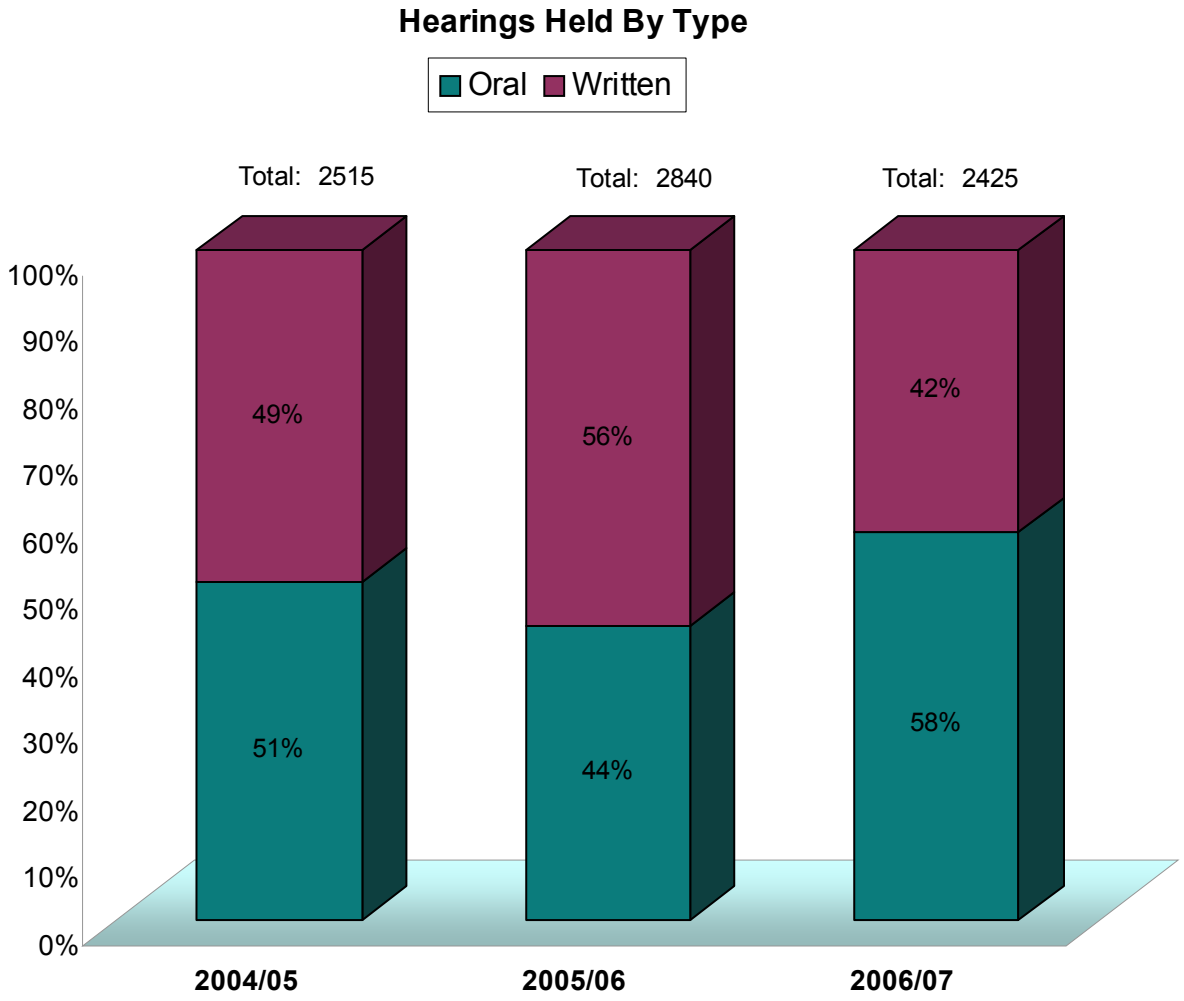
NOTES:

1. Interim awards are granted before the hearing of a claim in accordance with the provisions of Section 14 of the *Compensation for Victims of Crime Act*.
2. Additional awards are considered after the Board has held a hearing and made an award and are in accordance with Sections 22 & 25 of the *Compensation for Victims of Crime Act*.
3. "Other" includes payments for therapy, medical devices, travel to treatment, translation services, police witnesses, etc.
4. Section 22 is payment for additional costs; these are not shown since the number is insignificant (less than 20 claims per year).
5. 2004/05 medical reports, total payments number corrected to $352.1 from 31st Combined Annual Report at $436.87.

Hearings

In order to reduce wait times and to make it more convenient for the applicants, the Board holds hearings in 19 locations across the province: Belleville, Dryden, Hamilton, Kenora, Kingston, Kitchener, London, North Bay, Orillia, Ottawa, Peterborough, Sault Ste Marie, Sioux Lookout, St. Catharines, Sudbury, Thunder Bay, Timmins, Toronto, Windsor. In addition, hearings are held in Vancouver, British Columbia.

The following chart shows the number and type of hearings held over a three-year period from 2004/05 to 2006/07.

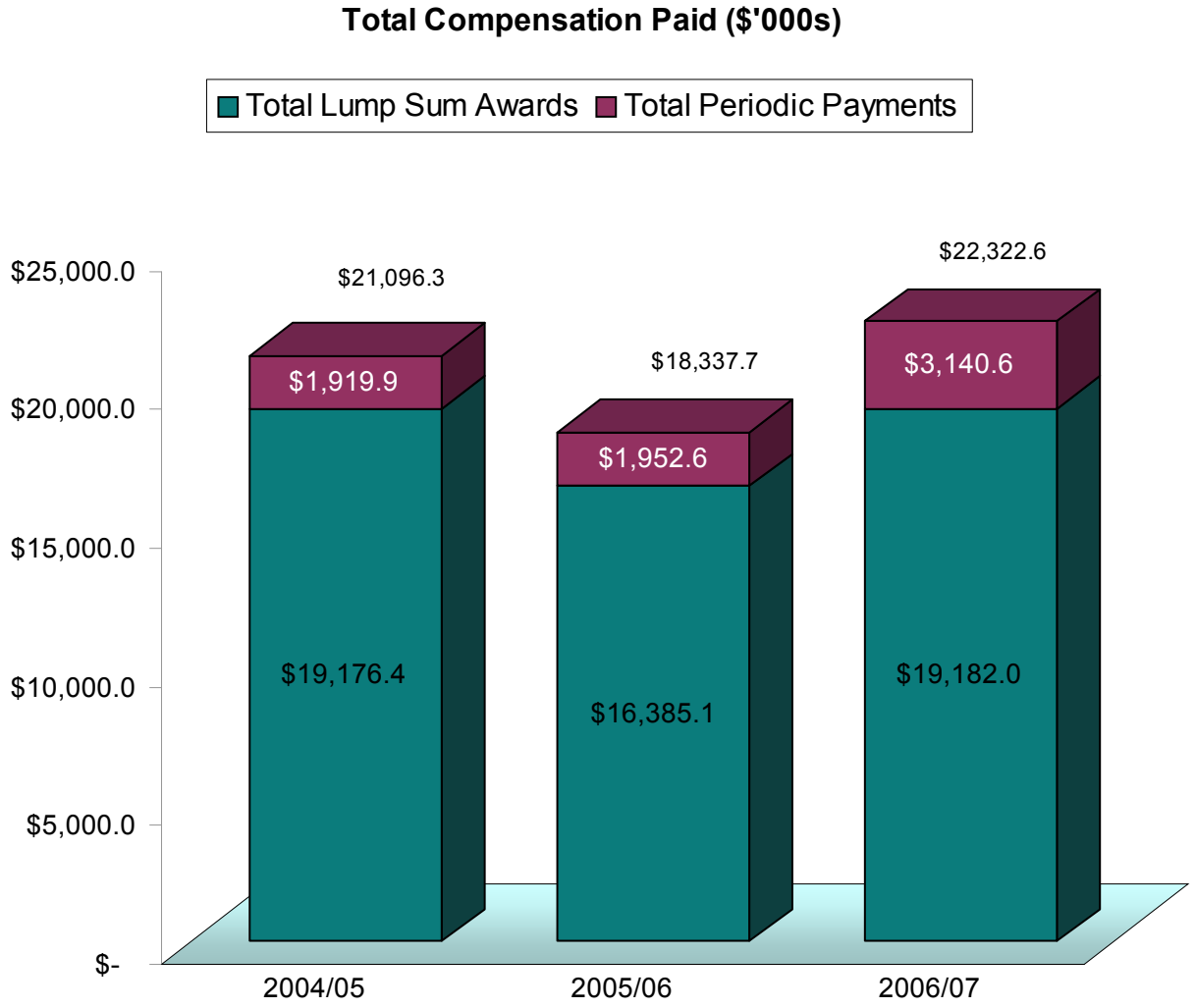


NOTES:

1. The number of written hearings (heard by one Board Member) includes hearings for lump sum and periodic awards as well as hearings for Section 14, Section 22 and Section 25 awards and Periodic Reviews.

