

Your Rights After a Car Accident in Ontario

A plain-language guide to the benefits, compensation, and legal protections available to injured Ontarians — and the steps that make the difference between a partial recovery and a full one.

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EVERY YEAR, THOUSANDS OF ONTARIANS ARE INJURED IN MOTOR VEHICLE COLLISIONS — KNOWING YOUR RIGHTS IS THE FIRST STEP

A MESSAGE TO OUR CLIENTS

Understanding Your Rights — Before You Need Them

Most people who are involved in a motor vehicle accident in Ontario know they can make an insurance claim. Far fewer understand that they likely have **two separate legal entitlements** running at the same time — each with its own rules, timelines, and financial implications. Missing either one, or managing them in isolation, often results in leaving significant compensation on the table.

This guide was written to change that. In plain language, it explains the no-fault accident benefits system that pays for your medical care and lost income, the tort claim that can compensate you for pain, suffering, and losses beyond what benefits cover, and the major reforms coming into effect **July 1, 2026** that will change what is automatically included in every Ontario auto policy.

Whether you have just been injured, are reviewing your coverage before renewal, or simply want to understand what Ontario law provides, this guide gives you a clear, honest picture. The law in Ontario is genuinely protective of injured people — knowing how to use it makes all the difference.

No-Fault Benefits

Available regardless of who caused the accident. Apply to your own insurer — even as a pedestrian or cyclist.

Tort Lawsuit

Sue the at-fault driver for pain, suffering, income loss, and future care costs.

No Win, No Fee

Azimi Law handles injury files on full contingency. Free first consultation.

ABOUT AZIMI LAW

Full-service personal injury firm in North York, serving the Greater Toronto Area and all of Ontario since 2016. **416-900-4128** · info@azimilaw.ca · azimilaw.ca

CHAPTER ONE

Two Legal Claims, One Accident — How the System Works

Ontario runs a hybrid auto insurance system. Every person injured in a motor vehicle collision — driver, passenger, pedestrian, or cyclist — is funnelled into two parallel processes that must be managed together. Understanding the difference is the single most important step in protecting your compensation.

Track 1 · Accident Benefits (SABS)

A **no-fault** claim against **your own insurer**. Fault does not matter. Pays for medical treatment, rehabilitation, attendant care, and financial supports while you recover.

- Governed by O. Reg. 34/10 (SABS)
- OCF-1 application within 30 days
- Disputes at the Licence Appeal Tribunal (LAT)
- No pain and suffering damages

Track 2 · Tort Claim (Lawsuit)

A **fault-based** lawsuit against the **at-fault driver**. Recovers pain and suffering, income loss beyond SABS limits, future care costs, and Family Law Act claims.

- Governed by the *Insurance Act*
- 2-year limitation period to commence
- Subject to threshold and deductible
- Resolved in Superior Court of Justice

WHY THEY MUST BE MANAGED TOGETHER

Accident benefits pay quickly — within weeks, not years — and keep you financially stable while your recovery plays out. Both claims are essential: income replacement paid under SABS is deducted from any tort award for past income loss. How these claims are structured and sequenced has material consequences for your net recovery.

TORT LIMITATION

2 Years

From accident date to commence a lawsuit

SABS APPLICATION

30 Days

To submit OCF-1 after receiving from insurer

MUNICIPAL NOTICE

10 Days

Written notice for falls on city property



BOTH LEGAL TRACKS — ACCIDENT BENEFITS AND TORT — MUST BE MANAGED TOGETHER FROM DAY ONE

CHAPTER TWO

Your Accident Benefits (SABS) — What You Are Entitled To

Statutory Accident Benefits are the medical and financial supports your own insurer must pay after a collision, regardless of fault. Eligibility extends to drivers, passengers, pedestrians, and cyclists struck by a motor vehicle.

BENEFIT	COVERAGE	STANDARD LIMIT
Medical & Rehabilitation	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, daily supervision.	\$3,000/mo non-CAT; \$6,000/mo CAT
Income Replacement	Lost wages if unable to work. <i>(Optional after July 2026.)</i>	70% gross, max \$400/week
Non-Earner Benefit	For students and unemployed unable to carry on a normal life.	\$185 / week
Caregiver Benefit	Primary caregivers of dependants unable to continue their role.	\$250 + \$50 per additional dependant
Death & Funeral	Lump sums to spouse, dependants, and estate.	\$25,000 / \$10,000 / \$6,000

THREE CATEGORIES OF INJURY

How your injury is classified determines how much support is available and is one of the most heavily contested areas in the accident benefits system.

<p>Minor (MIG) — \$3,500</p> <p>Sprains, strains, soft tissue. Insurers default many clients here — often wrongly. This designation is challengeable.</p>	<p>Non-CAT — \$65,000</p> <p>Serious injuries outside the MIG that do not meet the catastrophic definition.</p>	<p>Catastrophic — \$1,000,000</p> <p>Brain injury, paralysis, amputation, blindness. Applied for via OCF-19. Unlocks \$1M in benefits.</p>
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CHAPTER THREE

Your Tort Claim — Compensation Beyond Accident Benefits



SERIOUS INJURIES OFTEN MEET THE LEGAL THRESHOLD FOR PAIN AND SUFFERING DAMAGES

A tort claim is a civil lawsuit against the at-fault driver for damages not covered by accident benefits — pain and suffering, full income losses, future care, housekeeping, and Family Law Act claims. In motor vehicle cases it is constrained by two statutory barriers: the verbal threshold and the monetary deductible.

