

# W/P

**Without Prejudice**

Official Journal of the Ontario Insurance Adjusters Association

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**Get to know the Kawartha-Durham Chapter**



## Monthly Webinar Series June Edition

# The Design of Damage Restoration

**Presented by: Jeff Martin, P. Eng.**

**Partner, Element Forensic Engineering**

**Date: June 24th at 10am**

**Member Cost: Free Non-Member Cost: \$50.00**



Jeffrey Martin is a partner and Professional Engineer with Element Forensic Engineering. Element Forensic Engineering is a firm that provides a range of engineering services including damage assessment, structural, environmental, mechanical and electrical design, as well as investigations into the cause and origin and fires.

Jeff has over ten years of industry experience. He has personally conducted more than a thousand forensic investigations varying in nature from structural, building science, materials failure and environmental perspectives. Over the past decade, Jeff has played a leading role in the damage resolution of the majority of natural catastrophes in Ontario. He is also experienced in the appraisal process, providing the supporting expert engineering opinion on numerous occasions.

Prior to his career as a forensic engineer, Jeff worked as a contractor and as an adjuster with an industry leading insurance company. Jeff completed a degree in engineering and business, at the University of Ontario Institute of Technology (UOIT) and is a member of the Professional Engineers of Ontario (PEO).

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 WP TV YouTube channel



**Simone Cybulski**  
President, OIAA

## ***President's Message***

### ***We Did It!!!***

I am not sure where to begin, I have so many mixed emotions. Relief, we made it through this unprecedented year. Sadness, it is all over and nothing, I mean absolutely nothing how I imagined. Angry, we didn't get to do anything I had been planning and preparing for; for two years leading into this OIAA year. Appreciation, for all of the beautiful contacts, colleagues and friends I have made throughout this journey. Respect, for everyone in our industry and most of all Gratitude, I am honored to have served as the 90th President of this wonderful organization.

The overwhelming support the OIAA has received during this unprecedented year has not gone unnoticed. Thank you to everyone that renewed their membership; and for all the new members we gained. All three of our virtual trivia nights sold out; and the sponsorship we received for each of these events, was better than ever anticipated... your generosity was so very much appreciated. Thank you to everyone that attended our monthly seminars; and for those registered for our final seminar of the year June 24, 2021. Thank you to all of our seminar presenters for donating your time, knowledge and expertise. Without you, we would not be able to provide these educational seminars to our members each month.

This being my last President's Message I would like to take the time to recognize and thank the amazing and dedicated executive council of the OIAA. This year threw challenges at us, that none of us were ready for – there was no handbook outlining how to run an organization during a pandemic year! Each and every one of the executive council put their best foot forward and provided assistance, guidance and overwhelming support and dedication for our organization. So thank you from the bottom of my heart Rhu Sherrard, Kyle Case, Terry Doherty, Shawna Gillen, Leanne Hardman, Joe Cumming, Laura O'Hearn, Ray Proctor, Jennifer Brown, Jordan Tremblay, Chris Jolliffe, Mike Bottan, Cindy Bridge, Sarah Graves, Claire Richardson, Carrie Evans, Emily Feindel, Zohair Nassur, John Slattery and Tena Allen.

It is with great pleasure that I pass along the torch to incoming President Rhu Sherard. Rhu's energy, excitement and passion will guide us through what I hope to be calmer times; lead us back to a new normal, one that has us back where we all want to be. Rhu will be surrounded by a very strong and passionate executive. We welcome Jennifer Brown to the senior executive council as Secretary, Shawna Gillen as Treasurer, Terry Doherty 2nd Vice President, Kyle Case 1st Vice President and I will assume the role of Past President.

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# Thank You

The hardest part of any volunteer organization is when the time comes that you have to say goodbye, something many of you know, I do not do so well. So as you can imagine, I have had to endure many blinks to get through this part of my message. At the end of my term we will be saying goodbye to our Past President, Leanne Hardman; thank you for the years of dedication and devotion. Your passion and commitment will never be forgotten. Toronto Delegate, John Slattery; your passion and support will always be remembered, not to mention the many laughs along the way. Thousand Islands Delegate, Sarah Graves; it saddens me to know, you most definitely got robbed my dear friend, I wish you could stay on and get a true understanding and appreciation of what it was like to be part of this amazing family, however, COVID had a different plan. Nonetheless, thank you for your commitment and dedication. Niagara Delegate, Chris Jolliffe; nothing like going out with a bang. Thank you so much for all your time, energy and effort in bringing the OIAA a revamped, refaced, desperately needed updated website, there is no way I could have done it without you. Kawartha/Durham Delegate, Ray Proctor; where do I begin. Thank you Ray for your years as Website Editor, as Chris found out following in your footsteps, not an easy portfolio. Your years of commitment, dedication, passion and most of all friendship. I wish each of you a lifetime of happiness.

And finally, I have to say thank you to my family. Over the years, I have spent countless hours with many nights away from home. Leaving behind my husband and four children and always they supported me and encourage me to continue and follow my dream. So thank you Matt; I couldn't have done this without you!

My time on the OIAA executive is quickly coming to an end, I honestly cannot believe this day has come; as it feels like it was only yesterday. It just goes to show, time really does fly by. My journey started 11 years ago and what an exciting ride it has been. I am forever grateful for the growth I was afforded, the experience, amazing memories, and most of all the friendships I have made that I will cherish and most definitely not take for granted.

They say all good things must come to an end; and my goodness, this truly was a good thing.

Have a wonderful summer, please stay safe and healthy...until we meet again!

*"It's Time To Say Goodbye, But I Think Goodbyes Are Sad And I'd Much Rather Say Hello. Hello To A New Adventure"* – Ernie Harwell

**Simone Cybulski**  
President, Ontario Insurance Adjusters Association

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# OIAA - Executive Council Committees 2020 – 2021

COMMITTEE	CHAIRPERSON	COMMITTEE MEMBERS	COMMITTEE	CHAIRPERSON	COMMITTEE MEMBERS
<b>COMMUNICATIONS</b>			<b>BENEVOLENT &amp; COMMUNITY</b>		
Without Prejudice Editorial.....	Jennifer Brown, Zohair Nassur	Sarah Graves, Joe Cumming, Tena Allen	Charity & Gifts .....	Simone Cybulski	
Without Prejudice Articles .....	Sarah Graves.....	Jennifer Brown, Tena Allen, Joe Cumming	John E. Lowes - Insurance Institute...	Emily Feindel...	Zohair Nassur, Carrie Evans
WP Radio & Digital .....	Terry Doherty .....	Tena Allen, Joe Cumming, Sarah Graves			
		Jennifer Brown			
Advertising-Sales - WP, Website, Links					
	Tena Allen .....	Joe Cumming, Sarah Graves, Jennifer Brown			
Media Relations .....	Joe Cumming.....	Carrie Evans, Emily Feindel			
Website.....	Chris Jolliffe.....	Zohair Nassur, Joe Cumming			
Social Media.....	Jordan Tremblay.....	Emily Feindel, Chris Jolliffe			
GTA Membership .....	Carrie Evans .....	Emily Feindel, Zohair Nassur, John Slattery			
<b>EDUCATION</b>			<b>INDUSTRY</b>		
Speakers & Meetings .....	Simone Cybulski		Licensing.....	Carrie Evans.....	Emily Feindel, Zohair Nassur
Seminars/Education & .....	Kyle Case .....	All Committee Members	Industry Collaboration .....	Simone Cybulski.....	Rhu Sherrard, Kyle Case
Adjuster Training					Terry Doherty, Shawna Gillen
Strategic Planning .....	Kyle Case .....	Tena Allen, Claire Richardson, Sarah Graves, Jennifer Brown			
Bursary .....	Mike Bottan.....	Laura O'Hearn, Claire Richardson			
<b>CONFERENCES</b>			<b>ASSOCIATION OPERATIONS</b>		
2021 Claims Conference.....	Joe Cumming.....	All Committee Members	Chapter Liaison.....	Simone Cybulski	
2021 Career Fair (TBD).....	Rhu Sherrard.....	Kyle Case, Terry Doherty	Membership .....	Shawna Gillen.....	All Chapter Delegates
			Discipline .....	Leanne Hardman	
			Constitution/Incorporation.....	Kyle Case.....	Terry Doherty, Shawna Gillen
			Handbook .....	Claire Richardson.....	All New Executive
			Mentoring.....	Kyle Case	
			Nominating .....	Leanne Hardman	
			Vendor Relations/Sponsorship...	Kyle Case.....	Terry Doherty, Shawna Gillen
			<b>ENTERTAINMENT</b>		
			Past-Presidents' Night.....	Laura O'Hearn.....	Cindy Bridge, Claire Richardson
			Holiday Party .....	Jennifer Brown .....	All Chapter Delegates,
			- OIAA Hands of Hope		Senior Executive
			Golf Tournament .....	Carrie Evans.....	Zohair Nassur, John Slattery
			September Kick Off.....	Zohair Nassur.....	Carrie Evans, John Slattery
					Emily Feindel



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Managing Editor



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**Jeff Prescott**

*Storm Chasing: A glimpse from thousands of miles travelled (page 10)*

Jeff Prescott is a Branch Manager for multiple offices at FIRST ONSITE Restoration. With over 20 years of service within the Insurance Industry as a proven people leader. A career built upon a BA from Guelph University, Human Resources & Risk Management at York.