2. The number of oral hearings (heard by two Board Members) includes hearings for lump sum and periodic awards as well as those held for Section 10 Reviews. Section 10 Reviews are held when the applicant feels the initial decision did not take into consideration some aspects of their claim. They are

Compensation Awards



NOTES:

1. Lump Sum awards represent one time payments made to a victim of crime. The lump sum total includes interim payments (Section14) awards, variation of awards (Section 22 and Section 25) as well as payments for medical reports used in support of the claim.

2. Periodic payments represent awards that are paid on a monthly basis.

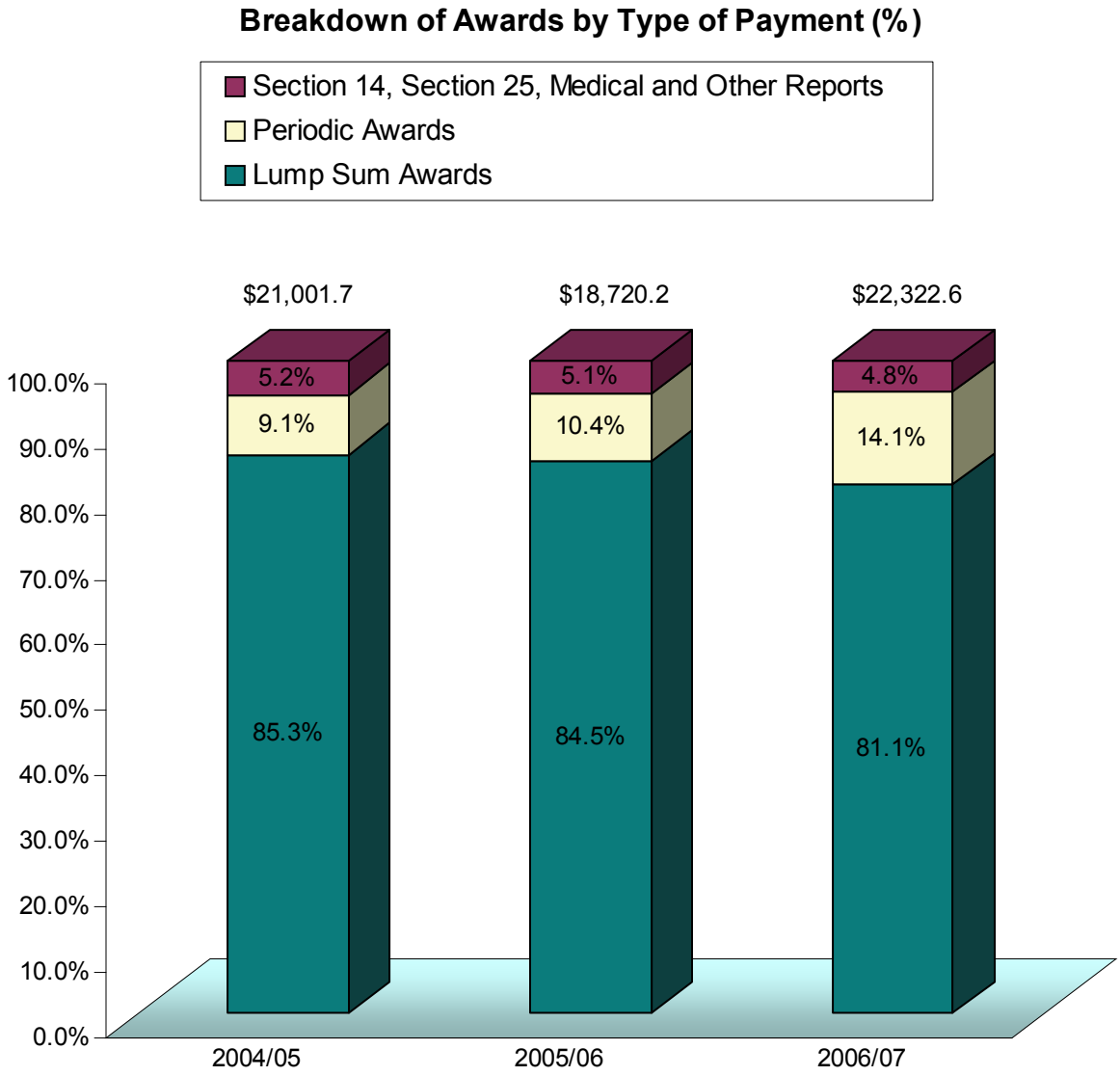
Breakdown of Awards by Type of Benefit

AWARDS ($000's)	2004/05	2005/06	2006/07
Pain and Suffering	$14,449.6	$13,528.4	$15,366.7
Other	$2,340.0[1]	$1,163.7[1]	$1,415.4
Loss of Wages	$635.1	$610.0	$874.0
Medical Expenses	$529.3	$568.8	$779.2
Funeral Expenses	$311.6	$316.5	$538.1
Legal Expenses	$38.2	$67.0	$43.2
Pecuniary Loss	$101.7	$53.9	$165.4

NOTES:

