



Pedestrian Accident Claims

in Ontario

Your rights, benefits, and path to fair compensation after being struck as a pedestrian — including the critical July 2026 SABS changes.

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*"Defending Your
Tomorrow, Today"*



A MESSAGE TO OUR CLIENTS

When a Pedestrian Is Struck by a Vehicle

Pedestrians have no crumple zone, no airbag, and no seatbelt. When a vehicle strikes a person on foot, the consequences are almost always serious — and the legal situation is more complex than most people realize.

Unlike a driver or passenger, a pedestrian who is hit typically has no auto insurance policy of their own — yet Ontario law still provides significant legal protections and financial entitlements.

■ On July 1, 2026, Ontario's SABS undergoes its largest reform in years. Benefits that previously covered every pedestrian struck by a vehicle will now depend on which driver's policy applies and whether it includes optional coverages.

No Car Required

You don't need to own a vehicle or hold a driver's licence to access accident benefits.

Fault Doesn't Bar You

Even if partly at fault — crossing mid-block — you still have benefits and may have a tort claim.

Act Quickly

Key deadlines begin running from the date of the accident. Missing them can permanently limit your rights.

ABOUT AZIMI LAW Full-service personal injury firm in North York, serving the GTA and all of Ontario since 2016. [416-900-4128](tel:416-900-4128) · info@azimilaw.ca



CHAPTER ONE

You Were Hit — The Legal Framework

Being struck by a vehicle is a traumatic event. In the days and weeks that follow, injured pedestrians face a maze of insurance forms, medical appointments, and adjuster communications — often while still in acute pain. Understanding the legal framework prevents costly mistakes.

THE PRIORITY OF PAYMENT RULES

- 1 Your own auto insurer (if any)**
If you hold an Ontario auto policy, even though you were on foot, your own insurer responds first.
- 2 A household member's auto insurer**
If you live with a family member who holds an Ontario policy, their insurer is next.
- 3 The vehicle owner's or driver's insurer**
If neither above applies, the insurer of the vehicle that struck you is responsible.
- 4 Motor Vehicle Accident Claims Fund (MVACF)**
If the driver was uninsured or fled, MVACF covers mandatory benefits and tort up to \$200,000.

No-Fault Accident Benefits

Paid regardless of fault. Covers medical, rehab, and — where the policy includes them — income replacement. Disputes at the Licence Appeal Tribunal (LAT).

Tort Claim (Lawsuit)

Fault-based lawsuit against the driver. Recovers pain and suffering, income loss beyond SABS, future care, and Family Law Act damages. Subject to threshold and deductible.

REPORT ACCIDENT

7 Days

Notify the applicable insurer

BENEFITS APPLICATION

30 Days

Return completed OCF-1

TORT LAWSUIT

2 Years

Limitation period

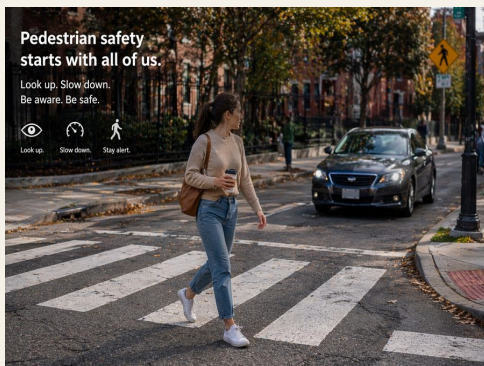


CHAPTER TWO

Accident Benefits for Pedestrians

Pedestrians struck by motor vehicles are entitled to Statutory Accident Benefits just as drivers and passengers are. You do not need to own a vehicle or have your own insurance policy to access these benefits.