**Jennifer Lynch**

*COVID-19 and Its Impact on Personal Injury Law (page 22)*

Jennifer Lynch is an accomplished forensic accountant and business owner. Jennifer is a Chartered Professional Accountant, Certified Management Accountant and a Certified Fraud Examiner who has a reputation for expertise, quality service to clients and professionalism.



**Margot Mary Davis**

*COVID-19 and Its Impact on Personal Injury Law (page 22)*

Margot Mary Davis is a 2018 Ontario call to the bar. She is interested in policy issues surrounding law like combatting counterfeit goods and developing sui generis policies for orphan drugs. She is also a published author.



**Meagan Bennink**

*The Digital Transformation of Treatment Options (page 42)*

Meagan Bennink earned her Master of Physical Therapy degree from Western University in 2014 and continued with ongoing education to obtain the highest designation in Orthopedic Physical Therapy as a Fellow of the Canadian Academy of Manipulative Physical Therapists (FCAMPT) in 2018. She is a Regional Manager with CBI Health.



**Derek Servos**

*The Digital Transformation of Treatment Options (page 42)*

Derek Servos is the National Manager, Auto Services for CBI Health. Since 2007, Derek has managed the Preferred Provider Treatment network, working alongside our Insurer Stakeholder partners and Clinical teams to ensure excellence in the delivery of service, while meeting the needs of our clients and our business.



**Sarah Morrey**

*Bare Bones Standard Unit By-Law for Condominium Corporations (page 52)*

Prior to joining Lash Condo Law as an associate, Sarah Morrey earned her J.D. from Western University in London, Ontario, and was called to the Bar in June 2020. Sarah summered and articulated at Lash Condo Law when the amendments to the Condominium Act, 1998 came into effect, and was able to quickly and effectively comprehend the changing nature of the condominium industry to address her client's needs.

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## Farewell from Past President Leanne B. Hardman

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*“The two hardest things to say in life are Hello for the first time, and goodbye for the last” – Moira Rogers*

As I sit down to write this, not much has changed since the time of my last report. COVID continues to wreak havoc in our world, with the variants of concern (VOC's) responsible for the highest number of cases recorded since the Pandemic started in March of 2020. I was hoping we'd be back to "normal" by now, congregating at in-person industry events, spending holidays with family and friends, and resuming the hectic pace of life. Who would have thought that Zoom fatigue would be a "thing", or we would be in the worst mental health crisis of our lifetime. However, despite the profound loss and struggle this last year, I've also borne witness to the very best of humankind. I have a renewed appreciation of my family, I miss my friends dearly and I look forward to the time we can all come together again.

When I think back to the start of my time with the Ontario Insurance Adjusters Association in August 2010, Jacob was only 6 years old. He was just starting Grade 1 and today he's deciding which University and Law School he would like to attend. I couldn't be more blessed or more proud.

I began as a Toronto Delegate, remaining there for 5 years before serving on the Senior Executive for the last 6. What a bittersweet moment this is. The OIAA has been a steady and constant presence in my life for 11 years, and the people I have met during my time here have been pivotal in my growth. Volunteering with the OIAA gave me the opportunity to meet industry colleagues from different regions across Ontario, I acquired skills working on several portfolios over the years and I am much more comfortable speaking in a public forum. I take with me so many memories of fun times, colleagues who are now cherished friends, knowledge of the Industry I didn't have before and a love of the OIAA. It was a lot of work, and sometimes it was hard to balance being a single mom, working full time and volunteering - but it has been worth every second.

If I were to name one thing that stands out as the biggest benefit of the time I've spent here with the OIAA, it would be the value of Mentorship. I am truly grateful for everything I've learned. If you ever get the opportunity to volunteer your time, step outside your comfort zone and lean in. You won't be disappointed.

Until we meet again, with love and friendship,

**Leanne B. Hardman**, BSc. Hons., CIP  
Past President 2021

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# Upcoming Monthly Webinars

Mark these dates down on your calendar

**DON'T MISS THEM!**

- September 23, 2021** Presented by **Geoff Keating**, Kostyniuk & Greenside Lawyers  
Topic - Repayment under the SABS – Best Practices AB
- October 21, 2021** Presented by **Oliver Gonzalez**, OGEE Solutions Inc.
- November 18, 2021** Presented by **Colleen Arsenault** and **Bonnie Clarke**,  
Beard Winter LLP  
Topic - Slip Slidin' Away: Contemporaneous Steps to  
Take for a Better Slip and Fall Defence
- December 9, 2021** Presented by **Blair Nitchke**, Black Sutherland LLP  
Topic - Chronic Pain
- January 20, 2022** Presented by **Barry Cox**, Boghosian + Allen LLP  
Topic - Expert Witness (To be Confirmed)
- February 17, 2022** Presented by **Keith Elliott**, Reed Research
- March 24, 2022** Presented by **Lisa Armstrong** and **Krista Groen**,  
Strigberger Brown Armstrong LLP
- April 21, 2022** Presented by **Sandra Cramb**, SCM Insurance Services  
Topic - Liability

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**Storm Chasing:  
A glimpse from thousands  
of miles travelled**

I know what you are thinking, after all this is an insurance publication. Historically storm chasing has another meaning for us Restoration Contractors. Rightfully so, storm damage can account for billions worth of property damage every year. Many restoration firms like FirstOnsite are asked to mobilize for such cases. But that is not what I am writing about. I am speaking about my actual passion to chasing storms for sport and recreation.



*By Jeff Prescott, Branch Manager,  
First Onsite Restoration*

## **Storm Chasing: A glimpse from thousands of miles travelled**

When I was approached about writing a general interest piece for the *WP* magazine, I thought why not and share some of my passion. First a little about me. I am 45 years old, married with 3 boys ages between 13-15. My family from one generation to another has been in the insurance restoration field for over 30 years. Since 2013, I have been living out my passion for extreme weather and actually storm chasing in the heart of "Tornado Alley".



Even long before the movie Twister ever hit the big screen, extreme weather is something I have always been fascinated with. Now each year I fly into Tornado Alley to take part in the “chase season”. May and June are the most active months for hunting down extreme weather and tornadic activity. When on the hunt, I am looking for a specific type of storm known as a Supercell Storm. That time of year brings together all the prime convective elements required to produce Supercell Storms that can generate tornados. The elements are cold air masses from the north, clashing with warm moist fronts from the south which creates turbulent shear and potentially violent updrafts. At a very basic level, these primary ingredients make the environment ripe for spawning tornadoes. 2013 marked the year of me saying it’s now or never. I sourced out a reputable Storm Chasing Tour company, paid for my spot, bought up some extra medical/life insurance (as per wife) and jumped in with two feet. Seven years later and I have made it down every year since, venturing out with other avid storm chasers on the annual hunt.

**The Storm Chasing Community**

Storm Chasers come from all over the world to take part in the experience. Storm Tours is a booming multi-million-dollar business in the United States. In my years of chasing, I have met some amazing people, many of whom are still very good friends today. Everyone seems to have different reasons for wanting to chase these deadly storms. From the adrenaline junkie to true soul searchers, storm chasing attracts them all. The purpose to chase is always early detection/spot-



*“We’re being invited to be vaccinated! We’re being invited to be vaccinated!”*

See you in September!



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information could easily help prevent devastation and fatalities for the local communities and families. Many Storm Chasers are trained/certified storm spotters and have protocol for reporting on tornadic activity that can be broadcasted out to communities for early warning. In many cases local sheriffs and EMS are not equipped with any type of equipment to monitor active weather in their areas.

### Technology

Yes, we love our gadgets and technology! Years ago, storm chasing was primarily done by eye alone. Technology has drastically revolutionized and improved the ability to not only forecast but predict, track and chase storms. Things such as Internet Based Radarscope, Aerial

ting and warning. Chasers act as the eyes in the skies for many authorities in local counties. All the gadgets, forecasting tools, advanced radar and experience cannot replace what the eyes are seeing in real time. This



Drones, Satellite Based Mobile Threat net, GPS, Storm Chase networks are all tools used today by storm chasers. Many chasers would feel lost without these things available. Safety is key, not only for yourself but other chasers and people on the road. Friends often ask if I am in an armoured vehicle like they see on TV. There are a few people that are sponsored to chase for a living and they are equipped to get right inside circulations, but that is not us. We are in a full-size SUV but not armoured in anyway. Our intent is to get close but not too close. In many cases you do toggle many times from chasing to being chased. Storms themselves can move up to 50-60 mph across the land so positioning or even getting away from them at times is challenging. When

everything comes together nicely, you land yourself in the right spot on the radar map looking at the storm.

