

# W/P

Without Prejudice

Official Journal of the Ontario Insurance Adjusters Association

Vol. 82 • No. 9 • May 2018



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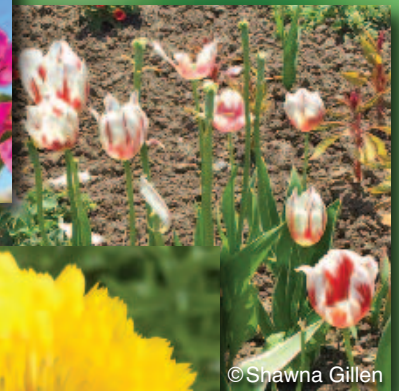
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Official Journal of the  
Ontario Insurance  
Adjusters Association

Vol. 82 No. 9  
May 2018

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For non-members subscription price: Canada - \$75.00 + HST. U.S.A. and other countries - \$90.00

For change of address or any enquiries regarding distribution, send address label with updated information to:

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ISSN 0833-1278 Canada Post Canadian Publications  
Mail Sales Product Agreement No. 40064573



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**Jennifer Graham**  
President, OIAA



## ***President’s Message***

*Happy Spring everyone ..... it’s finally here!!*

I wanted to start by saying a huge thank you to Kadey Schultz, Brian Cameron, Jane Cvijan, Dr. Mark Watson, Keith Elliott, Ava Hillier, Alec Gillen and Shawna Gillen, as well as our wonderful 6 jurors for their participation in our Mock Trial which was held on April 11, 2018. For those in attendance, I think you’ll agree it was extremely informative, and definitely entertaining ( in an educational way of course! ). Thank you also to Jason Frost and Chris MacAulay for all of their hard work in putting the event together.

I’d also like to take this opportunity to congratulate our newly elected Toronto Delegates, John Slattery, Carrie Evans and Matt Rienzo, and look forward to having them on our Executive team next year!

May is one of my favourite months – not only for the sights of green grass and the budding of leaves, and sounds of birds chirping but also the smell of flowers and lilacs in bloom. Fun fact - did you know that in any given year, no month ever begins or ends on the same day of the week as May does? May is also the gateway to summer!! There’s nothing more Canadian than heading to the cottage or gathering for a barbeque with family and friends to celebrate the “May 2-4 weekend”. The 2nd Sunday of May is also celebrated as International Mother’s Day. It is the time for people to thank mothers and mother figures who took the time to care for them and help them through life’s challenges – not that we shouldn’t be doing that every other day of the calendar.

Sadly, May also means that I’m nearing the end of my tenure as the President of the OIAA – I can’t believe that the time has flown by so very quickly. I’m going to take the time that I do have left in this position to fully appreciate what a wonderful association we have. Until my last and final President’s message in June, which I’m dreading to write, have a wonderful May and to all you mothers out there, Happy Mother’s Day!

**Jennifer Graham, CIP**  
President, Ontario Insurance Adjusters Association  
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### ***NEXT MEETING***

***Friday, June 8, 2018***

#### **The OIAA Annual Golf Tournament**

Location: Cardinal Golf Club  
2740 Davis Drive West,  
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See page 38 for details.

For more information please visit our website [www.oiaa.com](http://www.oiaa.com).



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 Christmas Party .....Craig Ozog  
 Vendor Appreciation .....Rhu Sherrard .....Mike Hoffman, Geoff Sullivan  
 Golf Tournament .....Greg Doerr .....Matt Rienzo  
 September Kick Off.....Matt Rienzo.....Carrie Evans, Shawna Gillen



A blurred photograph showing the rear wheel of a white car on the left and the lower legs and feet of a person walking on the right. The person is wearing dark pants and brown shoes. The ground is dark asphalt with scattered yellow and orange leaves. A white crosswalk is visible on the right side of the frame.

**Liability In Motor Vehicle  
Accident Cases: Left-Hand Turns,  
Pedestrian Knock-Downs, and  
Rear-End Collisions**





**The analysis and investigation of liability in a motor vehicle accident case is crucial to the evaluation of every claim. Any percentage of liability that can be attributed to the plaintiff or co-defendant results in a direct financial savings to your defence of the insured.**

There is no set law that provides us an unqualified answer as to apportionment of liability as each case is fact specific. With that being said, past precedent provides us guidance for the principles that are important to consider when analyzing liability. The importance of analyzing liability right from the outset of the case as early as when an insured calls his/her insurer to report the accident cannot be overstated. The statements taken by the adjusters, (whether by phone or in writing), help shape our liability defence and impact the litigation going forward.