1. Other includes: medical reports, reasons for judgement and awards for decisions with multiple incidents.

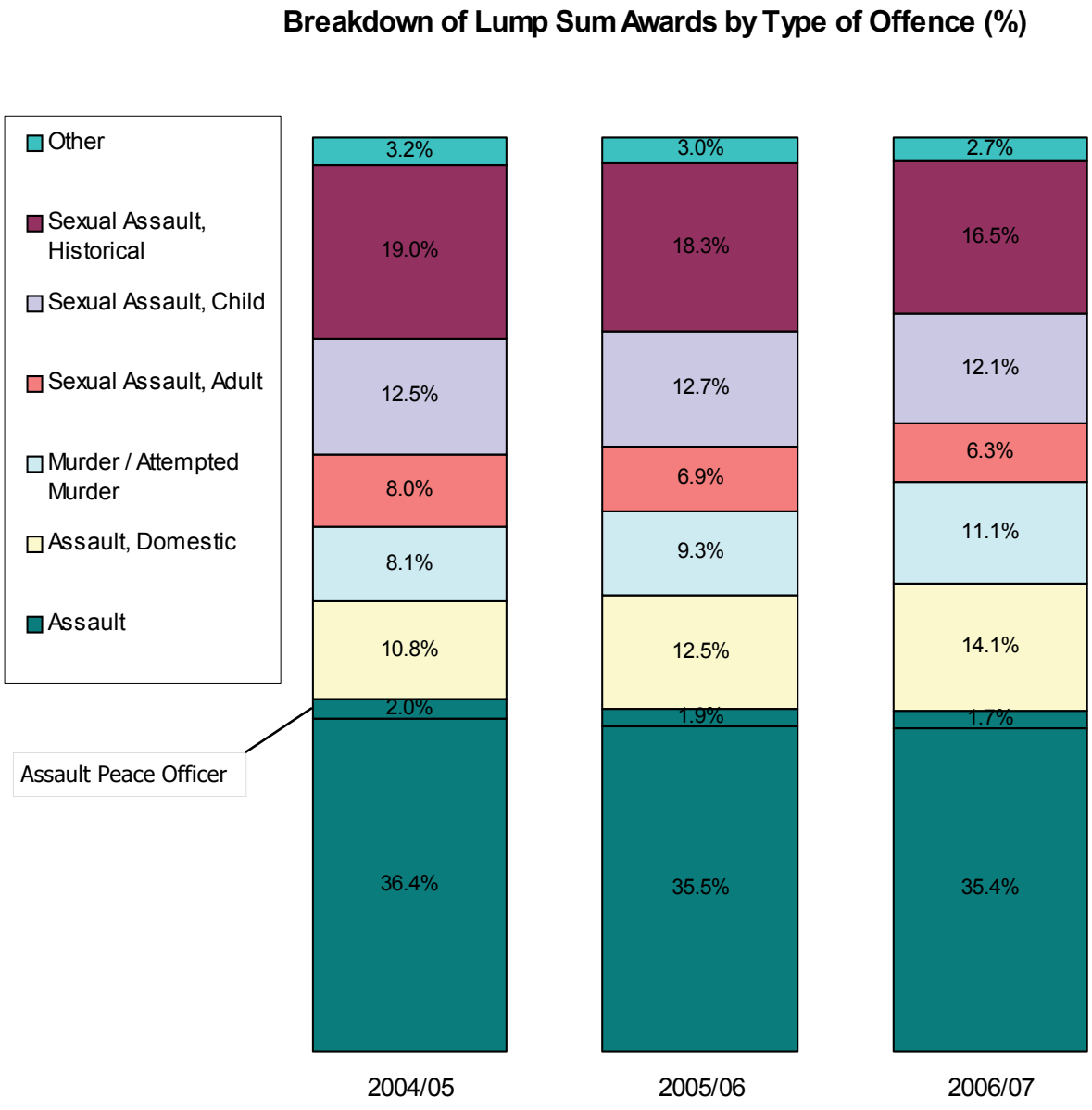
Breakdown of Awards by Type of Payment



NOTES:

1. For 2004/05, Section 14 (1.3%), Section 25 (2.2%), Medical and Other Reports (1.7%).
2. For 2005/06, Section 14 (1.5%), Section 25 (2.2%), Medical and Other Reports (1.3%).
3. For 2006/07, Section 14 (1.3%), Section 25 (1.8%), Medical and Other Reports (1.7%).
4. Section 22 awards in all years were less than 0.05% and therefore not shown on the chart.
5. Medical and other reports differ from the 31st Combined Annual Report (2.1%) due to a correction in total payments for medical and other reports.

Breakdown of Lump Sum Awards by Type of Offence



NOTES:

1. "Other" includes arson, robbery and criminal harassment.
2. "Assault Peace Officer" is captured as part of "Assault".
3. "Domestic Assault" was often captured as a general assault until recently. It is now recorded in a separate category.

SAMPLE DECISIONS

ASSAULT

FILE NUMBER: 0502-52843

In her original application to the Board, the applicant outlined one specific incident of assault committed against her by her son, who suffered from mental illness. During the process of obtaining police information pertaining to that occurrence, the Board became aware of two additional incidents of the son having assaulted the applicant. Given that the incidents occurred at different dates and times, and involved separate police investigations and charges, the Board proceeded to consider the events as three separate and distinct occurrences, each subject to a separate award under Section 19(1) of the *Act*.

The first incident occurred in March 2004. The applicant returned home and found her son inside her residence. He was already on probation at the time and was not to have any contact with her. The applicant reminded her son about his probation conditions and requested that he leave. The son became enraged and pushed the applicant up against a wall, choking her and threatening to kill her. As a result of the assault the applicant sustained an abrasion and bruising to her throat. The son was subsequently convicted of Assault and received a suspended sentence and fifteen months probation.

The second incident occurred eight months later in November 2004, while the son was still under a probation order. On that date, the son came to the applicant's residence and refused to leave when asked. As the applicant attempted to leave and seek safety elsewhere, her son blocked her path. He uttered threats to harm the applicant and then pushed her and stormed off. He later pleaded guilty to Assault and Breach of Probation, and received a suspended sentence and three years probation.

The third incident was particularly violent and terrifying. In February 2004, the son forced his way into the applicant's residence while she was letting her dog outside. He bound the applicant's hands and feet and physically assaulted her over a period of two hours. The applicant was choked, pushed, and punched numerous times about her head and face. The applicant managed to free herself from the restraints and called 911. The son was arrested at the scene.

Upon police arrival, the applicant was bleeding from the nose and mouth, and both eyes were almost completely swollen shut. She was transported to hospital for further assessment and treatment. The son was later convicted of Assault Causing Bodily Harm, Forcible Confinement, Uttering Threats, and Breach of Probation.

DECISION: The applicant was found to be compensable in relation to all three incidents. She was awarded $7,000.00 for pain and suffering in relation to the first incident, $5,000.00 for the second incident, and $16,000.00 for the third incident. The Board had already authorized interim compensation in the amount of $9,580.00 for therapy costs, but noted that it was willing to consider further counselling costs over and above that amount if additional therapy was required. Although not the usual practice of the Board to do so, based on the circumstances of the case, the Board noted that it would also be willing to consider additional compensation for a home and/or personal security device.

FILE NUMBER: 0407-48933

The applicant in this matter was a 32-year-old male who was waiting for a taxi when he was accosted by a group of young men who demanded money from him. The applicant demonstrated to the group that he did not have any money on his person; however, he was nonetheless set upon. The applicant was punched in the face and then struck several times on the head with a beer bottle, which eventually shattered. As the applicant lay helpless on the ground, the assailants continued the attack, kicking and punching him numerous times about his head and body. The attackers subsequently fled the scene.

The applicant was transported by ambulance to the local hospital where his scalp lacerations were treated. He was then flown to another hospital for further assessment and treatment of his injured right leg. It was determined that the applicant had fractured his leg in two places, and surgery was required. The applicant continued to experience pain in his leg in the year following the attack. It was later confirmed that there was displacement and non-union at the fracture site. Further surgery was recommended; however, the applicant had not undergone the second operation when his application was considered.

The applicant also received some counselling in relation to the emotional impact of the attack. Therapy records noted that the applicant struggled with symptoms including nightmares, depression, irritability and decreased motivation. He attended six therapy sessions in total and also received further assistance from traditional healers in his community.

DECISION: The applicant was found to be compensable under Section 5(a) of the *Act*. Having considered the unprovoked and violent nature of the attack, the severity of the injuries sustained, and the psychological impact on the applicant, the Board awarded $8,000.00 for pain and suffering. The Board also awarded legal disbursements in the amount of $320.00.

FILE NUMBER: 0012-23856

The female applicant in this matter had been shopping at a mall and had returned to her car in preparation for returning home. She was in the process of putting her infant into his car seat when she was encircled by a group of young men. Realizing that the group intended to steal her car, the applicant frantically struggled with one of the assailants as she attempted to remove her son from the vehicle. In a terrifying turn of events, the driver sped off before the car seat was completely removed from the vehicle. The applicant was forced to watch helplessly as her son was dragged for over 500 metres before the assailants stopped the vehicle, unbuckled the car seat, and left her son in his car seat on the sidewalk. Four of the assailants were later apprehended and charged with various offences, including Robbery and Aggravated Assault.

Both the applicant and her son were examined in hospital. Miraculously, the applicant's son did not suffer any injuries. The applicant suffered neck and back pain and was prescribed medication. She also attended ten sessions with a psychiatrist to help her cope with the emotional aftermath of the incident.