**Questions, Questions and More Questions...**

So, the questions. Yes, the questions why? how? and Isn't that really dangerous? Is it like what I see on TV? Are you in an armoured vehicle?? All of these questions usually are followed by the statement "You're Nuts." The motivation for many first-time storm chasers tends to be "I want to see a Tornado". Yeah, don't we all, get in line!! The reality is that you will no doubt chase extreme weather on a tour, but tornados are only produced a small percentage of time. My desire to go each year is more about the open road with no destination, fierce

**Is it like what I see on TV?  
Are you in an armoured vehicle?**

**All of these questions usually are followed by the statement "You're Nuts."**



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storms, feeling powerful winds, jaw dropping landscapes and epic photography opportunities. Being able to feel the massive swing in temperatures that these storms bring is intense. You are left in amazement when you feel the 70-80 degrees inflow temperature to the 50-60 degrees as a hail core passes by. An added bonus is the countryside and historical sites seen during downtime that you would not otherwise have a reason to see. Some of the awesome sites I have visited include: Mount Rushmore, The Rockies, Sand Creek Massacre Park, Nebraska Badlands South Dakota, Roswell New Mexico, Great Sand Dunes Park Colorado, Sturgis South Dakota and many more!! Taking in all the local restaurants, old saloons and mingling with the local people just add to the overall experience. A typical chase tour of 10 days could see upwards of 5000 miles travelled. Convective elements come together mid afternoon to start firing off these storms. When forecasting the day before this could require all night setup drives just to get into the exact spot. It does not always pay off and sometimes even the best forecasters are left fooled. A very important point to consider if anyone is choosing to venture out. Chasing any supercell storm always poses an element of risk. Anyone considering to chase must take some internal stock and evaluate their own risk profile. Secondly, always assess the level of risk with your tour company, do your homework and make sure they align with yours. Because when all the conditions are right, the winds pick up, hail core grows, the pressure drops and the cloud base is 1000 feet or less off the deck, its game time!! By the time all this is happening its too late, as the chase is on and simply

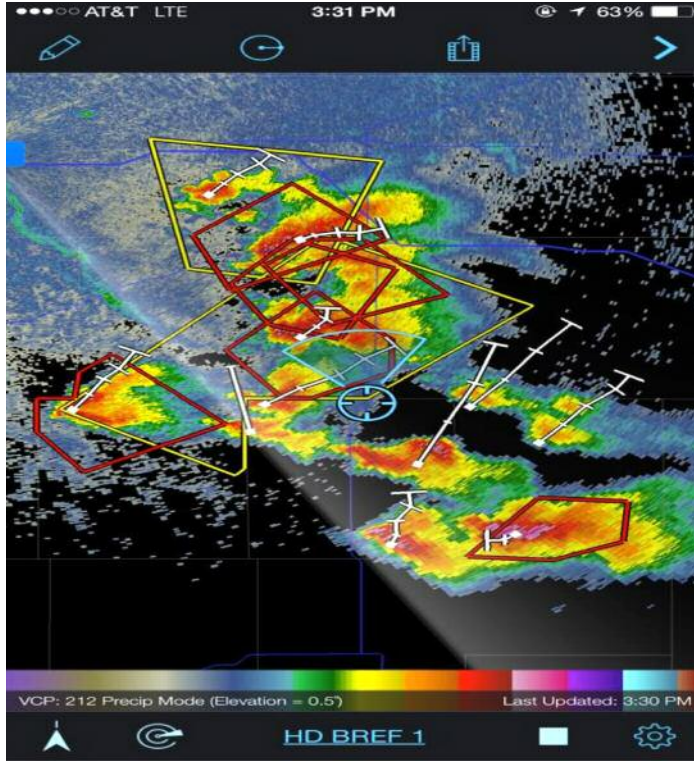
getting out of the vehicle is not exactly an option.

### **Do I have any danger stories or "close calls"?**

Some chasers unfortunately choose to tell these stories as badges of honor with the act of stupidity captured on video in most cases. The reality is, in my opinion there is such a thing as too close. Choosing to push the envelope with your risk profile will eventually catch up to you. The week after I came home in 2019 some very respected storm chasers and guests got caught and their tour vans were tossed into the ditch. I believe they took reasonable precautions, but mother nature always has final say. The week before my very first year chasing 3 Legends of the Chasing community were killed by an EF3 Tornado with wind velocities of 486km/h and it grew to 4.2km wide near El Reno.

**Convective elements come together mid afternoon to start firing off these storms. When forecasting the day before this could require all night setup drives just to get into the exact spot.**





This sent shock waves through the chase community and hopefully sent a message that even experienced

chasers cannot always predict and outrun mother nature. This certainly had me think twice about heading down for my first time but off I went. I have certainly had some white knuckled moments and one sticks out. The radar capture below (North of Garden City Kansas 2016, blue circle was my location) shows just how quick and stacked these storms can get. It was my very first chase that I was not on a guided tour with a company. Each red polygon represents a Tornado Warned Storm that could drop a tornado at any minute. Within 30 minutes this went from a single isolated supercell that was tornado warned to a cluster of tornado warned storms that completely closed in around me. The rest of the day turned into the chaser became the chased scenario. The roads aren't always great, the storm is moving, visibility nil, large hail turning roads into ice, horizontal



rain bands pushing 70-80mph winds, dirt & sand blasting the car and even the largest of engines struggle to push through the sheer force of the winds. Not going to lie it is a huge rush!! Getting into position is not as easy as one would think with the road networks available. Chasing at night also poses increased risk. Your visibility is reduced to sudden flashes of lightening on the horizon. A tornado could be forming all around you and you may not see it. At times it is unavoidable because in many cases you are done for the day but still need to get to the nearest town for lodging. Night chases do happen but certainly not what I prefer. The risk factor goes way up and the pay off goes way down without any sunlight for a backdrop.

**Extreme Weather in Ontario**

Luckily the convective elements for

Supercell storms are not as extreme in Ontario. Tornadoes can form Non-Supercell storms that are Severe Warned. Many storms that produce damaging winds here are commonly thought to be tornadoes. These are typically confirmed days later by environment Canada to be from down drafts or microbursts. If it is a Tornado, they will give it a rating on the Enhanced Fujita Scale of EF0-EF5. Ironically enough the rating scale is based on damage only not necessarily how big the tornado actually is size wise. Our Industry sees a lot of wind damage claims from strong microbursts. In most cases environment Canada can distinguish between microbursts and tornadoes simply based on the damage itself. Microbursts are high surface winds caused by large and sudden down drafts from a storm. The picture on the previous page really shows a microburst in action.

**Chasing at night also poses increased risk. Your visibility is reduced to sudden flashes of lightening on the horizon. A tornado could be forming all around you and you may not see it.**





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In 2018, Ottawa got hit with truly defined tornadoes causing widespread and extensive damage. I was on the ground evaluating the damage for insurers a few days after it hit. The damage was extensive, lives shattered, trees and homes levelled. What truly stood out to me and I will always remember was the response effort and people coming together for aid.

It has been an amazing journey for me since 2013. COVID has put storm chasing on pause just like many other things today in our lives. As soon as it is safe to head down south I will be here. Since a picture is worth a thousand words, I will leave you with a few....



*Jeff Prescott is a Branch Manager for multiple offices at FIRST ONSITE Restoration. With over 20 years of service within the Insurance Industry as a proven people leader. A career built upon a BA from Guelph University, Human Resources & Risk Management at York. FIRST ONSITE specializes in a full range of insurance restoration services for commercial, residential and large complex claims.*




**WP**



# COVID-19 and Its Impact on Personal Injury Law





The COVID-19 pandemic has changed the practice of law and has led to some novel issues. Forbes has noted that COVID-19 has required the “...legal ecosystem become more agile... and fluid”.<sup>1</sup>

Courts have adopted new technologies, like virtual trials, and some jurisdictions, like Ontario, now permit lawyers to administer oaths via an “electronic method of communication”.<sup>2</sup> Novel questions that the pandemic would present include questions like does the presence of COVID-19 constitute physical damage to a building and thus is subject to insurance coverage?

*By Jennifer Lynch, MBA, CPA, CMA, CFE  
and Margot Mary Davis,  
Lynch & Associates, Forensic Accountants*

## **COVID-19 and Its Impact on Personal Injury Law**

The new normal will particularly impact certain areas of law. One such area is personal injury law. Personal injury cases already make up a substantial number of Canadian cases; in 2018/2019, over 55,000 of civil cases were automobile tort cases and almost 20,000 were other types of torts.<sup>3</sup> The pandemic might lead to new questions, concerns, and practices specifically related to the personal injury law. Below, we will discuss them, how lawyers should react and how lawyers should advise their clients.