This is particularly important in the current day and age of summary judgment litigation. The courts are now more inclined to make a determination of liability without a full-fledged trial and often without oral witness evidence. Judges are making rulings based on affidavit evidence, discovery transcripts, statements from witnesses, and police reports.

*By Cary Schneider, Partner, Beard Winter LLP*



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The proper development of a case right from the outset will help develop an evidentiary basis in order to properly evaluate the strengths and weaknesses of commencing / defending against summary judgment motions.

Some of the most common liability situations are left hand turn cases, pedestrian knock-downs, and rear-end collisions. The principles set-out below can be extrapolated to address most motor vehicle liability situations. At the end I have included a series of key sample questions that can be used as a reference for adjusters to ask the parties to a lawsuit at the outset of a case. Statements obtained of potential claimants, third parties, and independent witnesses before counsel has spoken to them provides us with a golden opportunity to get an unfettered insight into what happened.

**Left-Hand Turn Cases**

In the vast majority of cases, the left turning vehicle in a motor vehicle accident collision is primarily at fault for the accident. With that being said, an insurer should not simply accept without analysis that the left turning vehicle is 100% responsible. The facts of each case provides us with guidance that liability in left-hand turning cases is not always clear. We start from the default position that the left turning vehicle is obligated to make sure to complete his/her turn in safety, and then we look at all of the circumstances of the loss. Section 141(5) of the Highway Traffic Act states that:

“No driver or operator of a vehicle in an intersection shall turn left across the path of a vehicle approaching from the opposite direction unless he or she has afforded a reasonable opportunity



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to the driver or operator of the approaching vehicle to avoid a collision.”

In *Mayers v. Khan* (2017 – Court of Appeal) the plaintiff alleged that she was making a left hand turn on an advance green when she was struck by the defendant who was driving straight through the intersection. The defendant, who was driving a heavy brinks truck, alleged that he was driving straight through the intersection on a green light and that it changed to yellow while he was in the middle of the intersection. The defendant alleged that the plaintiff made a left hand turn on a yellow light and caused the accident. There was a statement of an independent witness who mostly supported the defendant’s version of the accident however he also stated that the defendant truck was driving “really fast” and did not know the color of the light when the defendant entered the intersection. However the witness did say that the plaintiff made a left turn on a yellow light. The defendant brought a summary judgment motion on liability. The Court relied heavily on the statement of independent witness in finding that plaintiff did not have an advance green and that the defendant did not run a red light. His evidence supported that the accident happened quickly and that defendant could not have avoided the accident. The plaintiff was found 100% at fault for making a left-hand turn not in safety. Among other things, the importance of the evidence of an independent witness with no “skin in the game” was front in centre in terms of make a decision regarding liability.

In *Nowakowski v. Mroczkowski Estate*, (2003) the Court found that if there is evidence of negligence on

***The defendant brought a summary judgment motion on liability. The Court relied heavily on the statement of independent witness in finding that plaintiff did not have an advance green and that the defendant did not run a red light.***

the part of a driver going through an intersection, that driver may be contributorily liable for the accident. An oncoming driver must take reasonable care to avoid an accident.

In *Marcoccia v. Ford Credit Canada Limited*, (2009 Ontario Court of Appeal) the defendant was found partly liable for making a turn without a proper lookout even when the plaintiff drove through a red light. The court held that “both drivers committed major blunders that led directly to the disastrous accident and the respondent’s injuries”.

The Ontario Court of Appeal found in *Sant v. Sekhon* (2014) that even if a driver drives through a red light, the other driver with a right of way still has a duty to exercise reasonable care to avoid a collision: “(1) if the driver becomes aware or should become aware that the driver without the right of way is going to go through the intersection and (2) if the circumstances are such that the driver with the right of way had the opportunity to avoid the collision”.

