
BACKGROUND 1

For Immediate Release
2018AG0025-000716
April 23, 2018

Ministry of Attorney General

Amendments to Insurance (Vehicle) Act

As announced in February, changes are being made to the basic insurance system in British Columbia that increase accident benefits for injured customers, introduce a limit on payouts for pain and suffering on minor injury claims and give the Civil Resolution Tribunal jurisdiction to resolve disputes concerning certain motor vehicle injury claims.

The Insurance (Vehicle) Act concerns universal compulsory vehicle insurance.

Legislative amendments introduced include:

- Provisions to limit, by regulation, the amount a claimant can recover as damages to pain and suffering arising from a minor injury and will define in more detail, through regulation, what is a minor injury.
- The foundation for the new legal definition for what constitutes a minor injury in B.C. and lists abrasions, contusions, lacerations, sprains and strains, pain syndrome, psychological and psychiatric conditions or an injury in a prescribed class of injury, even if chronic. This will be further defined in regulation over the coming months.
- Increases to ICBC's accident benefits will be defined in regulations, along with the retroactivity of overall medical care and recovery costs to Jan. 1, 2018.
- Benefits payable for services provided by health-care practitioners will be established by regulation. To ensure the fee amounts are current and fair, the fee amounts must be reviewed every five years.
- The amendments provide mechanisms for ICBC to no longer reimburse other insurance companies, with the exception of WorkSafeBC and Medical Services Plan, for their payments to customers.
 - Today, customers can receive benefits from other insurance companies – not just ICBC – after a crash. For example, they may receive wage-loss benefits or extended health care from their employer.
 - Most insurance companies have agreements in place where the customer has to pay back these benefits if ICBC also pays for these expenses. With these changes, ICBC will not pay the other insurance company for the same benefit they have already provided.
 - Customers should not be adversely affected. They will continue to receive the same benefits with these changes; the difference is the insurance company covering the expense.

These changes will help keep auto insurance rates more affordable for drivers in British Columbia, while increasing the treatment and care available to anyone injured in a crash.

BACKGROUND 2

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Amendments to the Civil Resolution Tribunal Act

The Civil Resolution Tribunal Act (2012) established a new dispute resolution body that provides an accessible forum for the resolution of disputes. The Civil Resolution Tribunal (CRT) encourages people to use a broad range of collaborative dispute resolution tools to resolve disputes as early as possible. The CRT currently hears strata property (condominium) disputes of any amount and small claims disputes \$5,000 and under.

Legislative amendments introduced will:

- Expand the CRT's scope to include making decisions on the following matters, where there is disagreement between the customer and ICBC:
 - The classification of an injury as minor injury;
 - The entitlement to receive accident benefits claimed; and
 - Liability and quantum decisions for motor vehicle injury claims below a threshold that will not exceed \$50,000.
- Allow lawyers to represent parties in motor vehicle claims, as ICBC will be represented by experienced adjusters.
- Limit recovery of fees and expenses to what a person would be entitled to in the CRT, if a case valued below \$50,000 is adjudicated in the B.C. Supreme Court.
- Give CRT regulation- and rule-making power to limit experts and the power to require a single joint expert.

Other legislative amendments were also introduced unrelated to motor vehicle injury disputes:

- Cases heard regarding non-profit societies and co-operative associations will include routine disputes, such as access to records and the holding of meetings. Complex matters, such as amalgamations and dissolution, as well as disputes with business cooperatives, will remain within B.C. Supreme Court jurisdiction.
- Improvements to reduce costs, complexity and delay associated with the resolution of cases include:
 - Correction of a provision that could result in a party missing a limitation period in default decisions
 - Repeal notice of objection process for tribunal small claims default orders.
 - Repeal facilitation-only jurisdiction so that the CRT will issue a decision that is enforceable by the courts.
 - Set time limits for judicial review proceedings.
 - Provide that the CRT is an expert tribunal for all matters except general small claims and motor vehicle liability issues.
 - Apply acts that affect litigation in court to litigation in the CRT.