DECISION: Section 5(a) of the *Act* specifically excludes any offences involving the use or operation of a motor vehicle except by means of assault by motor vehicle. Having considered the circumstances of the case, the Board found that the incident constituted an assault by motor vehicle and therefore found the applicant to be a victim within the meaning of Section 5(a). However, the Applicant received insurance benefits totalling $26,000.00, which included amounts for general damages (pain and suffering) and income loss. Under Section 17(3) of the *Act*, the Board was required to take those benefits into consideration. As the applicant received benefits in excess of the Board's maximum lump sum award of $25,000.00, the applicant's request for compensation from the Board was denied.

FILE NUMBER: 0408-49851

The applicant, a 28-year-old male, was crossing the street when a stranger confronted him. The male stranger asked the applicant if he was of a certain nationality. When the applicant replied in the affirmative, the male immediately punched the applicant in the mouth. A second assailant appeared and approached the applicant brandishing two knives. The applicant raised his arm to protect his face and was slashed across the arm. At that point, both assailants fled the scene.

The investigating officer testified that the incident was considered a hate crime. Two witnesses confirmed that the assailants made racial epithets prior to the attack. The assailants were apprehended and charged with various assault-related offences including Aggravated Assault. One of the witnesses later altered her evidence in court and police strongly believed that she did so as a result of being influenced by the assailants. As a result, the charges against both of the assailants were dismissed.

The applicant was transported to hospital by ambulance where he was noted to be suffering from a gaping laceration to the left forearm. The laceration required surgical repair to restore nerve function. Six weeks later, the applicant returned for further assessment of the injury due to decreased sensation in his arm and two of his fingers. Exploratory surgery was performed and it was determined that the applicant had sustained muscle damage. Subsequent to that procedure, the applicant continued to experience problems in his arm and hand, and a third surgery was performed. At that time, it was noted that the injury was healing satisfactorily and no further intervention was necessary.

The applicant also suffered trauma to two upper teeth, which required repair. Dental reports indicated that further treatment would be required as a direct result of the injuries.

On an emotional level, the applicant reported that he is constantly looking over his shoulder and does not feel safe when out in the community. He had not received any counselling but advised the Board that he thought such treatment might be beneficial.

DECISION: The Board found the applicant to be compensable, noting that Section 16(1) of the *Act* allows the Board to make an order for compensation whether or not any person(s) is prosecuted for or convicted of the offence that caused the injury. In assessing an award for pain and suffering, the Board took into consideration the racial motivation behind the attack, and the severity of the injuries sustained.

The Board awarded the applicant $8,000.00 for pain and suffering, $1,792.63 for medical and dental expenses, and $1,200.00 for loss of income. The Board also awarded $428.80 for legal fees and disbursements. The Board further noted that it would be willing to consider future dental and/or counselling costs under the provisions of Section 25 of the *Act*.

ASSAULT– DOMESTIC

FILE NUMBER: 0501-52114

The applicant filed the application based on a single incident of domestic violence that occurred in September 2002. Her common-law spouse became despondent and suicidal believing that the applicant was going to leave him. He produced a knife and held it against his throat. While the applicant was trying to calm the offender, the offender lashed out and slashed her in the hand. The matter was reported to the police and the offender was charged with Aggravated Assault. He was later convicted of the charge and received a six-month conditional sentence.

The applicant was transported to hospital by ambulance. She suffered a deep laceration to the palm of her hand, which measured 15 to 20 centimetres in length. The wound was sutured closed and wrapped in a protective dressing. The applicant was discharged home later that same day with an appointment to see a plastic surgeon. Upon examination by the plastic surgeon, it was determined that the knife had lacerated the flexor tendon and digital nerves of the thumb. Surgery was performed that day to repair the internal injuries. The applicant was required to undergo physiotherapy and occupational therapy from October 2002 to August 2003. Although some improvement was achieved, the applicant continued to experience decreased sensation and diminished grip strength.

DECISION: In assessing compensation for pain and suffering, the Board considered the sudden and violent nature of the assault; the use of a weapon during the commission thereof; and the fact that the incident was committed within the expected safety of her own home, by a person she loved and trusted. Having regard for these factors, as well as the severity of the injuries sustained, the Board awarded the applicant $8,000.00 for pain and suffering. In addition, the Board awarded the applicant $750.00 for loss of income.

FILE NUMBER: 0406-48477

The 54-year-old applicant was physically assaulted by her common-law spouse on a number of occasions between 1998 and 2003. The assaults involved being punched, thrown to the ground and threatened with weapons. The applicant was extremely fearful of the offender and did not immediately report the incidents to the police or attend for medical treatment due to fear of reprisal. In August of 2003, the applicant summoned the courage to leave the relationship. A number of months later, the offender called the applicant and left a threatening message. Fearing for her safety, the applicant reported the past incidents of abuse to the police. The offender was subsequently charged with two counts of Assault with a Weapon, one count of Assault, and two counts of Uttering Death Threats. He later pleaded guilty to some of the charges and was sentenced to twelve months in jail.

The applicant suffered bruises as a result of the assaults. Although the physical injuries healed in due course, the emotional injuries stemming from the abuse were significant. The applicant struggled with nightmares, impaired concentration, and loss of appetite. She consulted her family doctor and was treated with both counselling and medication.

DECISION: In the absence of exact dates, police reports or medical evidence relative to specific incidents, the Board combined the events into a single occurrence pursuant to the provisions of Section 19(4) of the *Act*. Having considered the nature and number of the assaults over a five year period, the involvement of weapons, the use of threats, and the physical and emotional injuries sustained, the Board awarded the applicant $15,000.00 for pain and suffering. The Board also awarded $43.71 for legal disbursements.

ASSAULT—ELDER ABUSE

FILE NUMBERS: 0306-242278 and 0306-42279

The applicants are husband and wife who, at the time of the incident, were aged 72 and 74 respectively. One afternoon, while the wife was home alone, two young males came to the door posing as survey takers. The applicant was in the process of closing the door when the males forced their way inside. One of the males produced a gun and threatened to kill the applicant if she did not comply with their demands. The applicant was held at gunpoint while her home was searched and ransacked. The husband returned home approximately half an hour later while the crime was still in progress. The husband was bound, gagged, and robbed of money. The males then began to assault the husband, demanding his bankcard PIN number. The husband divulged the information, following which one of the males left the residence to go to the bank. The second male stayed behind. When the first male returned, he forced the wife into another room and forced her to perform oral sex on him at gunpoint. Afterwards, the wife was also bound and gagged. The males then fled the scene. It was estimated that the entire ordeal lasted 2 ½ hours.

The wife was transported to hospital where she underwent a sexual assault examination. She was given preventative medications and was released home later the same day. She later attended a number of follow-up appointments with her family doctor due to continued pain in her arms, shoulders and neck. Although the physical pain subsided within one month, the emotional injuries persisted much longer and required the use of medication.

The husband suffered bruising, particularly about the head. The most significant injuries however were emotional and psychological in nature. He was anxious and had difficulty sleeping. He received treatment from his family doctor on several occasions.

DECISION: The Board awarded the wife $25,000.00 for pain and suffering, noting her age and vulnerability at the time of the incident, the violent nature of the attack, and the sexual assault that occurred during the commission thereof. The Board awarded the husband $20,000.00 for pain and suffering, having regard for his age and vulnerability and the degree of violence to which he was exposed.

Sample Decisions

ASSAULT – POLICE

FILE NUMBER: 0502-52637

The applicant, a 50-year-old police officer, was on routine patrol when he witnessed an assault in progress. The applicant intervened and successfully restrained the apparent instigator, who made no attempt to resist the applicant's efforts. The matter was seemingly under control when the second combatant jumped on top of the applicant, causing the applicant to fall to the pavement, injuring his knee. The applicant managed to break free and called for back-up on his police radio. As he was doing so, the second combatant began to attack the other male. Additional officers arrived on the scene and arrests were made.