The decision of *Gardiner v.*

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*MacDonald (2016)* sets out the increased liability obligations that fall on a professional driver. The court held that a defendant bus driver who had a green light was 20 percent at fault for an accident in which the other defendant drove through a red light. The trial judge relied on evidence that the bus driver was a professional with control of a vehicle that weighed in excess of 12,000 kg, and had admitted (a) he had an obligation to adjust his driving since the road surface was affected by the weather conditions and (b) it was prudent in the circumstances to go slower. Consequently, the court held that the bus driver "ought to have been traveling with greater caution with due regard for the weather and road conditions". This was particularly important given the expert evidence that "a wet and

slushy road surface would have resulted in a reduced co-efficient of friction between bus tires and road surface, a factor which, coupled with excessive speed, would have compounded the challenge faced by [the bus driver] in driving defensively and eventually facing the hazard posed by the MacDonald vehicle as it entered the intersection".

The added potential liability to professional bus drivers likely can be expanded to other professionals who drive for a living including taxi cabs, ubers, couriers, truck drivers and anyone else who is responsible for driving for a living.

In *Gardiner* the court also found that a driver travelling in excess of the posted speed limit will not per se be found negligent. The rate of speed which may be considered excessive and thereby constitute

negligent driving will vary depending on the nature and condition of the particular road travelled upon and the traffic faced by the driver. The speed of the dominant driver exercising reasonable prudence is a question of fact that turns on the circumstances of each case. Accordingly, if we are dealing with a situation in which a defendant is driving 75 km/hr in a 60 km/hr zone this in itself does not make that party liable. The issue of speed is relevant to the circumstances of the loss. Indeed, a party that is driving 50 km/hr in a 60 km/hr zone on a road surface that is icy might be considered excessive in light of the weather conditions.

### **Pedestrian Knock-Downs**

Section 193 (1) of *Highway Traffic Act* imposes a "reverse onus" on the driver who impacts a pedestrian on public roadways. In a motor vehicle accident involving a pedestrian, the driver of the motor vehicle is presumed to be negligent unless he/she can be proven otherwise. This makes it more challenging for a defendant driver to avoid liability but ultimately the Courts are going to look at the facts of each case in order to determine who is a fault for the loss. It is important to note that for the purpose of motor vehicle accident law, a bicyclist is considered to be a pedestrian.

The reverse onus provisions do not apply to accidents that occur on private roadways. So, if an accident occurs in places such as a parking lot, shopping centre, on someone's driveway then the burden remains with the Plaintiff to prove that someone is at fault.

Despite the fact that the reverse onus provisions apply, this does not absolve a pedestrian plaintiff for being responsible for their own

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actions. In the absence of an indication to the contrary, motorists are entitled to assume that pedestrians will behave rationally and responsibly. In *Gellie v. Naylor reflex*, (1986) the Court of Appeal said:

“A motorist need not anticipate that pedestrians will unexpectedly dash from a safe position on the curb into the path of his moving vehicle. He may assume that pedestrians as well as other motorists will not act unreasonably and foolishly. However, if the motorist is alerted, by previously observed conduct of another person that there is a distinct possibility the other person may act negligently and expose himself to danger, then the assumption loses its justification. The anticipation of negligent conduct renders such conduct foreseeable and makes it incumbent on the motorist to take additional precautions.”

In the majority of cases, a pedestrian knock down situation revolves around claimants crossing the road at a crosswalk or not. Many of these cases arise from British Columbia, but are sited in Ontario cases as applicable precedents. What we learn from these cases include as follows: (1) pedestrians who are not crossing the street in the crosswalk (“ie jaywalking”) will frequently share in liability; (2) when a pedestrian enters a crosswalk area first, then absent any exceptional circumstances, he has the right of way and (3) when a driver approaches an area where children are waiting to cross the roadway, the driver is obligated to be especially conscious of a child running across the street.

**A. Crossing Not At a Crosswalk**  
In *Lloyd (Litigation guardian of) v. Rutter*), an 11 year old pedestrian

***In the majority of cases, a pedestrian knock down situation revolves around claimants crossing the road at a crosswalk or not. Many of these cases arise from British Columbia, but are sited in Ontario cases as applicable precedents.***

was struck by an inexperienced driver while he was crossing not at a crosswalk. The child looked both ways before crossing and even though his view was unobstructed, he failed to see the defendant’s vehicle as it approached. The child was one of a group of three children and the driver acknowledged that they looked like they wanted to cross but he expected them to let him pass first. It was held that the Plaintiff is 70% liable and the defendant 30%. Because the Defendant had a clear view of the children who

looked as though they might cross he was required to proceed at a speed which allowed him to stop if there was a sudden emergency. He failed to do so, even though he was well within the posted limit. The Plaintiff contributed to the accident by failing to keep a proper lookout. He should not have left the curb until safe to do so.