BENEFIT	COVERAGE	STANDARD LIMIT
Medical & Rehab	Physiotherapy, psychology, prescriptions, assistive devices not covered by OHIP.	\$65,000 non-CAT / \$1,000,000 CAT
Attendant Care	Paid personal support for bathing, dressing, and daily supervision after serious injury.	\$3,000/mo non-CAT; \$6,000/mo CAT
Income Replacement	Replaces lost wages while unable to work. <i>(Becoming optional July 2026.)</i>	70% gross, max \$400/week
Non-Earner Benefit	For students and unemployed individuals unable to carry on a normal life.	\$185 / week
Death & Funeral	Lump sums to spouse, dependants, and estate in a fatal pedestrian accident.	\$25,000 / \$10,000 / \$6,000



<p>MINOR (MIG)</p> <p>\$3,500</p> <p><i>Sprains, strains, soft tissue injuries</i></p>	<p>NON-CATASTROPHIC</p> <p>\$65,000</p> <p><i>Med, rehab & attendant care combined</i></p>	<p>\$1,000,000</p> <p>0</p> <p><i>Brain injury, spinal cord, amputation</i></p>
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CATASTROPHIC DESIGNATION & PEDESTRIANS

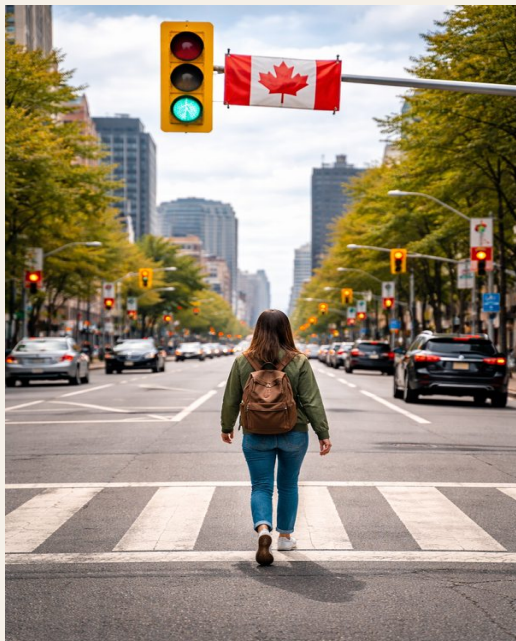
Pedestrians are disproportionately represented in catastrophic claims. High-speed impacts commonly produce traumatic brain injuries and severe fractures — both pathways to the \$1,000,000 CAT designation. An OCF-19 application supported by specialist opinions unlocks this level of support.



CHAPTER THREE

Your Tort Claim Against the Driver

A tort claim is a civil lawsuit against the at-fault driver for pain and suffering, full income losses, future care costs, housekeeping losses, and Family Law Act damages. For pedestrians — who often suffer the most severe injuries — the tort claim is frequently the largest source of compensation.



ESTABLISHING DRIVER NEGLIGENCE

A driver may be found negligent for: failing to yield at a crosswalk, distracted driving, speeding, running a red light, reversing without checking, or driving while impaired. Evidence — traffic camera footage, witness statements, police reports, and accident reconstruction — is the foundation of a strong claim.

THE THRESHOLD & DEDUCTIBLE — 2026 FIGURES

To recover pain-and-suffering damages, the injury must meet the verbal threshold: **permanent serious disfigurement**, or **permanent serious impairment of an important function**. In pedestrian accidents with serious injuries, the threshold is frequently met.

2026 DEDUCTIBLE	DEDUCTIBLE VANISHES AT	FLA DEDUCTIBLE
\$47,913 <i>Applied to awards below the vanishing point</i>	\$159,709 <i>Full award paid — no deduction</i>	\$23,957 <i>Family claims · vanishes at \$79,854</i>

WHAT CAN BE CLAIMED

- Pain and suffering
- Past and future income loss
- Future care costs
- Housekeeping and home maintenance
- Out-of-pocket expenses
- Family Law Act claims by relatives

CONTRIBUTORY NEGLIGENCE

If a pedestrian was partly at fault — jaywalking, distracted by a phone, crossing against a signal — damages are reduced proportionally.

A pedestrian who is 25% at fault receives 75% of the award. Partial fault does **not** bar recovery entirely.



CHAPTER FOUR · CRITICAL UPDATE

The July 2026 Reforms — What Changes for Pedestrians

On July 1, 2026, Ontario Regulation 383/24 takes effect. For pedestrians, the reforms create a significant new vulnerability — access to key financial benefits will depend on the choices the driver who hit you made at their last renewal.



