

# Compensation From a Car Accident Lawsuit

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## GENERAL DAMAGES

Compensation for pain & suffering

### Restrictions

#### The Threshold

You must meet the statutory threshold<sup>1</sup> (Ontario Insurance Act) in order to be compensated for your pain and suffering.

1. Permanent impairment; and
2. Serious impairment.

#### The Deductible

Any award less than \$131,854.01 is subject to a deductible of \$39,556.53 as of 2020.

## SPECIAL DAMAGES

Compensation for financial losses

### Past & Future Loss of Income

1. You are only entitled to 70% of your past gross income loss; and
2. You are not entitled to any income loss for the 7 days following the accident.
3. You are entitled to 100% of your future loss of income.

### Example of Other Special Damages

- » Out-of-pocket expenses
- » Housekeeping
- » Future care costs

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<sup>1</sup> Section 267.5(5) of the Ontario Insurance Act states that a person injured in a car accident is not entitled to general damages unless the injured person has died or has sustained: (a) permanent serious disfigurement; or (b) permanent serious impairment of an important physical, mental or psychological function.

\*Not an exhaustive list of potentially available compensation.