The applicant attended an appointment with his family doctor four days after the incident. Medical records indicate that the applicant had scrapes to his knees and elbows, and was experiencing pain in the areas of his back and right knee. The applicant was subsequently diagnosed with a torn ligament and underwent arthroscopic surgery of the right knee. He attended physiotherapy to help promote strength and mobility in the knee, but nonetheless remains at risk for developing post-traumatic arthritis in the future.

DECISION: The Board found the applicant to be compensable under Section 5(b) of the Act, in that he was injured while lawfully attempting to make an arrest. Having considered the severity of the injury and the treatment required, the Board awarded the applicant $3,500.00 for pain and suffering. In its decision, the Board alerted the applicant to the provisions of Section 26(5.1.) of the Act, which outlines the Board's right to be reimbursed for the amount of compensation awarded, if at some future time the applicant was awarded non-economic loss benefits for the same injury through the Workplace Safety and Insurance Board.

ASSAULT—DENIAL, NO INJURY

FILE NUMBER: 0404-47707

The applicant in this matter was a 33-year-old corrections officer. At the time of the incident, he was assisting other staff members with dinner procedures when one of the inmates spat in his face. The inmate later pleaded guilty to a charge of Assault Peace Officer.

The applicant immediately rinsed his eyes and then proceeded to hospital. He was treated with post-exposure medication, which was later repeated. The internal medicine specialist reported that this was a low risk incident in terms of possible transmission of infectious diseases.

DECISION: The Board did not dispute that the incident constituted a criminal assault. However, in order to be found compensable under the Act, the Board also requires proof that an injury was sustained as a direct result of the occurrence. The medical records on file established that the applicant did not suffer any injuries as a result of the occurrence and the application was therefore denied.

ASSAULT—DENIAL, SECTIONS 17(1) AND 17(2)

FILE NUMBER: 0304-41176

The applicant claimed that when he was 19-years-old, he was the victim of an unprovoked attack at a rooming house in Toronto. In his application, the applicant reported that he attended the rooming house and went to the washroom area whereupon he encountered three males. He reported that one of the males suddenly cut him in the throat, face and hand.

The investigating police officer testified at the Board Hearing. The officer advised that the rooming house in question was a known "crack house". The officer noted that the applicant had a lengthy criminal record for drug and violent offences, and therefore the officer did not believe that the applicant inadvertently or accidentally found himself in a known crack house. The two males arrested in connection with the incident advised police that the applicant knocked on the door and indicated his intent to purchase drugs. The applicant then tried to force his way inside and, believing that the applicant was about to rob them of money and drugs, the assailants cut the applicant with exacto knives. According to the officer, the first trial ended in a hung jury. The officer testified that during the second trial, the applicant arrived late and in an intoxicated condition each day of the trial. When the applicant testified, he was evasive and failed to identify the accused men as his attackers. The trial judge found the applicant in contempt of court and in turn instructed the jury that their only option in the circumstances was to find the accused men not guilty.

DECISION: Under the *Act*, the Board is required to consider not only the behaviour of an applicant at the time of the occurrence, but also the level of cooperation provided to law enforcement authorities. The Board preferred the evidence of the police witness, finding his testimony to be compelling and persuasive. Pursuant to Section 17(1) of the *Act*, the Board found that the applicant's behaviour that day indirectly and possibly directly contributed to the resultant injuries he suffered. The Board further found that the applicant failed to provide reasonable cooperation to law enforcement authorities in accordance with Section 17(2) of the *Act*. Based on the findings with respect to both Sections 17(1) and 17(2), the Board denied the applicant's claim.

SEXUAL ASSAULT—CHILD

FILE NUMBER: 0305-41451

The applicant filed this application on behalf of her son, who was between the ages of seven and nine when the incidents occurred. The offender was the child's uncle, who visited the child's home on a regular basis. The sexual assaults involved acts of fondling, oral sex, and simulated intercourse. The offender threatened the child that the family would be extremely angry if he told anyone about the abuse. The abuse eventually came to light when the child's mother discovered the offender and the child engaged in suspicious activity in the basement of the home. The abuse was reported to the authorities, and the offender was subsequently convicted of Sexual Assault.

As a result of the abuse, the child's self-esteem deteriorated and he became a target for bullies at his school. He exhibited signs of anger, and alluded to having thoughts of suicide. The child participated in therapy over the course of a five-month period. The applicant informed the Board that her son has not received any additional counselling and that he appeared to be making good progress in his recovery.

DECISION: The Board awarded compensation for pain and suffering in the amount of $8,000.00, which was to be held in trust with the Accountant of the Superior Court of Justice until the child attained 18 years of age. The Board further awarded $310.00 to the applicant to cover the portion of the child's therapy costs that were not covered by other sources.

FILE NUMBER: 0407-49110

The victim in this matter was 14-years-old when the incident occurred. The offender was a 45-year-old male who was the father of one of her friends. The offender had asked the applicant if she would assist him delivering telephone books. The applicant accompanied the offender as he made the deliveries in the community. Later in the day, the offender took the applicant home to his apartment, under the guise of taking a break from the deliveries. While at the apartment, the offender forced intercourse upon the applicant. The applicant disclosed the assault to her parents upon her return home. The offender was convicted of Sexual Assault and was sentenced to 30 months imprisonment.

The applicant underwent a sexual assault examination at the hospital. The nurse examiner noted circular bruises on the applicant's left arm that were consistent with finger marks from being held down. The applicant underwent testing for pregnancy and sexually transmitted diseases, and was given some preventative medications. Although the physical injuries eventually healed, the emotional injuries were long term. The applicant was teased and harassed by her peers in the small community, and ultimately dropped out of high school. In a report to the Board, the applicant's family doctor noted that symptoms of anxiety and depression were still evident, and that the applicant continued to require the use of medication.

DECISION: In assessing compensation, the Board considered the nature and physical force used during the sexual assault; the applicant's young and impressionable age at the time it occurred; the physical injuries sustained; and the profound emotional impact on the applicant. The Board awarded the applicant $15,000.00 for pain and suffering, as well as Section 25 consideration for future counselling costs.

SEXUAL ASSAULT—ADULT

FILE NUMBER: 0402-46586

The applicant was 37-years-old when the incident occurred at her place of residence. The offender, who was an acquaintance of the applicant, had broken into the applicant's home four months earlier when the applicant was not home.

On the date of the incident, while the applicant was asleep in her bed, the offender broke into her home. The offender was armed with a knife and attempted to sexually assault her. The applicant managed to convince the offender that her landlord was upstairs and was waiting for her rent payment. The offender allowed the applicant to leave and the applicant immediately fled to a friend's house. The police were notified and the offender was subsequently arrested and charged with various offences including Sexual Assault with a Weapon and Threatening Death. He was later convicted and sentenced to 16 months incarceration.

The applicant did not suffer physical injuries as a result of the attack. She did, however, experience emotional and psychological injuries related to the occurrence. The applicant consulted her family doctor and was prescribed anti-anxiety medication. She was also referred to a psychiatrist for further assessment and treatment. In a report to the Board, the psychiatrist indicated that the applicant was suffering from moderately severe Anxiety Disorder with features of Posttraumatic Stress and Agoraphobia.

DECISION: The Board awarded the applicant $15,000.00 for pain and suffering. In arriving at its decision, the Board noted that the applicant was the victim of a sudden and violent attack that took place within the expected safety of her own home. The Board also took into consideration the emotional and psychological impact, and the type of treatment required.

SEXUAL ASSAULT—HISTORICAL

FILE NUMBER: 0302-40178

The applicant was 49-years-old when her application was considered by the Board and was between the ages of nine and fourteen when the incidents occurred. The perpetrator was the applicant's biological father. Although the incidents occurred in both Ontario and Nova Scotia, under the Act the Board only had jurisdiction to consider those offences that occurred in Ontario. The applicant reported that the sexual abuse began when she was nine or ten years of age when the family was residing in Ontario. The abuse initially involved acts of fondling and digital penetration but later escalated to forced intercourse when the applicant was eleven years old. The family subsequently moved to Nova Scotia, however, during a visit home to Ontario when the applicant was fourteen years old, the perpetrator forced intercourse upon her two or three times. Although the perpetrator was convicted of sex-related offences in Nova Scotia, he was never charged with offences in relation to the abuse that occurred in Ontario.