## Increased Concerns about Personal Injury Fraud

Personal injury fraud is unfortunately quite common; a 2001 statistic noted that twenty-six percent of personal injury claims included some sort of fraud.<sup>4</sup> This type of fraud ranges from plaintiffs who stage elaborate events to people who exaggerate the pain of injuries.<sup>5</sup> Fraud, more broadly, increases during economic downturns. People are facing economic pressures and might resort to illegitimate methods to make money.<sup>6</sup> During the pandemic, insurance providers might be especially worried about paying out long-term disability benefits to fraudulent personal injury claimants. Therefore, insurance providers might implement particularly stringent practices to avoid paying out such claims.

If your client has a legitimate claim, they might wonder how this crackdown would affect them. With the desire to prevent paying out fraudulent claims, some genuine claimants might get “caught in the crossfires”.

Insurance providers are permitted to put claimants under surveillance. They will hire private investigators to take photos/videos of a claimant’s house and the claimant about on their daily activities. If a plaintiff brings a motor vehicle tort claim against a driver, the insurance provider of the driver defends them. Courts will often deem surveillance evidence as “admissible”.<sup>7</sup>

Therefore, you should tell your client to be careful how they act. Photographs or video tape evidence of them doing innocuous day to day activities could be used against them.

If a private investigator takes a photograph of them driving a car or getting groceries, an insurance provider could allege that they are exaggerating injuries. Thus, it would say “Why should I pay income replacement benefits?” The defendant could say “Why should I pay that amount of damages? They are not negatively affected? A claimant could be in searing pain while getting groceries but a snapshot does not show that reality. You should tell your client to consider using grocery delivery services or taking public transport instead of driving.

Similarly, you should tell your client to be exceptionally careful about their use of social media. Private investigators will view a claimant’s social media. Again, seeming innocuous comments can be used against them. An insurance provider might state that a comment like “I’m having a great day” means that the claimant is not suffering from their injuries. Claimants should consider not posting and even deactivating their social media. Again, an insurance provider would defend the driver against a tort claim. Social media posts, are considered “documents” and are thus admissible.<sup>8</sup> Posts inconsistent with a plaintiff’s alleged injuries could lead to the trial judge questioning the plaintiff’s credibility.<sup>9</sup>



## Virtual Trials -The Challenges

With the advent of the COVID-19 pandemic and social distancing orders, the Ontario Court of Justice said that many trials were now to be conducted virtually instead of in-person.<sup>10</sup> While virtual trials have various benefits, like eliminating travel times, they may present concerns relating to witness credibility. Amy Salyzyn, a professor, notes “video-conferencing...may impede assessments of credibility in subtle but important ways.”<sup>11</sup> Generally, “courtroom participants” are less likely to emotionally connect with witnesses that they interact with via video-conferencing.<sup>12</sup> A particular example is a 2010 study where mock jurors ranked child witnesses, who testified in person, as more honest and accurate compared to child witnesses who testified virtually.<sup>13</sup> These concerns about credibility are particularly relevant for personal injury litigants. The judges and opposing counsel might be more likely to view the plaintiff’s claims as uncredible. This could result in lower amounts of damages.



However, one personally feels about virtual trials, they are the new normal. Personal injury lawyers must make their client seem credible over video conferencing. They should tell their clients to dress professionally. Just because a trial is conducted virtually does not mean that it is less formal. People are more likely to view an individual who is videotaped at eye level and with a high-resolution camera as more credible than an individ-

ual videotaped with a high angle camera that is low-resolution.<sup>14</sup> Therefore, lawyers should tell clients to use a high-resolution camera pointed at eye level when testifying.

### **Novel Litigation-What Constitutes a “Good Faith Effort”?**

When the pandemic started, many anticipated there would be a rush of lawsuits, related to contracting COVID-19, against hospitals, employers or stores. This concern will probably not materialize because Ontario’s government passed *Supporting Ontario’s Recovery Act, 2020*.<sup>15</sup> The *Act* states that no cause of action will exist against a person if someone contracts COVID-19 on or after March 17, 2020 if the person made a “good faith effort” to act in accordance with public health guidance relevant to COVID-19 that applied to them and followed relevant federal, provincial and municipal laws.<sup>16</sup> Additionally, the person’s actions or omissions cannot constitute “gross negligence”.<sup>17</sup> However, some individuals might argue that they contracted COVID-19 from a person who did not make a “good faith effort”.

If retained by someone who contracted COVID-19, a personal injury lawyer will face the novel task of showing the person did not make a “good faith effort”. Following relevant laws and acting in accordance with public health guidance are general terms. Would a mass outbreak at a location or repeated violations of relevant laws be considered as not making a “good faith effort”? Would strict protocols, like social distancing orders and capacity limits, be considered as making a “good faith effort”? It will be interesting to see the jurisprudence on this topic.

### **Conclusion**

The new normal has strongly impacted the legal industry and personal injury law is an area that will be particularly affected. Personal injury lawyers must inform their clients of certain issues, like concerns about assessing credibility via virtual trials, that might affect their claims during the pandemic and tell their clients how to best respond. Additionally, personal injury lawyers may have the opportunity to establish precedent-setting litigation.

Personal injury lawyers must always ensure that their clients are getting what they deserve. Pandemic or no pandemic.

<sup>1</sup> Mark Cohen, “COVID-19 is Transforming the Legal Industry: Macro and Micro Evidence” (15 September 2020), online: Forbes <





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<https://www.forbes.com/sites/markcohen1/2020/09/15/covid-19-is-transforming-the-legal-industry-macro-and-micro-evidence/?sh=151e143b3269> [Cohen].

- 2 "COVID-19 Notices and Information" (last modified 27 November 2020), online: *Ontario Court of Justice* < <https://www.ontariocourts.ca/ocj/covid-19/>>. ["COVID-19 Notices"]
- 3 Statistics Canada, "General civil court cases, by type of action, Canada and other selected provinces and territories, Table 35-10-0114-01 [Statistics Canada].
- 4 Vicky Spencer, "Personal Injury Fraud: Time for Healing", *Canadian Underwriter* (1 November 2001), online: <<https://www.canadianunderwriter.ca/features/personal-injury-fraud-time-for-healing/#:~:text=Ontario%20is%20paying%20the%20most,on%20benefits%20in%20that%20province.>> ["Time for Healing"].
- 5 *Ibid.*
- 6 Association of Certified Fraud Examiners, Press Release, "Coronavirus Pandemic is a Perfect Storm for Fraud" (31, March 2020), online: <<https://www.acfe.com/press-release.aspx?id=4295010491>> [ACFE]. Bruce Dorris wrote this article. During the 2008 recession, fraud increased.
- 7 *Iannarella v Corbett*, 2015 ONCA 110 at paras 93-95 [*Iannarella*]. The threshold for admissibility is not high. The videotape evidence must be a "fair and accurate representation" and "the defence must lay an adequate factual foundation before surveillance can be admitted to impeach the witness' testimony" [*Iannarella*].
- 8 *Leduc v Roman*, [2009] OJ No 681 (QL), 308 DLR (4th) 353 [*Leduc*].
- 9 *Tambosso v Holmes* [2015] BCSC 359 at para 167 [*Tambosso*].
- 10 "COVID-19 Notices and Information" (last modified 27 November 2020), online: *Ontario Court of Justice* < <https://www.ontariocourts.ca/ocj/covid-19/>>.
- 11 Amy Salyzyn, "A New Lens: Reframing the Conversation about the Use of Video Conferencing in Civil Trials in Ontario" 50:2 *Osgoode Hall Law Journal* 429 [Salyzyn].
- 12 *Ibid* at 445.
- 13 Shari Seidman Diamond, "Efficiency and Cost: The Impact of Videoconferenced Hearings on Bail Decisions" (2010) 3:8 *Journal of Criminal Law and Criminology* 870.
- 14 Miguel Ramlatchan & Ginger S Watson, "Multimedia Video Resolution, Camera Angle, and the Impact on Instructor Credibility and Immediacy", online: < [https://members.aect.org/pdf/Proceedings/proceedings17/2017/17\\_15.pdf](https://members.aect.org/pdf/Proceedings/proceedings17/2017/17_15.pdf)>.
- 15 *Supporting Ontario's Recovery Act, 2020*, SO, 2020, c-26 [*Supporting Ontario's Recovery Act, 2020*].
- 16 *Ibid* at s 2(1)(a).
- 17 *Ibid* at s 2(1)(b).