In *Beauchamp v. Shand*, the plaintiff was standing on a median, waiting for three lanes of travel to clear. She was not at a crosswalk or a traffic light. A driver in the lane closest

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***The defendant approached the intersection at a speed slightly higher than the posted speed limit just as the light turned amber. Although she had time to stop she accelerated through the intersection and struck the Plaintiff.***

to the median stopped to allow her to cross, as did the driver in the middle lane. She waited, but then decided to cross. She was struck by the defendant's vehicle, which was driving in the curb lane. The Plaintiff's case was dismissed. The Plaintiff was under a duty to yield the right of way to the defendant, yet she walked quickly into the curb lane without first determining whether it was safe to do so. The defendant was neither speeding nor failing to keep a proper lookout.

In *Bishop (Guardian ad litem of) v. Hiebert* the 15 year old plaintiff wearing a Walkman radio (*nowadays imagine the use of cell phone instead of a Walkman*), stepped into the road 15 feet away from the available crosswalk. The defendant approached the intersection at a speed slightly higher than the posted speed limit just as the light turned amber. Although she had time to stop she accelerated through the intersection and struck the Plaintiff. It was held that the defendant was 35% liable for either failing to see the change of light or choosing to accelerate through it. The Plaintiff was 65% liable for stepping off the curb, outside the crosswalk, and jogging into the defendant's path. She might have heard the car accelerating if she had not been listening to her Walkman. Nowadays, the fact that pedestrians are routinely looking down at their cell phones while walking certainly is a relevant factor to explore.

***B. Crossing At A Crosswalk***

In *Ng. v. Nguyen*, the Plaintiff was struck by the defendant's vehicle in a crosswalk that was controlled by a stop sign. The Plaintiff stepped into the crosswalk and was crossing the street and did not notice the defen-

dant vehicle at all as his attention was focused elsewhere. Similarly, the defendant came to a stop at the intersection and did not see notice the Plaintiff walking across the street either. Neither the defendant or plaintiff noticed one another in the middle of the intersection but the defendant was found 100% at fault due to the fact that the plaintiff had the right of way as he entered the crosswalk.

In *Ballah v. Gardner* the Plaintiff was crossing a six-lane highway in an unmarked crosswalk. Traffic was

backed up in the first two lanes and he passed between vehicles. At the edge of the third lane he looked left, then concentrated on traffic coming from his right. He stepped into the third lane and was struck by the defendant's vehicle which was coming from his left at 50 km/hr. It was held that liability be split on a 50-50 basis. The defendant was under a duty to yield to pedestrians in the crosswalk and was also negligent in passing vehicles prior to the unmarked crosswalk. The Plaintiff was liable for



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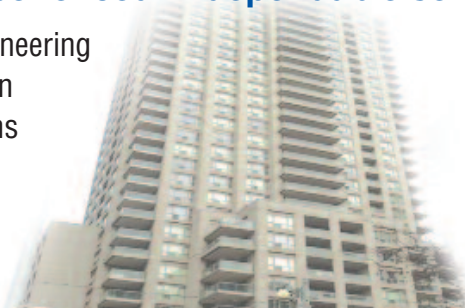
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In *Loewen v. Bernardi* a 69 year old pedestrian was crossing a five lane highway in a crosswalk. He crossed the two eastbound lanes and the first westbound lane. A driver in the next westbound lane slowed to a stop for the crosswalk, and the plaintiff waved to him before starting to jog into the curb lane. The defendant was in the curb lane. He saw the vehicles in the other lanes stop but thought that they intended to turn. The pedestrian appeared in front of him and was hit. It was held that the defendant was 90% liable for failing to see the crosswalk signs or to be alerted by the actions of the other drivers, while the plaintiff was found to be 10% liable for jogging into the curb lane without looking.