The applicant attended for therapy and was diagnosed as suffering from Post Traumatic Stress Disorder. Her symptoms included nightmares, flashbacks, anxiety, insecurity, and impaired self-esteem. In materials to the Board, the applicant also described physical manifestations including headaches, as well as neck and shoulder pain caused by stress. Future therapy was recommended to help the applicant address her ongoing difficulties.

The applicant received an award to cover therapy costs provided in Nova Scotia through the Victims Services Division in that province. The applicant also incurred therapy costs in Ontario in the amount of $1,487.50, such amount still outstanding to the treatment provider.

DECISION: The Board found the applicant compensable under Section 5(a) of the *Act*. The Board awarded the applicant $13,000.00 for pain and suffering in relation to the incidents that occurred in Ontario. The Board also awarded $1,487.50 for therapy costs, payable directly to the treatment provider. In addition, the Board indicated that it would be willing to consider a claim for future counselling costs under the provisions of Section 25 of the *Act*.

FILE NUMBER: 9701-03690

The 37-year-old applicant was sexually abused by her uncle beginning when she was five years old and continuing until she was thirteen or fourteen years of age. The abuse consisted of fondling, digital penetration, oral sex, and eventually forced intercourse. The offender threatened to kill the applicant's mother and grandfather if she told anyone about the abuse. In 1995, the applicant along with other relatives reported the abuse to the police. The offender was subsequently arrested and charged with numerous sex-related offences. He was convicted of several counts, including Indecent Assault on a Female and Sexual Intercourse with a Female Under 14 years in relation to the applicant.

In materials provided to the Board, the applicant reported that she turned to alcohol and drugs at a young age to cope with the emotional pain caused by the abuse. She attempted suicide at the age of sixteen and received treatment at that time. In subsequent years, the applicant received treatment from various professionals due to ongoing symptoms of nightmares, flashbacks, depression, anxiety, and sleep difficulties. The applicant's treatment involved both psychotherapy and medication.

DECISION: The applicant was awarded $16,000.00 for pain and suffering. In arriving at this award, the Board considered the nature, frequency and nine-year duration of the abuse; the applicant's young age at the time it occurred; the position of trust and authority held by the offender; and the emotional and psychological injuries suffered by the applicant. The Board also cited the provisions of Section 25 of the *Act* with respect to future counselling costs.

FILE NUMBER: 0207-35647

The 39-year-old applicant was sexually abused by her stepfather when she was between the ages of four and twelve. The incidents occurred several times per week and consisted of digital penetration, oral sex, forced intercourse, and other degrading sexual acts. In January 2003, the applicant summoned the courage to report the offender to the authorities. As a result of the ensuing police investigation, the offender was arrested and charged with several offences in relation to the applicant and other family members. Charges involving the applicant included Indecent Assault, Gross Indecency, Rape, and Bestiality. The offender eventually pleaded guilty to some of the charges and was sentenced to four years imprisonment.

The abuse distorted the applicant's views of love and intimacy from a very early age. It impacted her relationships with the opposite sex, as well as her female peers. The applicant indicated that she grew up feeling "different" and felt like "damaged goods" for several years. In her adult years, the applicant struggled with vivid nightmares and flashbacks of the abuse. The applicant attended counselling with various professionals between 1987 and 2003. Therapy reports submitted with the application documented the profound emotional and psychological difficulties that the applicant suffered as a result of the prolonged abuse.

DECISION: In assessing compensation, the Board considered the frequency and eight-year duration of the abuse, as well as the nature of the acts that the applicant was subjected. The Board also had regard to the profound emotional and psychological injuries suffered by the applicant, and the extensive treatment she required. The Board awarded the applicant $20,000.00 for pain and suffering, as well as $1,120.00 for outstanding therapy costs. In addition, the applicant was alerted to the provisions of Section 25 of the *Act* with respect to future counselling costs.

FILE NUMBER: 0404-47499

The 38-year-old applicant was seven years of age when the incident occurred in November 1975. The applicant was walking to a nearby store when he was abducted and forced into a car by a stranger. The male perpetrator drove to a secluded area and proceeded to sexually assault the applicant. At some point, the applicant managed to jump out of the car and run away. A woman saw the applicant and took him to her home. The woman called the police, who attended and questioned the applicant. Due to the passage of time, the Board was unable to obtain police or court records relating to the occurrence. However, the applicant's mother attended the Board Hearing and testified as to her recollections from that day.

The applicant remembers being examined in the hospital shortly after the incident. He remembers experiencing pain in the area of his buttocks. The applicant advised the Board that he continues to experience stomach and bowel problems, which he feels are directly related to the sexual assault. The applicant and his mother both testified as to the emotional and psychological trauma suffered by the applicant. The applicant got involved in drugs, did poorly in school, and had a hard time controlling his anger. A doctor who treated the applicant for several years provided a diagnosis of chronic Post Traumatic Stress Disorder, with features of anxiety and depression. The doctor noted that despite counselling and medication, the applicant remained symptomatic.

DECISION: The Board awarded the applicant $13,000.00 for pain and suffering. In reaching its decision the Board took into consideration a number of factors including the applicant's young age at the time of the incident, the injuries sustained, and the type of treatment required. The Board also reimbursed the applicant $76.00 for travel costs incurred to attend the Hearing.

CRIMINAL NEGLIGENCE

FILE NUMBER: 0405-48248

The 43-year-old male applicant was walking towards his residence when a pit bull dog lunged forward and bit him, knocking the applicant to the ground. The dog's owner was a female tenant of the residence and her boyfriend was taking the dog for a walk when the incident occurred. It turned out that the applicant was the second of three victims bitten by the dog, the last of which occurred just two days after the applicant's incident. The Health Department had alerted the landlord about the first incident but the landlord had failed to inform residents that the dog was under a control order. The local Humane Society charged the dog's owner under the *Dog Owner's Liability Act*. She later pleaded guilty and received a fine. The dog was euthanized shortly after the third biting incident.

The applicant suffered bite wounds to his right hand, as well as his nose, lip, and mouth. He underwent surgery under general anaesthetic at which time the wounds were closed with a total of 27 stitches. Medical reports indicated that the applicant suffers numerous residual physical problems, including severe pain, permanent sensory loss, and nerve damage to his face. It was noted that the applicant could require further surgical treatment in the future. The applicant also sought treatment in relation to the emotional consequences of the incident. A psychological report noted that the applicant suffered from recurring nightmares, anxiety, depression, and fear of leaving his home.

DECISION: Based on the evidence presented, the Board found that the incident constituted a crime of violence, namely Criminal Negligence Causing Bodily Harm. Having regard for all relevant circumstances, including the nature of the incident and the severity of the injuries sustained, the Board awarded the applicant $15,000.00 for pain and suffering. The Board also awarded $30.00 for prescription medication and $35.00 for the transcript of the *Dog Owner's Liability Act* proceedings.

CRIMINAL HARASSMENT

FILE NUMBER: 0404-47799

The 31-year-old applicant had been involved in a relationship with the offender between August 2001 and March 2003. Although there had been instances where the offender was verbally and emotionally abusive to the applicant, there were no incidents of physical violence during the relationship. After the applicant ended the relationship in March 2003, the offender subjected her to frequent harassment. He called the applicant's residence, her parent's residence, and her workplace. When the offender showed up at her residence unannounced in August 2003, the applicant called the police and the offender was charged with trespassing. The harassment continued despite his arrest. In addition to the telephone calls, the offender also sent e-mails to the applicant and her parents. This behaviour continued over the next several months. In March 2004, the offender called the applicant and threatened her. Fearing for her safety, the applicant once again contacted the police. The offender was subsequently arrested and charged with Criminal Harassment, and was later convicted of that charge.