*Jennifer Lynch is an accomplished forensic accountant and business owner. Jennifer is a Chartered Professional Accountant, Certified Management Accountant and a Certified Fraud Examiner who has a reputation for expertise, quality service to clients and professionalism.*



*Margot Mary Davis is a 2018 Ontario call to the bar. She is interested in policy issues surrounding law like combatting counterfeit goods and developing sui generis policies for orphan drugs. She is also a published author.*

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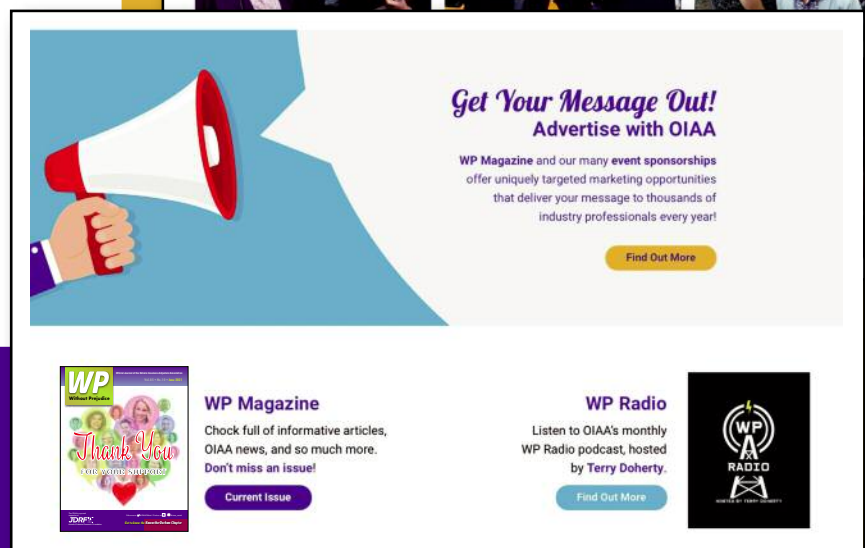
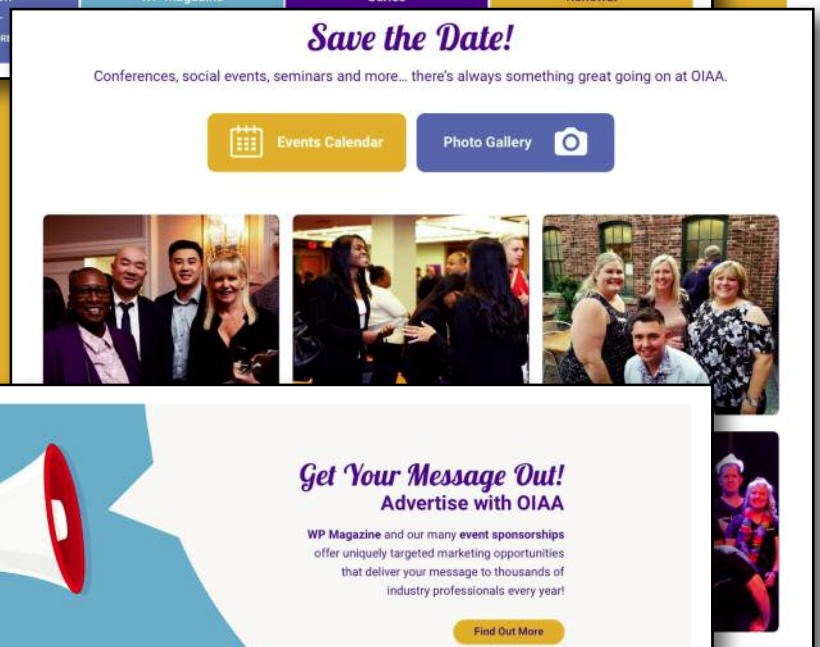
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# Get to know your Chapter

## OIAA Kawartha/Durham Chapter

The Kawartha/Durham Chapter covers a large area of Central Ontario. It is made up of a wonderful group of people who volunteer their time to provide educational and networking events for our members and raise money for Charities.

The COVID-19 pandemic has brought significant changes and challenges in the Insurance industry, our lives, our country and the world. We have had to adapt to new ways of doing things and accelerate change at a rapid pace.

Unfortunately, due to the challenges we have had to cancel our events and do not currently have any planned. This was not an easy decision, but our Executive continues to follow the COVID-19 developments and meet virtually on a monthly basis to discuss a variety of topics such as educational events, social events and charity contributions.

When it is safe to do so, we will be looking to get back to the events that you have all enjoyed such as our annual Education Day, Hockey Night and Golf Tournament all the while drumming up new ideas.

In the meantime, we have continued to support our Kawartha/Durham Communities and members financially through monetary donations and award sponsorship.

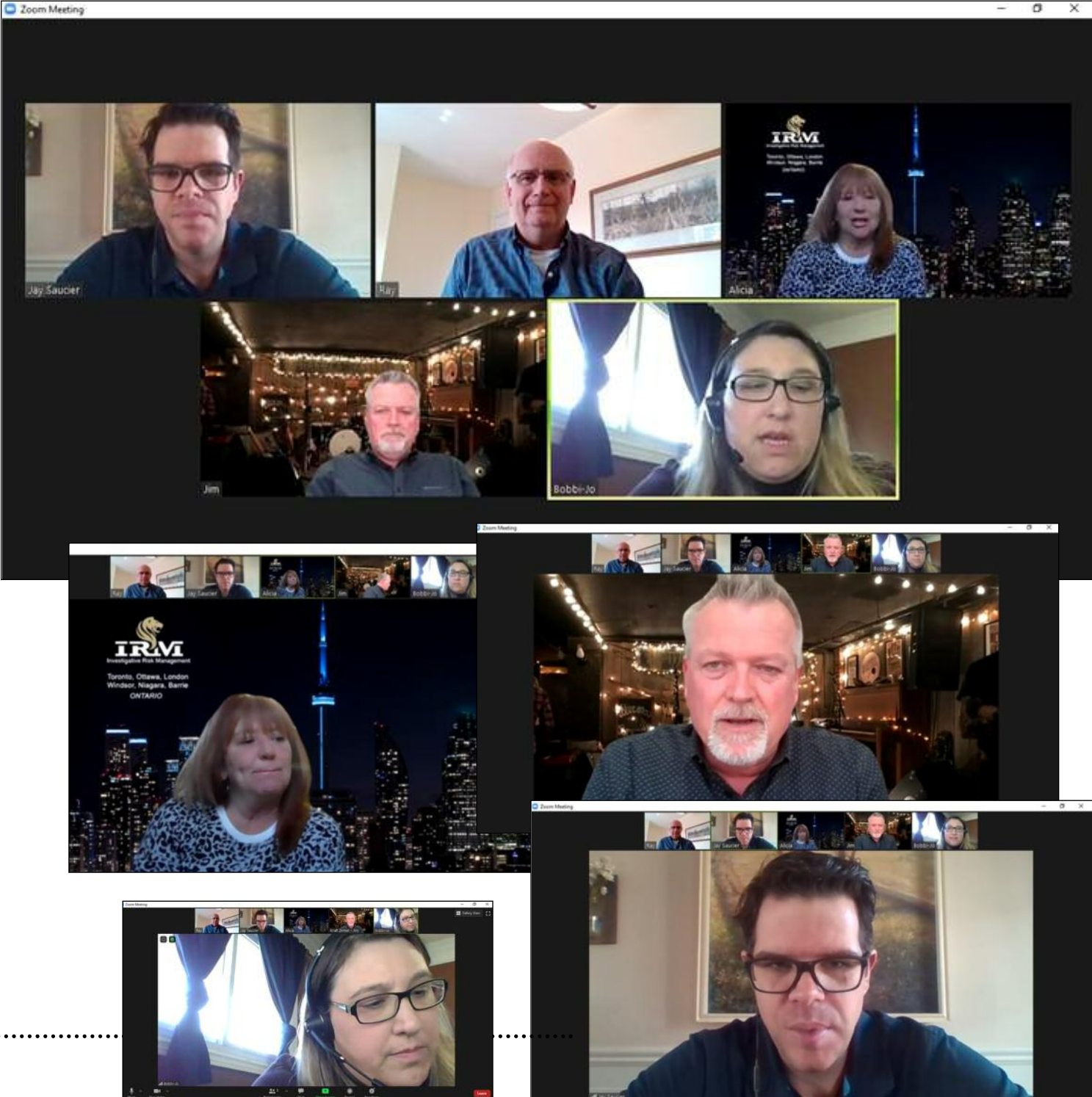
Calling all Adjusters: Our current Executive Committee term is set to expire the end of June 2021 and we are always looking for new members to join our team. If you are interested in joining, please reach out to us at [info@oiaakawarthadurham.com](mailto:info@oiaakawarthadurham.com) or contact one of our executives directly. For more information check out our website at [oiaakawarthadurham.com](http://oiaakawarthadurham.com)

On behalf of my fellow executives, I would like to extend our well-wishes for the health and safety of each of you. We are all in this together.

**Bobbi-Jo Stephens, CIP, ACS**  
President, Kawartha/Durham Chapter



Monthly Virtual Meeting



# OIAA BURSARY 2021



## Do you have a child or grandchild enrolling or enrolled in Post-Secondary for 2021/2022?

The OIAA Student bursary offers financial assistance in the form of 3 awards in the amount of \$1,000.00 each. The applicant must be pursuing full time post-secondary studies at a College or University.

Selection is based on financial need, contribution to school, community life and/or other meaningful pursuits, major accomplishments and strong indication of academic promise. Eligible applicants will be a child or grandchild of an active OIAA member, who has been a member in good standing for a year and is a current member in good standing for 2021-2022.

Previously successful award recipients are welcome to apply again with a new Essay.