✓ STAYS MANDATORY

- ✓ **Medical benefits**
- ✓ Rehabilitation benefits
- ✓ Attendant care benefits

Pedestrians will always have access to medical care and rehabilitation. This does not change.

✗ BECOMES OPTIONAL

- ✗ Income Replacement Benefit
- ✗ Non-Earner Benefit
- ✗ Caregiver Benefit
- ✗ Death & Funeral Benefits
- ✗ Housekeeping & Home Maintenance

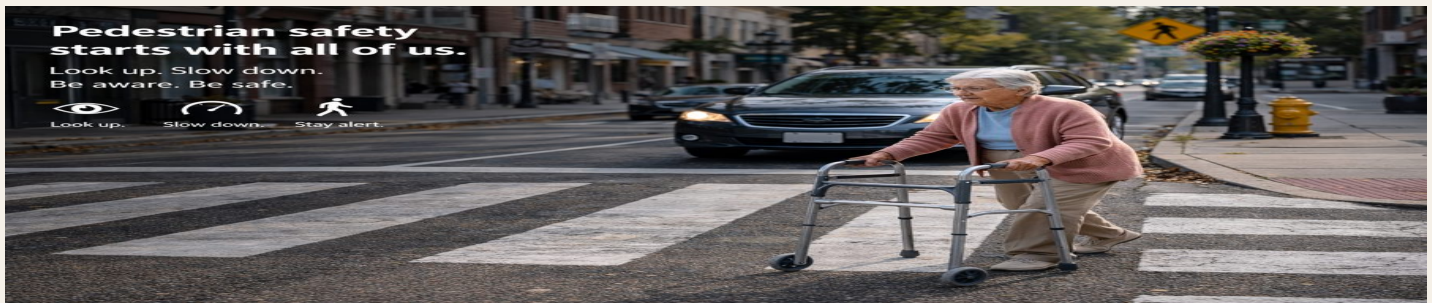
■ **BEFORE JULY 2026:** A pedestrian struck by a car receives income replacement from the driver’s insurer while unable to work. No auto policy of their own required. **AFTER JULY 2026:** That same pedestrian receives only mandatory medical and rehab. No income replacement — unless they have their own auto policy or a household member’s policy in the priority chain. The tort claim becomes the primary path to recovering lost income.



CHAPTER FIVE

First Steps & How Azimi Law Helps

The actions taken in the hours and days after a pedestrian accident can determine the strength of both claims. Evidence is perishable — cameras overwrite, witnesses move on. Act early.



AT THE SCENE & WITHIN 24 HOURS

- ✓ Call police and ensure a report is taken. Get the event number.
- ✓ Photograph the vehicle, plate, driver details, intersection, signals, and road markings.
- ✓ Get contact information from all witnesses.
- ✓ Tell paramedics every symptom including head pain, confusion, and vision changes.
- ✓ Do **not** give a recorded statement to any insurer without speaking to a lawyer first.

WITHIN THE FIRST 30 DAYS

- ✓ Apply for accident benefits using **OCF-1** — submitted to the applicable insurer under priority rules.
- ✓ Have your doctor complete **OCF-3** Disability Certificate.
- ✓ Preserve all receipts — prescriptions, mobility aids, taxi costs to appointments.
- ✓ If serious brain or spinal injury, ask about **OCF-19** for catastrophic designation.
- ✓ If the driver fled (hit-and-run), report to police within 24 hours and notify the MVACF.

Free Consultation

No obligation. We come to you — home, hospital, or rehab facility when needed.

No Win, No Fee

Pedestrian injury files handled on full contingency. You pay only if we win.

Trial-Ready

Insurers settle fairly when they know we're prepared to litigate. Every file built for trial from day one.

IMPORTANT — GENERAL INFORMATION, NOT LEGAL ADVICE This booklet summarizes Ontario's Insurance Act, O. Reg. 34/10 (SABS), and O. Reg. 383/24, with FSRA-indexed figures current to April 2026. Nothing here creates a solicitor-client relationship. Contact Azimi Law at 416-900-4128 for a free confidential consultation.



Azimi Law

Injured as a pedestrian?

We're here for you.

Azimi Law is a full-service personal injury firm in North York, serving the GTA and all of Ontario. Your first consultation is always free and confidential.

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