### Rear-End Collisions

The Court of Appeal in *Iannarella v. Corbett* (2015) clarified the law with respect to rear-end collisions and made it more difficult for defendants to avoid liability. The Court found that the plaintiff is obligated to prove that a rear-end collision occurred. After this is proven, the evidentiary burden shifts to the defendant who must prove that the Plaintiff is entirely or partially liable for the loss. It goes without saying that in the vast majority of times the defendant is 100% at fault in rear-end collision cases.

As an insurer defending against a rear-end collision case, the goal would be to try and change the narrative to establish that this is not a true rear-end collision. While as most of the time the facts of the collision do not lend themselves to challenge the mechanism of the accident, attempts to impart liability on the vehicle that was rear-ended should

## *As an insurer defending against a rear-end collision case, the goal would be to try and change the narrative to establish that this is not a true rear-end collision.*

focus on the following:

- (1) Did the third party perform a lane change and thereby cause the collision
- (2) Did the third party make a negligent right / left hand turn immediately prior to the collision
- (3) Did the third party make an unexpected and negligent stop on the roadway
- (4) Was the third parties' brake lights properly functioning (occasionally one brake light might have burnt out)
- (5) Are we dealing with a multi-vehicle collision in which the middle vehicle was rear-ended and pushed into the lead vehicle.

One of the key pieces of evidence when analysing the circumstances of the loss is the property damage documentation; and especially the photographs. An analysis of where the damage is to the vehicles will often give us a good indication as to whether the description of the accident is supported by the property damage documentation. If it is not, then perhaps there is a viable alternative explanation for the cause of the loss as opposed to a straight rear-end collision.

In cases revolving around accidents involving rental vehicles on ice / snow questions should be asked as to the particulars of the tires on the vehicle. If the third party vehicle slid on icy road surfaces there might be liability on the rental vehicle company for failing to equip the vehicle with quality winter tires.

### Conclusion

Liability in the motor vehicle accident

case is always a key factor to evaluate a claim. This is especially the case in pedestrian knock down accidents when we are often dealing with objective injuries and a significant quantum of damages. The motor vehicle accident / self-reporting collision reports often provide no more than a partial version of the loss and further analysis should be undertaken. A few choice facts can significantly change the complexion of the case and apportionment of liability. A proper understanding of law with respect to how cases have been interpreted in the past provides us with guidance as to how we should consider cases into the future. The law is not as simple to accept that a

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party making a left-hand turn is 100% at fault for an accident and that a driver is always entirely at fault when a pedestrian is struck. Information obtained from third parties and especially independent witnesses are vital to effective defences.

For left hand turn cases, fault will likely primarily fall to the party making the turn; but both parties are responsible for paying proper attention. Professional drivers might have added responsibility depending on the circumstances of the accident. Pedestrians who are crossing the road not in the crosswalk will frequently bear a significant share of liability. This is despite the reverse onus provisions. When a pedestrian enters a crosswalk area first, then absent any exceptional circumstances, he has the right of way. When a child is involved in an accident a driver is obligated to be even more careful in the circumstances regardless as to where in the roadway the accident occurred. In a rear-end collision it is very challenging factually / legally for the rear-ending vehicle to avoid liability. However if the narrative can be changed to assert that this is not a true rear-end collision then perhaps liability might still be in play.

All-in-all, the facts certainly drive the apportionment of liability in all cases. If we conduct a quality investigation throughout the life of the file, with a particular understanding of the law, we will be better served to address liability. In some circumstances this may lend itself to bringing a summary judgment motion, a favorable negotiation position, or a realization that fighting liability is a lost cause. A little bit of investigation can go a long way. Liability is the first important factor to be considered in a motor vehicle accident loss and the opportunity to properly investigate same should not be squandered.



## KEY QUESTIONS TO ASK IN LEFT HAND TURN CASES

### (A) TO ASK THE PARTY MAKING LEFT HAND TURN

- Were you at a complete stop at the intersection waiting to make a left hand turn?
- Was your left turn indicator on before you made your left hand turn?
- When was the first time that saw the vehicle approaching the intersection?
- Was there anything obstructing your vision of the approaching vehicle?
- What was the speed of the vehicle approaching the intersection?
- Were you watching the vehicle approaching at all times before you made your left turn?  
If not, why?
- Why did you not wait for the vehicle to come to a complete stop before you made your left turn?
- What was the color of the light when you commenced making left hand turn?
- What was the color of the light when the accident occurred?
- Were there any vehicles behind you waiting to make a left hand turn too?  
*Perhaps vehicle making left hand turn felt pressure to make the turn.*

