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INSURANCE LAW BULLETIN

January 2, 2018 – by Patrick Brennan

New Year, New Figures

[The information below is provided as a service by Shillingtons LLP and is not intended to be legal advice. Those seeking additional information on the issues above should contact the firm at (519) 645-7330.]

For January 2018, the Financial Services Commission of Ontario (FSCO) has released its latest statutory thresholds and deductible amounts for motor vehicle accident litigation adjusted for the latest inflation figures.

For motor vehicle accident tort actions, the following now apply:

- \$37,983.33 is the 2018 tort deductible amount for general damages awards;
- \$126,610.07 is the 2018 general damages threshold within which the above deductible amount will apply.

For *Family Law Act* (FLA) claimants in motor vehicle accident tort actions, the following now apply:

- \$18,991.67 is the 2018 tort deductible amount for FLA damage awards;
- \$63,304.51 is the 2017 FLA damages threshold within which the above deductible amount will apply.

In addition to the above, some specific *Statutory Accident Benefits Schedule* (SABS) benefits are indexed at 1.6% for 2018. The 2018 indexation percentage applies to named insureds, spouses of named insureds, dependants of any of these, and specified drivers, if the optional indexation benefit was purchased as well as to benefits that are required to be indexed pursuant to section 30 of the 2010 SABS in respect of insured persons who were involved in accidents on or after September 1, 2010.

When calculating damage awards or settlement amounts in auto accident context, the above deductibles, thresholds, and indexation are important to keep in mind.

As always, should you have any questions or concerns with the new 2018 indexation, please do not hesitate to contact our firm.