The deadline to apply is October 2, 2021 at 5:00 pm.

Visit our website [www.oiaa.com](http://www.oiaa.com) for further details.



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Your Network for Success

## New Members

The following were approved as active new members in April 2021

NAME	COMPANY	CITY	CHAPTER
HEDINGTON, Janice	The Co-operators Insurance	Guelph	Kawartha
DO REGO, Sunil	SGI/Coachman Insurance	Toronto	Toronto
DAVIDSON, Sarah	Heartland Farm Mutual	Waterloo	Kitchener/Waterloo
MOHAMED, Nazira	Heartland Farm Mutual	Waterloo	Kitchener/Waterloo
GIOVANNETTI, Dana	The Co-operators Insurance	London	London
EROCHKO, Jenna	The Co-operators Insurance	Toronto	Toronto

# An update on JDRF's Advocacy Efforts: #AccessForAll



Our #AccessForAll campaign has been keeping busy, finding new and creative ways to advocate government officials at the provincial level despite the constraints of COVID-19. To everyone who has supported by volunteering time, talents or donations – thank you.

Here is an overview of our most recent efforts to demand affordable and accessible diabetes technologies for all Canadians living with type 1 diabetes (T1D).

You may remember from our last update that Yukon received #AccessForAll, thanks to the advocacy efforts of adults, parents and others touched by T1D. The Yukon government has moved to fully reimburse continuous glucose monitoring (CGM) and flash glucose monitoring (Flash GM) for people of all ages.

We were also pleased that all the Saskatchewan parties agreed on more coverage. This was great news for those with T1D living in the Yukon and Saskatchewan.



### Manitoba

Our advocacy efforts in Manitoba continue to centre around extending age coverage for insulin pumps to 18+.

JDRF is calling for a Made-in-Manitoba plan to support Manitobans in our upcoming budget submission.

In it, we ask that the government remove the current age restrictions for insulin pumps and extend coverage to all ages. We also ask that it invests in public coverage for continuous glucose monitors (CGM) and flash glucose monitors (Flash GM) for all ages. This plan would significantly improve the quality of life and health outcomes for Manitobans with T1D, but also allow for a more equitable and innovative health care system on par with other provinces and territories.

We hope to build on the success from parent and student led advocacy efforts in both the Yukon and Saskatchewan, so that Manitoba doesn't get left behind.

### British Columbia

We hosted four online community events from Jan 26th to Feb 4th that invited members of the BC T1D community and JDRF donors to show their support for #AccessForAll. These events were held to send a clear message to the B. government to cover CGM and Flash GM under B.C. Pharmacare.

The BC government is actively considering coverage for these technologies, and these events were held to ensure that the issue remains front and centre to ensure coverage that those living with type 1 diabetes (T1D) need.

The events were held in Fraser Valley, Northern & Island, the Interior - Tues. Feb 2 and Vancouver Coastal. Healthcare professionals and members of the T1D community shared their stories about the coverage issues and why access to T1D technology is so important. Elected officials were in attendance to connect with and learn from their constituents. We hope that by sending a strong message to BC representatives, we will see a commitment to funding these devices in the next provincial budget.



### Pre-Budget recommendations submitted to the Government of Ontario

We are still advocating to the Ontario government to expand device access beyond Flash GM (currently covered for those under age 25, on disability or receiving social assistance who have no private insurance coverage and those over age 65), and also include funding for CGM (Continuous Glucose Monitoring) devices.



Included as well in our pre-budget submission was the recognition of how virtual care has expanded during COVID-19 and is likely to continue once the pandemic ends. Virtual care tied to access to Flash GM and CGM devices reduces both impact on the healthcare system and hallway medicine. This has health and economic benefits for the province.

### **Update from Brooke Roche, MBA, BEDS - Prime Minister's Youth Council Member**

JDRF volunteer advocate Brooks Roche has been extremely busy, reaching out to both members of the PEI and NFLD governments and federal MPs advocating for full coverage of Flash GM, CGM and insulin pumps in Atlantic Canada.

In September, the Prime Minister's Youth Council met to discuss a wide range of topics with the PM - including the implementation of a national diabetes strategy. Brooks presented a fiscal, social, and celebratory case for comprehensive action, and in response the Prime Minister has committed to advocate in favour of implementing Diabetes 360 and to discuss the matter with Ministers Hajdu and Freeland in their coming meetings. He will also be involved in upcoming discussions with the PM and Minister Qualtrough on the Canada Disability Benefit referenced in the Speech from the Throne. Brooks is doing amazing advocacy work and we're very grateful to him.

Read his opinion piece published on CBC News to recognize the milestone anniversary of a 100 years since the discovery of insulin and the call to action for a national diabetes strategy.

Watch Brooks' full presentation to PEI Legislative Standing Committee on Health & Social Development on youtube.

If you'd like to take action, send an email to your provincial representative, requesting accessible and universal CGM and Flash GM coverage today.

### **Our youth ambassadors took to the Hill virtually in 2020**

Our Kids for a Cure Lobby Day-Home Edition was a great success. During the week of November 2nd, delegates joined JDRF for its annual Kids for a Cure Program. This year, due to COVID the event was held virtually.

Kids for a Cure is an initiative designed to raise awareness about the daily challenges faced by those living with type 1 (T1D) diabetes and the need for more Canadian research in this field. Throughout the week, our youth ambassadors share their personal stories of what it is like to live with T1D with Members of Parliament and Senators.

Go to [www.jdrf.ca](http://www.jdrf.ca) to read some of their stories.

### **Federal Budget Submission**

JDRF's federal budget submission highlighted the 100th anniversary of the discovery of the insulin hormone – and emphasized how this

remains the only treatment for people with diabetes and is not a cure. While technology has greatly improved the lives of people living with T1D, it is now time to more aggressively pursue research into cures.

The following three recommendations were submitted, with supporting evidence both to their demonstrated benefit to the health of Canadians living with T1D and economically.

**Recommendation 1:** The Government of Canada should honour next year’s centenary of the discovery of insulin through renewed research investment of \$15M in the JDRF-CIHR Partnership to Diabetes to be matched by JDRF and its partners.

**Recommendation 2:** As recommended in the Disability Advisory Committee’s (DAC) First Annual Report, Canadians requiring life-sustaining therapy, including insulin therapy, should automatically qualify for the Disability Tax Credit (DTC).

**Recommendation 3:** As recommended by the Standing Committee on Health in A Diabetes Strategy for Canada, the Government of Canada should invest in the implementation of a national diabetes strategy (Diabetes 360<sup>o</sup>) with specific outcomes for the different types of diabetes.

Visit [www.jdrf.ca](http://www.jdrf.ca) to learn more.



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# THE WP RADIO

PODCAST NETWORK

With 2020 being an extremely different year for the world, it's never been more apparent that things can change for us in the blink of an eye. I'm certain everybody is on the same page of wanting to get back to normal as soon as we can, but when that happens is far beyond any of our control.

In the meantime, we're always looking for ways to expand the reach of the association, connect with people and create great experiences for our members. WP Radio has been something that over the past three years, has really evolved into something that is consistently seeing year-over-year growth and even the pandemic did not stifle that.

In 2020 alone, WP Radio reached over 3,000 listeners from Apple Podcasts, SoundCloud and YouTube and an entirely new roster of podcasts and episodes will be released in the coming year.

On the distribution end, we're very excited to announce that all episodes of WP Radio are now available on Spotify. Our first podcast release of 2021 is brought to you by Arcon Forensic Engineers, called "Guess What I Learned Today", which will be releasing every month throughout the year.

More projects will be announced for the OIAA and WP Radio in the coming year, and we look forward to connecting with you all as 2021 progresses.

If you or your company are interested in sponsoring a podcast and being part of the 2021 roster, please contact **Terry Doherty** at **[wpdigital@oiaa.com](mailto:wpdigital@oiaa.com)** for more information.

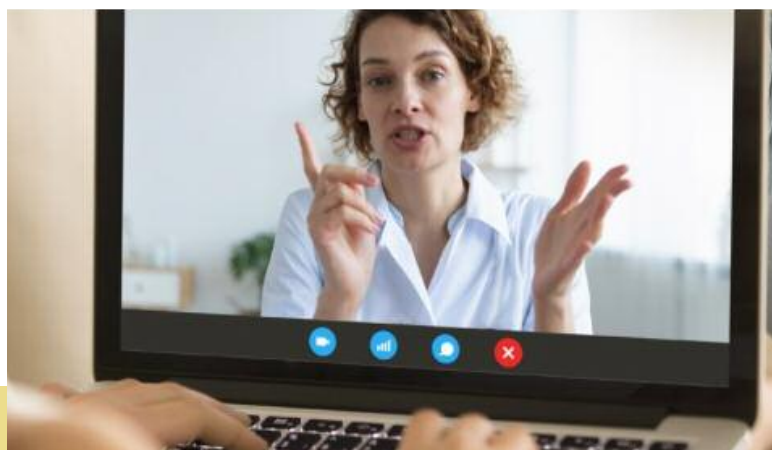
We want to thank all of our listeners and sponsors for their continued support, and we look forward to a great 2021 year.