THE VERBAL THRESHOLD

Under s. 267.5(5) of the *Insurance Act*, pain-and-suffering damages are not available unless the injury caused **death, permanent serious disfigurement, or permanent serious impairment** of an important physical, mental, or psychological function. Established through medical evidence and specialist opinions.

THE STATUTORY DEDUCTIBLE — 2026 FIGURES

Even when the threshold is met, Ontario applies a statutory deductible to pain-and-suffering awards. Re-indexed each January 1 by the FSRA. In 2026, the deductible and threshold increased by 2.4%.

2026 DEDUCTIBLE

\$47,913

Applied to awards below the vanishing point

DEDUCTIBLE VANISHES AT

\$159,709

Full award paid — no deduction applies

FLA DEDUCTIBLE

\$23,957

Family Law Act claims vanishes at \$79,854

Non-Pecuniary (General)

- Pain and suffering
- Loss of enjoyment of life
- Loss of amenities
- Cap (inflated) approx. \$461,000
- Subject to threshold & deductible

Pecuniary (Economic)

- Past and future income loss
- Loss of competitive advantage
- Future care costs
- Housekeeping losses
- Out-of-pocket expenses

CHAPTER FOUR · CRITICAL UPDATE

The July 2026 Reforms — How Your Coverage Is Changing

On July 1, 2026, Ontario Regulation 383/24 takes effect. Coverage that has been automatic for decades will now require an active decision — and a premium — to keep.

✓ Stays Mandatory (Every Policy)

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

These remain compulsory in every Ontario auto policy.

✗ Becomes Optional

- ✗ Income Replacement Benefit (\$400/week)
- ✗ Non-Earner Benefit (\$185/week)
- ✗ Caregiver Benefit
- ✗ Death & Funeral Benefits
- ✗ Housekeeping & Home Maintenance
- ✗ Lost Educational Expenses & more

NARROWED ELIGIBILITY — WHO CAN CLAIM OPTIONAL BENEFITS

After July 1, 2026, optional benefits apply only to the **named insured**, their **spouse and dependants**, and any **listed drivers**. Pedestrians, cyclists, and passengers outside this group may be left with only mandatory medical and rehab coverage.

WHAT TO DO BEFORE YOUR NEXT RENEWAL

- **Read your renewal package.** Existing coverages carry over unless you remove them in writing.
- **Inventory your other coverage.** Group LTD, extended health, CPP-D — what gaps remain?
- **Weigh the real cost.** Opting out saves ~5% premium but can mean losing tens of thousands in benefits.
- **Put changes in writing.** The regulation requires written consent to remove or modify optional coverage.

WHY TORT CLAIMS MATTER MORE AFTER 2026

With fewer people carrying income replacement, more injured Ontarians will need to recover those losses through a tort lawsuit. More litigation, larger economic claims, longer timelines. Competent tort counsel at the outset has always mattered. After July 2026, it will matter more.

CHAPTER FIVE

Protecting Your Claim — The Steps That Make the Difference

The steps taken — and not taken — in the hours and days after a collision have a direct impact on the strength of your claim. Evidence is time-sensitive, deadlines are firm, and the decisions made early in the process shape everything that follows. Here is a clear, practical roadmap.

FIRST 72 HOURS

- ✓ Seek medical attention and tell your doctor **every symptom** — pain, headaches, mood and sleep changes. What is not in early records is hard to prove later.
- ✓ Report the accident to your insurer and request the OCF-1.
- ✓ Photograph the scene, vehicles, and injuries.
- ✓ Get the other driver's full name, licence, plate, and insurer.
- ✓ **Do not** give a recorded statement to the at-fault driver's insurer without a lawyer.

FIRST 30 DAYS

- ✓ Submit **OCF-1** Application for Accident Benefits.
- ✓ Complete **OCF-2** Employer's Confirmation if claiming income replacement.
- ✓ Have your doctor complete **OCF-3** Disability Certificate and any **OCF-18** Treatment Plans.
- ✓ Start a daily journal of symptoms, limitations, appointments, and expenses.
- ✓ Suspect a serious brain or spinal injury? Ask about **OCF-19** for catastrophic designation.



EARLY LEGAL REPRESENTATION KEEPS BOTH YOUR ACCIDENT BENEFITS AND TORT CLAIMS ON TRACK

HOW AZIMI LAW WORKS WITH CLIENTS

Free Consultation

We come to you — home, hospital, or office. No obligation, fully confidential.

No Win, No Fee

Personal injury files on full contingency. You focus on recovery.

Trial-Ready

We build every file for trial from day one — insurers settle fairly when they know we mean it.

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. The law changes annually. Nothing here creates a solicitor-client relationship. For a free confidential consultation:

416-900-4128 · INFO@AZIMILAW.CA



SPEAK WITH A PERSONAL INJURY LAWYER

Injured in an accident? You deserve a full recovery.

At Azimi Law, we help injured Ontarians understand their rights, navigate the claims process, and pursue the full compensation they are entitled to under the law. Your first consultation is free, confidential, and carries no obligation.

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