The applicant received therapy to help her cope with posttraumatic symptoms including fear and anxiety. No additional symptoms or issues were identified in the report. A total of ten therapy sessions were attended.

DECISION: As the applicant was not physically injured, the Board considered her application on the basis of the injury known as mental or nervous shock. In assessing such a claim, the Board considers a number of factors including the degree of violence involved in the occurrence; the relationship between the applicant and the offender; the degree of the emotional and psychological injuries suffered; and the type of treatment required. Based on the evidence presented, the Board found that the criteria for mental or nervous shock had been met and awarded the applicant $1,500.00 for pain and suffering and $825.00 for therapy costs.

FILE NUMBER: 0607-60488

HOMICIDE

The applicant's husband was fatally shot outside a sports bar in July 2006. According to police information, a male patron had become involved in an altercation with the doorman. The patron produced a gun and fired three shots, one of which struck the applicant. Police records confirmed that the applicant's husband was an innocent bystander who happened to be exiting the bar when the shots were fired.

The applicant requested reimbursement of funeral and related costs in the amount of $5,075.20. Of that amount, the applicant paid $1,200.00 and the remaining $3,875.20 was outstanding to the funeral home.

DECISION: The Board found the applicant's husband to be a victim of a crime of violence under Section 5(a) of the *Act*. The Board awarded $1,200.00 to the applicant, and $3,875.20 payable to the funeral home.

FILE NUMBERS: 0604-59255 and 0604-59258

The applicants are the parents and grandparents of the victims in this matter. In March 2006, the accused attended his former matrimonial home and killed his estranged wife and two of their young children. A third child, aged 16, was not home at the time of the occurrence and is now being cared for by another family member.

File #0604-59255 was made by the victim's father and was filed on the basis of funeral and related costs for the three victims. The total costs submitted amounted to $3,186.24.

File #0604-59258 was made by the victim's mother and was submitted in relation to the injury known as mental or nervous shock. Medical and therapy reports were submitted in support of the claim.

DECISION: The Board awarded the full amount claimed in respect to funeral and related costs under File #0604-59255. With respect to File #0604-59258, the Board was satisfied that the injury of mental or nervous shock had been established and awarded $15,000.00 for pain and suffering, as well as additional amounts for therapy, medication, and travel to treatment expenses.

OTHER—APPLICATION DISMISSED

FILE NUMBER: 0305-41549

The applicant filed an application before the Board based on the injury known as mental or nervous shock. After reviewing the criteria normally required to establish such an injury, the applicant indicated that he wished to withdraw the application.

DECISION: The Board granted the applicant's request and the application was accordingly dismissed.

APPENDIX A
BOARD MEMBER BIOGRAPHIES

Board Member Biographies

CHAIR

Marsha Greenfield of North Bay, was appointed to the Board in July of 1996, and was appointed Chair of the Board in September of 1998. Ms. Greenfield attended the University of Guelph and Nipissing University. She worked at Interval House in Toronto providing front line service such as crisis and support counselling to women who had been assaulted. Ms. Greenfield worked for the Ministry of Community and Social Services where she provided training to staff members of twenty-three shelters for assaulted women and their children. She has provided workshops for police officers and crown attorneys on providing an appropriate and effective response to women in their various dealings with the criminal justice system. Ms. Greenfield worked for the Department of Social Services in North Bay where she provided staff training on General Welfare Assistance legislation and regulations to 20 municipalities, 26 First Nation Communities, and the Ministry of Community and Social Service income maintenance workers. Ms. Greenfield was a founding Board Member and Coordinator of the Nipissing Transition House for twelve years, and served on the Board of Ontario Association of Interval and Transition Houses.

VICE – CHAIRS

William Liber of Toronto, was appointed to the Board in March of 1996. He was appointed Vice Chair on a part-time basis in December 1997 and on a full-time basis in October 1998. Mr. Liber served as Acting Chair from June 1998 until September 1998. He is a graduate of the University of Toronto and Osgoode Hall Law School. Mr. Liber practiced law with Gardiner, Roberts in Toronto. He served as a Trustee and President of the County of York Law Association, on the Planning Board of the City of Etobicoke and on the Board of Management of the O'Keefe Centre for the Performing Arts.

Anne Stanfield of Ottawa, was appointed to the Board in 1973, and has served as a part-time Vice Chair of the Board since 1978. Ms. Stanfield graduated from the University of Toronto in 1952, and later attended the University of Toronto Faculty of Education. She was a secondary school teacher with the North York Board of Education until 1978, when she moved to Ottawa. Ms. Stanfield has served as a member and director of a number of community and educational research organizations and was a founding President of the Sunnybrook Hospital Volunteer Association. Ms. Stanfield has been the primary trainer for new CICB Board Members for many years.

Board Member Biographies continued ...

George Berrigan (February 7, 2007 – present) – North Bay
George Berrigan of North Bay is a past Chief of Police of the North Bay Police Service. His 32-year police career included time with the North Bay and Toronto Police Services. His community volunteer activities include past Treasurer of North Bay's soup kitchen and Chair of the North Bay Humane Society. During his police tenure he forged strong working relationships with victim advocate groups.

Marion Boyd (October 1999 – present) – London
Marion Boyd of London, graduated from York University in 1968 with degrees in English and History. She worked in a variety of capacities in London and eventually became the Executive Director of the Battered Women's Advocacy Centre in 1984, where she remained for six years. Ms. Boyd was the elected Member of Provincial Parliament for London Centre from 1990 - 1999. During that time she served as Minister of Education, Minister of Community and Social Services, and, in 1993, Ms. Boyd became the first woman to be appointed Attorney General for the Province of Ontario. She also held the additional responsibility as Minister Responsible for Women's Issues between 1991-1995.

John Brothers (June 1, 2005 – present) – Kitchener
John Brothers of Kitchener, Ontario, is a graduate of the Faculty of Social Work (M.S.W.) and of the School of Business Administration (M.B.A.) at the Wilfrid Laurier University. He is also a Registered Social Worker (R.S.W.). He has a broadly based social work career, complemented by in depth experience in clinical, administrative, academic and tribunal positions. Mr. Brothers has served as the Director of Social Work at Homewood Health Centre, Guelph, Ontario, has been on the teaching faculty at the University of Guelph and Wilfrid Laurier University. He also held positions at the Ontario Review Board and National Parole Board.

Max Dokuchie (June 5, 2005 – present) – Ottawa
Max Dokuchie is a member of the Key First Nation in Saskatchewan, whose First Nation is signatory to Treaty #4. Mr. Dokuchie has extensive experience in the area of Aboriginal and Treaty Rights in addition to the expertise he has gained as a lawyer focusing in this area. He worked with First Nations and Aboriginal organizations to secure funding and technical and project support throughout University. Prior to beginning his legal practice Mr. Dokuchie worked as a Senior Policy Analyst at the Department of Indian Affairs in the Lands Directorate. Mr. Dokuchie's legal practice is primarily dedicated to the protection and recognition of Aboriginal and Treaty Rights including First Nations taxation rights, lands management, economic and infrastructure development.

Mr. Dokuchie has also been a guest lecturer at the University of Ottawa, Faculty of Law where he lectured on First Nations taxation and economic development. Mr. Dokuchie is also a Co-Chair of the First Nations Advisory Committee to the Canada Revenue Agency, which provides advice and recommendations to the Minister of Revenue on Agency policy and initiatives that affect First Nations people. Mr. Dokuchie has also participated in numerous endurance events that include the marathon and the Ironman.

Board Member Biographies continued ...