- The WP Radio Team

# The Digital Transformation of Treatment Options



Virtual care, often referred to as telehealth has surged in popularity since the beginning of the COVID-19 pandemic in 2020. It can be defined as the use of telecommunications and virtual technology to deliver healthcare to clients without having to physically visit a healthcare facility. The COVID-19 pandemic forced many healthcare facilities to close for non-emergency services and the option of accessing virtual healthcare services during this time has allowed for continued professional care.



*By Meagan Bennink, Regional Manager and  
Derek Servos, National Manager, Auto Services,  
CBI Health*

# The Digital Transformation of Treatment Options

## Virtual Care Benefits

Virtual care allows clients and healthcare clinicians to conduct sessions online while maintaining progress despite the conditions of the pandemic. This has been an essential method in treating patients that keeps both the client and clinician safe.

However, virtual care has also opened the doors for long-term options that are not limited to the pandemic. The shift towards virtual care represents a permanent change in the business and operation model for many healthcare providers. This change and subsequent growth in service delivery over the past year have suggested this new mode of treatment will become the norm in healthcare service options for the indefinite future.



Clients are now able to seek treatment on their own time and are saved the inconvenience of commuting to clinics or travelling in undesirable weather conditions. Virtual care also allows busy individuals to fit their sessions into their own schedules, and removes the potential need for alternate arrangements, such as childcare, to access their treatment.

Not only does virtual care offer a convenient alternative to travelling to clinics, it also increases access to services for clients in underserved areas. Clients who live in rural areas or those who do not live within a close proximity to a clinic can now receive care without requiring long trips. Virtual care also provides a practical solution for clients with mobility issues, those who may be limited by injury, age, or other factors. Clients are able to seek treat-

ment at home, without causing additional pain and discomfort from travelling to a physical clinic location.

With increased attention and time committed to building out the digital infrastructure of virtual healthcare systems, the security and user friendliness of software and programs will only continue to improve, making virtual care an easily accessible option for anyone. Healthcare facilities are also working to diversify the services that can be performed virtually, which increases the service options available for clients. Jon Hantho, President and CEO of CBI Health, has made it clear that virtual care is here to stay, stating that currently 90% of CBI Health's services can be performed virtually, and 20-25% will likely remain virtual even in post-pandemic times (The Globe and Mail, 2020).

**Healthcare facilities are also working to diversify the services that can be performed virtually, which increases the service options available for clients.**

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These benefits are important to recognize when referring clients to effective and convenient treatment programs. Virtual care provides a suitable mode of treatment for specific clients who can benefit from the flexibility of this option. Providing the choice of virtual care as an alter-

native to in-person treatment can potentially increase clients' compliance with their program and frequency of sessions, which can have a positive impact on function and motivate outcomes that are more effective. Recognizing the benefits of virtual care and the circumstances under which it is suited are essential in providing the best possible and successful outcomes.

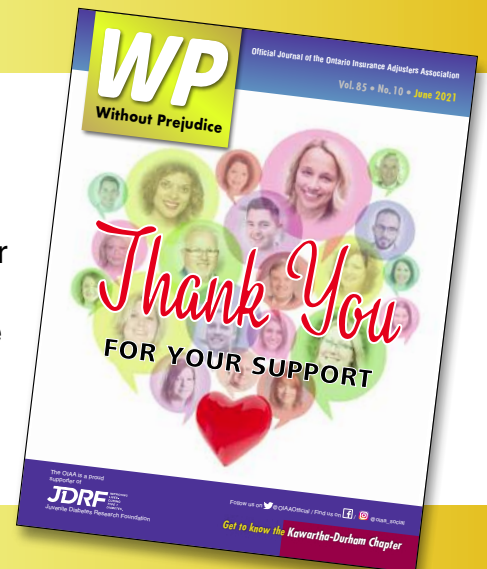
The pandemic has jump started a digital transformation in healthcare. Now, at the forefront of care options, this shift towards virtual healthcare is bringing these services into a new age, and in following this, we must adapt and open opportunities to allow these services to flourish as an equal alternative to in-person care.

It has become clear that this approach is here to stay!

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### How and When is Virtual Care Used?

Virtual care is the use of telecommunications to receive healthcare. Any device that is internet compatible can be used to receive services, whether by phone, tablet, laptop, or computer. Similarly to in-person treatment, virtual care begins with obtaining client consent. This is followed by an initial assessment to review the client's health history, concerns and symptoms. Based on the findings, the clinician will develop a tailored treatment plan to match the client's unique symptoms and needs. They will use video conferencing to discuss the findings, to set goals, observe the home environment and to proceed to schedule virtual sessions to begin treatment.

Virtual care is optimal for clients experiencing acute health needs and

these clients generally have shorter lengths of treatment. Hybrid care works best for clients who have a wider range of severity and complexity of health needs than virtual care alone.

Virtual Care is an effective alternative or complement to in-person care. This method has surged during the pandemic due to its compliance with physical distancing and health protocols. This treatment approach offers a unique alternative for clients who are unable to make the trip to a physical clinic.

Online sessions operate similarly to in-person sessions, offering various effective and interactive approaches to combat the client's symptoms. There are various categories of care that provide effective virtual care for auto-specific injuries, including physiotherapy, kinesiology, occupational therapy, self-isolation support,

depression and anxiety, pain management, injury recovery, concussion management, return to work planning, exercise therapy, chronic conditions support, and more. Although virtual care cannot offer physical types of treatment, there are many ways that clinicians can provide effective support. Treatment might include listening to client's symptoms and feelings, instructing on self-evaluation techniques, educating and providing information, coaching clients through stages of recovery, teaching and supporting effective coping strategies and optimal mechanics, cognitive and physical exercises, and monitoring and progressing instructed activities to promote return to function.

Virtual care is beneficial in promoting easy client communication and provides access to diverse



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healthcare solutions that can be performed on their own time, ultimately saving costs, and resulting in quicker discharge. It is important to monitor if clients improve from virtual care alone, otherwise alternate treatment options should be considered.

### Hybrid Care

Hybrid care is the combination of virtual care and in-person sessions. This type of treatment usually includes an in-person initial assessment and specific checkpoints in-clinic, however most of the care and sessions are conducted through virtual care. This dual option allows for a cohesive experience and works well for clients with a higher complexity of health needs.

Hybrid care provides the ease of access to virtual care and ability to perform exercises and activities at home but also providing access to specialized and customized in-person interventions when needed. This type of care generally has higher treatment completion rates. As described, there are benefits to all methods of treatment, and recognizing when and how each type is beneficial is important to providing the best and most tailored care possible.

This is just one example of the effectiveness of virtual care in treating physical injuries. View the full story at [www.cbi.ca/connectedcare](http://www.cbi.ca/connectedcare).

### Conclusion

The COVID-19 pandemic has changed much of how we think about our social and physical interactions. Virtual care/telehealth has proven to be an effective solution for complying with social distancing measures aimed to combat the spread of the virus. Out of necessity, healthcare providers have upscaled their options and platforms to an extent that has become a sufficient alternative to in-person care for

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many different conditions or injuries. This movement towards the increased digitization of healthcare is nowhere near finished and is expected to continue well after the pandemic is over.

Although virtual care cannot always act as a substitute for all in-person treatments, it has shown to offer an appealing and beneficial alternative to those suited for it. The ability to access healthcare solutions from the comfort of your own home is a feature of healthcare we see emerging as a norm as clients and healthcare professionals become more confident in the software and technology needed to access it. The COVID-19 pandemic has jump-started the digital transformation for healthcare services, and as Jon Hantho, President and CEO of CBI Health, said, "This is not a 'pandemic fix', this is a fundamental shift in how we are doing business, at all levels, and it's here to stay," (Carroll, 2020). Virtual and hybrid care represent permanent shifts in the future of healthcare and will continue to strengthen the quality and quantity of services provided.

To make a referral please contact our central intake team:  
Call: 1.800.897.9640  
Email: ppintake@cbi.ca

For questions and inquiries please contact Derek Servos, Manager of Auto Services at CBI Health: dservos@cbi.ca

**Citations:**

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*Meagan Bennink earned her Master of Physical Therapy degree from Western University in 2014 and continued with ongoing education to obtain the highest designation in Orthopedic Physical Therapy as a Fellow of the Canadian Academy of Manipulative Physical Therapists (FCAMPT) in 2018. She is a Regional Manager with CBI Health and has focused her attention on training and mentoring multi-disciplinary teams with particular focus on effective telehealth integration since the onset of COVID-19.*



*Derek Servos is the National Manager, Auto Services for CBI Health. Since 2007, Derek has managed the Preferred Provider Treatment network, working alongside our Insurer Stakeholder partners and Clinical teams to ensure excellence in the delivery of service, while meeting the needs of our clients and our business. Derek also serves as the Regional Privacy Officer for Ontario, ensuring compliance with provincial and federal statutes and standards.*



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# **Bare Bones Standard Unit By-Law for Condominium Corporations**





Over the past year, there has been significant discussion within the condominium industry regarding the challenges faced by many condominium corporations who are finding it difficult to control insurance costs and in some instances even obtaining insurance coverage. Many corporations have been faced with wildly increased premiums and deductibles, which has, in turn, forced corporations to figure out a way to tackle these rising costs.

