

What to do if you have been in an accident?

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PERSONAL INJURY LAWYERS

First Things First

- Are you ok?
- When should you seek medical attention?
- Should you call the police?
 - More or less than \$1,000.00?
 - Must be reported vs. can be reported
- Get the information
 - License plate number
 - DL, name and phone number, insurance information
 - Witnesses
 - Photos

Who Pays for Property Damage?

- Auto insurance – only other driver's insurance, and only if he/she is at fault
- Home insurance
 - deductible

Municipal Claims

- Potholes, etc.
- 10 days
- What if you missed the 10 days?

Accident Benefits

- No fault
- Income replacement/non-earner/caregiver
- Medical/rehabilitation benefits
- Attendant care benefits
- Visitors expenses
- Lost educational expenses
- Housekeeping/home maintenance
- Death and funeral benefits

What if I can't go back to work?

- Sick leave
- Short term/long term disability – 70%
- Income replacement benefit – 70% - \$400/week
- Loss of income claim – 70%/100%
- WSIB
- CPP

What if you are at fault?

- Cyclists treated as pedestrians
- Presumption of fault against car
 - Can be rebutted
- 100% at fault vs. contributory negligence

Should I speak with a lawyer?

- If you are injured, yes
- Consultation should be at no cost to you

How do I choose a lawyer?

- Look for experience and expertise
- Ask friends, family for referrals
- Contingency fees
- Retainer deposits

Can I sue? Should I sue?

- It depends
- Liability + damages
- Threshold – “permanent and serious impairment”
- Deductible - \$37,000.00+

Limitations

- Notice of intention to sue to be given within 120 days of the accident – not fatal if missed
- You must sue within 2 years (this is extended for children under 18) - therefore speak to a lawyer within 1 year if still suffering from injuries

A last word

- Buying up – optional benefits

More Information

- Email: ltucker@burntucker.com
- FSCO
- *Insurance Act*
- *Highway Traffic Act*

Thank You!
Merci!

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