Gemma Harmison (1997 – 2003, September 6, 2006 – present) – Barrie
Gemma Harmison of Barrie, has over seven years experience with the Board, having served in both adjudicative and administrative capacities. First appointed to the Board as a Board Member in September 1997, Ms. Harmison fulfilled two terms in that capacity ending in September 2003. From February 2004 until June 2005, she held the position of Executive Assistant to the Chair of the Board. Ms. Harmison obtained an Honours Degree in Law from Carleton University in 1996. From 1995 until 1997, she worked for a non-profit victims' organization, providing support and services to victims of violent crime.

Ms. Harmison has made presentations and appeared as a guest lecturer on issues related to victimization at post-secondary institutions, community organizations, and police services. Ms. Harmison has also worked for the Ministry of the Attorney General, Court Services Division, and presently works for a lawyer practicing in the field of family law.

Paula Klein (1993-1999, November 2004 – present) – Toronto
Paula Klein of Toronto was reappointed to the Board in 2004, having served as a Board Member previously from 1993 to 1999. Ms. Klein has a Bachelor of Science degree in Education, and received her Master of Social Work in 1986. She spent her early career working with and on behalf of female victims of violence at various Toronto agencies. She has provided public education and professional development programs throughout southern Ontario on issues relating to violence against women, professional ethics, and professional boundaries. Since 2000, Ms. Klein has been a Member of the Discipline Committee of the Ontario College of Social Workers and Social Service Workers. She continues to work as a consultant and has a private psychotherapy practice, providing service to couples and individuals.

Stephen Leach (May 2003 – present) – Toronto
Stephen Leach of Toronto is a graduate of the Faculty of Law, University of Alberta (LL.B) and the School of Business Administration, University of Western Ontario (M.B.A). Mr. Leach has had a broadly based legal and business career as a law firm partner and venture capitalist. Mr. Leach began community outreach work as the Director of Legal Education, Student Legal Services, and later as a crisis counsellor for the Support Network.

Ronaq Massey (April 1999 – present) – Mississauga
Ronaq Massey of Mississauga received her Bachelor of Arts in 1976 and her M.A. in Social Work in 1978 from the University of Punjab in Pakistan. She served as the Director of Social Welfare Projects National Council of Churches in Pakistan. Her publications include "The Role of Women in Decision-making in Islamic Society".

Board Member Biographies continued ...

Willson McTavish (February 2003 – present) – Toronto
Willson McTavish of Mississauga, graduated from Osgoode Hall Law School in 1962, and practiced law with various firms until 1984, when he was appointed Official Guardian for the Province of Ontario. He also served as the Children's Lawyer responsible to the Attorney General for the delivery of legal services on behalf of children before the courts and tribunals of Ontario. He has written numerous articles for publication and has lectured at many national and international conferences relating to his work as Children's Lawyer. Over the years, Mr. McTavish has served on several Boards of Directors for various arts and social service organizations in Mississauga.

Elaine Newman (November 2005 –present) – Toronto
Elaine Newman, called to the bar in Ontario in 1979, is a Toronto labour management arbitrator and mediator, providing service in private and public sector matters, across the province. Ms. Newman is also the Associate Director of the LLM program in Labour Relations and Employment Law at Osgoode Hall Law School, and lead instructor in the Advanced Certificate Program in Dispute Resolution at Atkinson Faculty, York University.

After practicing general litigation and management labour relations in private practice, and then serving as head of litigation for the Advocacy Resource Centre for the Handicapped, Ms. Newman served as senior counsel, and then as Vice Chair, of the Ontario's Workers' Compensation Appeals Tribunal. She is a frequent speaker and trainer in the administrative justice sector, as well as in the field of labour relations and human rights.

Stanley Newman (June 2005 – present) – Toronto
Stanley Newman of Toronto, has 21 years experience in the Criminal Justice System. He has six years experience as a Federal Corrections Psychologist as well as an academic background in the field of psychology. In addition, he has 15 years experience as a member of different quasi-judicial administrative tribunals.

John R. Radmore (February 2004 – present) – Manotick
John R. Radmore of Manotick is a Senior Investigator and Manager in the law enforcement environment. He has extensive background in investigation, mediation, report preparation and problem-solving. He worked with the Ottawa Police Service as a Background Investigator, responsible for investigating the background of police candidates for the hiring process. He also worked as an instructor in the Police Foundations Program at the Algonquin College. He held several positions with the Ottawa-Police/Ottawa Carleton Regional Police Service between 1975 to 2001. Mr. Radmore is a graduate of Cegep College with a degree in Social Sciences, Ontario Police College and Canadian Police College.

Board Member Biographies continued ...

Sharon A. Saunders (October 2002 – present) – Guelph
Sharon A. Saunders of Guelph received her Bachelor of Applied Science degree from the University of Guelph and her Volunteer Management Certificate from Conestoga College in Kitchener. She has been involved in victim issues, often acting in a volunteer capacity, for many years. Ms. Saunders developed and implemented the first police-partnered victim services program in Wellington County as Chair of the Planning/Advisory Committee and Board President, assisted with a community crisis and support line as a Program Manager, co-founded a community education initiative, and worked for two supervised access programs in Guelph and Hamilton. In addition, she has considerable experience in dealing with mental health and crisis intervention issues, including acting as a trainer for a number of community groups on crisis intervention and suicide prevention.

Gail Scott (December 1998 – present) – Toronto
Gail Scott of Toronto, graduated with a Bachelor of Arts in English and French in 1964 and received her Graduate Diploma in Journalism in 1966, both from Carleton University in Ottawa. Her work in Television for 18 years included being National Assignment Editor for CBC Television Network, as well as Parliamentary Correspondence – Ottawa, Host/Field Producer for W5, and Host of Canada AM for the CTV Television Network. Ms. Scott has taught extensively over a ten-year period for the faculty of Journalism at Ryerson Polytechnical University and served as Commissioner of the CRTC between 1987 and 1998. She is the past President and Director of the Michener Foundation Awards and a member of the Canadian Women in Communications.

Al Spadaccini (June 30, 2006 – present) – Ottawa
Al Spadaccini of Ottawa, was a member of the Nepean and Ottawa Police Service between 1975 and 2006 when he retired as a Staff Sergeant. During his policing career, Mr. Spadaccini worked extensively in the field of criminal investigations and he managed teams of police investigators in several specialized fields. Mr. Spadaccini was educated at Carleton University and Algonquin College in Ottawa. He has also completed a wide assortment of training courses at the Ontario and Canadian Police Colleges as well as the Ontario Provincial Police Academy. He has lectured extensively to police, members of the Ontario Bar, and community groups on a wide range of topics that include investigative techniques, victim/witness issues, ethics in policing, and stress management for undercover police officers.

Dawn Sullivan (February 7, 2007 – Present) – Ottawa
Dawn Sullivan of Ottawa, graduated from Southwest Texas State University (Texas State University) with a degree in Political Science. She worked for the Office of the Governor and Attorney General in Texas managing grant funded programs serving victims of violent crime, family violence and sexual assault. Ms. Sullivan also served on the Ontario Parole and Earned Release Board.

Board Member Biographies continued ...

Dr. Leni Untinen (February 7, 2007 – Present) – Thunder Bay

Dr. Leni Untinen of Thunder Bay has worked for twenty-eight years for the Northwestern Ontario Women's Decade Council as a Coordinator and is responsible for the day-to-day administration and operation of the Council office and coordination of Council projects. Dr. Untinen was awarded a Degree of Doctor of Social Work, Honoris Causa from Lakehead University in May 1996. She has a broad range of community service and a long history of working on social justice issues as an educator and advocate for victims of violence including recently as a public educator for the Elizabeth Fry Society of Northwestern Ontario. Dr. Untinen is also the author of various publications, articles and videotapes on issues related to family violence and violence against women.

Contact Information

Criminal Injuries Compensation Board
439 University Avenue
4th Floor
Toronto, Ontario
M5G 1Y8

Telephone:
416-326-2900
1-800-372-7463

Fax:
416-326-2883

Web:
www.cicb.gov.on.ca

Email:
info.cicb@jus.gov.on.ca