*By Sarah Morrey,  
Associate, Lash Condo Law*

## **Bare Bones Standard Unit By-Law for Condominium Corporations**

Insurance providers consider a number of factors when assessing a corporation's risk, including geographic location, claims history, repair and maintenance procedures, and materials used during construction.

One of the ways to assist in decreasing this risk is for condominium corporations to shift the responsibility of insurance from the corporation to the unit owner by enacting a standard unit bylaw to define the standard unit as "bare-bones".





**Any items within the unit which are not listed in the standard unit by-law, would be considered an “improvement” to the unit and be the responsibility of the unit owner to insure.**

A standard unit by-law describes what portions of the unit are “standard” to a unit which would be covered by the corporation’s insurance policy. Any items within the unit which are not listed in the standard unit by-law, would be considered an “improvement” to the unit and be the responsibility of the unit owner to insure.

A “bare-bones” standard unit by-law essentially limits what is considered “standard” to be only the essential, structural components of the unit which would be defined in Schedule “C” (the unit boundaries) of the Declaration of the corporation. For example, a bare-bones standard unit by-law may include the walls and ceilings up to the drywall, but would exclude primer, paint, and any wall coverings.

With a bare-bones standard unit by-law in place, the condominium corporation’s insurance policy will cover fewer components of the unit, resulting in fewer claims being made under the condominium’s insurance in relation to unit damage. This, in turn, will likely decrease the overall cost of insurance. This can be compared to a more inclusive standard unit by-law that may include com-

monly damaged finishes such as counter-tops and flooring, which would likely increase the number of claims made under the corporation’s insurance policy, and increase the overall costs to the corporation.

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## Summer in Ontario





With a bare bones standard unit by-law, it is the unit owner who bears the ultimate risk for damage to his or her unit, and all owners in the corporation can rest peacefully knowing that there is a decreased likelihood that their common expenses will be paying for damage to a neighbor’s unit caused by an insurable event.

Although there are many corporations that have standard unit by-laws in place that remove the items that are usually the damaged items in claims i.e. countertops and flooring, we are now seeing more corporations revising those by-laws to go one step further and create a bare-bones standard unit by-law.

When trying to pass a standard unit by-law, education is key. We have heard stories of owners objecting to standard unit by-laws for fear of “losing” coverage, or that doing so will result in an increase price for owner insurance policies. Oftentimes, these concerns can be mitigated by education and conversation.

Ultimately, it is important to highlight that standard unit by-laws are solely about insurance. They do not change the obligations to maintain, nor do they change the boundaries of the unit, both of which are outlined in a corporation’s Declaration. A standard unit by-law simply clarifies which party, being the condominium corporation or the unit owner, is responsible for insuring what portion of the unit.

Remember that this by-law requires a vote of fifty percent (50%) plus one of all voting units. Consider presenting this by-law along with a virtual meeting and electronic voting by-law at your upcoming virtual AGM or special owners meeting using electronic voting.



*Prior to joining Lash Condo Law as an associate, Sarah Morrey earned her J.D. from Western University in London, Ontario, and was called to the Bar in June 2020. Sarah summered and articulated at Lash Condo Law when the amendments to the Condominium Act, 1998 came into effect, and was able to quickly and effectively comprehend the changing nature of the condominium industry to address her client’s needs. Sarah works primarily in the firm’s condominium corporation files, as well as condominium development work.*

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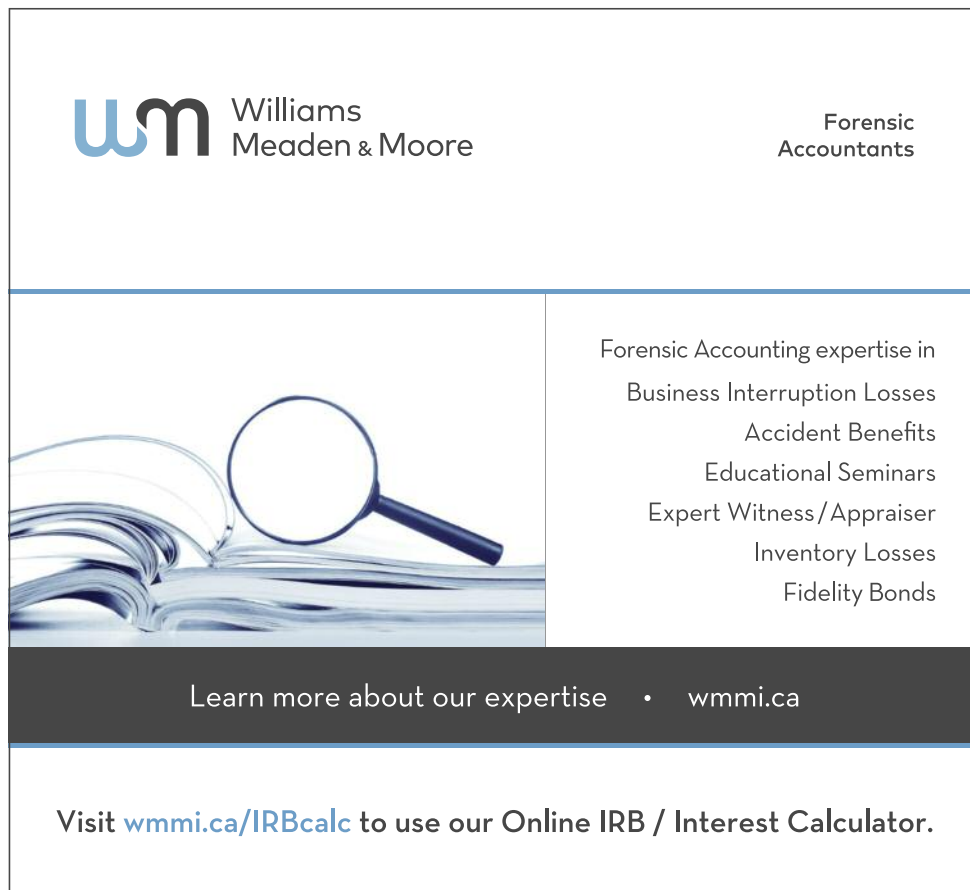
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## Final Report .....

*Ray Proctor, BA, CIP, Kawartha/Durham Chapter Delegate*

I find myself wanting to write about the current political, social, economic and health crises that have plagued all our lives this past year, and longer. Each attempt at writing takes me deep down an unintended rabbit hole. Neither of the issues are a short discussion. As a result, and to avoid re-writing this page yet again, I will be deliberately vague on any one topic while highlighting a common thread I believe exists among all of them.

It seems the friction we see in politics, public health, the economy, environment, civil liberties etc., etc. is at an all time high. Why is that? The world is more connected than we have ever been. Knowledge and information on any subject are a google search away. Everything is at our fingertips. Why, when we are so advanced, are we witnessing such primitive levels of mistrust and hatred? Is it fear of what we do not understand? Is it fear that our beliefs may turn out to be wrong?

There is so much rhetoric today on vaccines, lock downs, guns, Trudeau, Trump, Biden, black lives, police lives, etc., etc. The common thread I find with respect to all these topics is that collectively we have been failing at communication. Sometimes with deliberate misinformation. Other times by way of neglect. It is almost always based in ignorance, simply not knowing, or understanding something. Let us look at neglect in communication.

We appear to be near incompetent at listening to one another over our effort to be heard, or our desire to only hear what we want to hear. We have become so focused on ourselves that we have stopped exercising our ability to try and comprehend our

neighbor. This does not mean everyone all the time. However, we as people are not doing very well with communication and comprehension.

Time and again people turn to social media to engage in discussion. The result is typically either commiseration or conflict. There is very little enlightenment. Often two or more uninformed people share their thoughts and opinions. The result is the collective wisdom of ignorance. That will most likely create anxiety. Why do we trust the uninformed over the well informed? How can two people of one race have an informed discussion about another race? How can two tradespeople have an informed discussion about viral infection? Why do we seek our uncle's opinion on investing rather than the opinion of a Financial Planner? All too often we see the informed person being dismissed, discarded, or even insulted while the uninformed individual receives misguided praise.

We do not have the authority to dismiss or discard another person because of who they are or what we believe. We do not have to accept their ideas, but we owe it to ourselves to actually listen to what they are trying to say. We have the authority to listen and respectfully question with the intent to understand. Odds are we will find our own beliefs required some adjustment. If we can spend more time hearing one another, we can reduce the anxiety and friction. Only then can we bridge our divide, suffocate the hatred, and elevate the level of humanity we extend our neighbor to the same level of humanity we expect to receive ourselves.

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