

LITIGATION SERVICES

No Fault Benefits

A person may be entitled to benefits payable by ICBC. These benefits are commonly called "No Fault Benefits" because the benefits are payable if the requirements of the Regulations are satisfied. The requirements are set out in Part 7 of the Regulations made under the Insurance (Vehicle) Act.

Part 7 provides for payment of medical, rehabilitation, and disability benefits. In the event of a death, Part 7 provides for payment of funeral and loss of support benefits.

In appropriate circumstances, wage loss is paid by ICBC as a Part 7 benefit up to a limit of either \$300 per week or 75% of gross weekly earnings in the 12 months prior to the accident, whichever is less. An injured person who continues to work is eligible to receive wage loss benefits where there is a shortfall between actual and normal wages or salary. ICBC will continue to pay wage loss benefits until it determines that the injured person should return to work.

To qualify for Part 7 benefits, the law requires that ICBC be given notice of the claim for benefits promptly after an accident, ICBC be provided within 30 days of the accident a written report about the accident and the injury or death and ICBC be provided within 90 days a proof of claim form. It is a good idea to speak to a lawyer before providing ICBC with a statement or any authorizations

ICBC may stop paying benefits for treatment and wage loss in prescribed circumstances.

If you disagree with ICBC's decision to deny or cut-off benefits and feel you require Part 7 benefits, you may start a Court action to enforce payment of the benefits. If the action is successful, the Court will order ICBC to pay the treatment expenses and wage loss benefits as long as the treatment is reasonable and the time off work and treatment are recommended by doctors. The lawsuit must be started within 2 years of the date of the accident or within 2 years of the date of the last Part 7 payment, whichever is later. If the only issue is whether a medical or rehabilitation expense is reasonable, then that question must be decided by arbitration.

This article is meant to provide some basic information regarding Part 7 benefits and is not intended as legal advice. If you have any questions about Part 7 coverage, you should contact a lawyer.

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