### (B) TO ASK THE PARTY DRIVING THROUGH THE INTERSECTION

- When was the first time that saw the vehicle waiting to make a left hand turn?
- Did the party have his left turn indicator on?
- Did you appreciate that this party was going to make a left hand turn?
- Were you watching the left turning vehicle at all times before you drove through the intersection? If not, why?
- What was the color of the light when 10 meters (pick a distance) from the intersection?  
What was the color of the light as you entered into the intersection?
- What was your speed as you were 10 meters from the intersection? What was your speed as entered the intersection?
- How much time passed between when you saw the party start left hand turn and the collision?
- What steps did you take to try and avoid the collision? (ie brake, serve, change lanes, etc).

## KEY QUESTIONS TO ASK DRIVERS IN PEDESTRIAN KNOCK DOWN CASES

- Did the accident occur in a crosswalk?
- If not, where was the nearest crosswalk? (ie was the pedestrian near the crosswalk)
- When was the first time that you saw the pedestrian?
- Where was the pedestrian when you first saw him?
- How much time passed between when you first saw the pedestrian and the accident?  
*The relevance was how much time able to observe the plaintiff and react.*
- Where in the intersection did the accident occur?
  - The importance is how far into the intersection had the pedestrian walked.  
Was the pedestrian there to be seen.
  - Did the pedestrian just step of the curb and was struck. Was there no opportunity for the defendant driver to avoid the pedestrian.



## KEY QUESTIONS TO ASK DRIVERS IN PEDESTRIAN KNOCK DOWN CASES

If night time, what was the pedestrian wearing (ie dark clothes in the darkness of night)?

What was the pedestrian doing when you saw him? (ie looking down at cell phone, had headphones on, staggering like drunk, walking a dog, not paying attention, etc).

Was the pedestrian walking, jogging, or running?

In cases involving children questions to be asked include how close to a school was the accident?

Special considerations are given to cases involving children as drivers are to be more vigilant.

What steps did you take to try and avoid the collision?

Was the bicyclist walking the bike across the crosswalk or riding it?

How close to the curb was the bicyclist riding their bike?

Did the bicyclist come to a complete stop (if at all) at the crosswalk?

Did the bicyclist signal their intention to turn with hand signals?

Did the bicyclist have lights on their bike for nighttime riding?

## KEY CONCEPTS TO EXPLORE IN REAR-END COLLISIONS (Re: Is This A True Rear End Collision)

When did the third party perform a lane change immediately before it was rear-ended?

*Are we dealing with a negligent lane change case as opposed to a true rear-end collision.*

When did the third party make a right or left hand turn immediately before it was rear-ended?

*Are we dealing with a negligent turn case as opposed to a true rear-end collision.*

Where was the property damage to the vehicles? *If the damage to the vehicle that was rear-ended was to the rear-quarter panels then perhaps this was not a true rear-end impact.*

Why did the third party make a negligent sudden and unexpected stop in the roadway thereby causing a situation of danger?

*Were they avoiding an animal on the road, looking for a store / street, etc.*

Were the vehicle's brake lights both functioning? *Might be a rare situation in which one of the rear brake lights were not functioning.*

When did the rental company equip the vehicle with winter tires if the accident occurred on icy road conditions? The type and newness of the winter tires? How many seasons have these tires be utilized? Were they new or after-market winter tires used? When were these tires last checked before the accident? Have these tires been used since the accident? Are these tires available for inspection / pictures taken? All records to support that these tires were on this vehicle at the time of the loss.



*Cary N. Schneider is a Partner at Beard Winter LLP. He completed a degree in political science at McGill University in 1996 and obtained his law degree from Osgoode Hall Law School in 1999. He was called to the bar in Ontario in 2001 and has been practicing insurance, civil litigation, cyber/privacy law in downtown Toronto ever since.*

*Cary has appeared before the Ontario Court of Appeal, Director Delegate Appeals, Divisional Court, Superior Court, Financial Services Commission of Ontario, License Appeals Tribunal, Canadian Pension Appeal Board Tribunal, as well as other administrative tribunals.*

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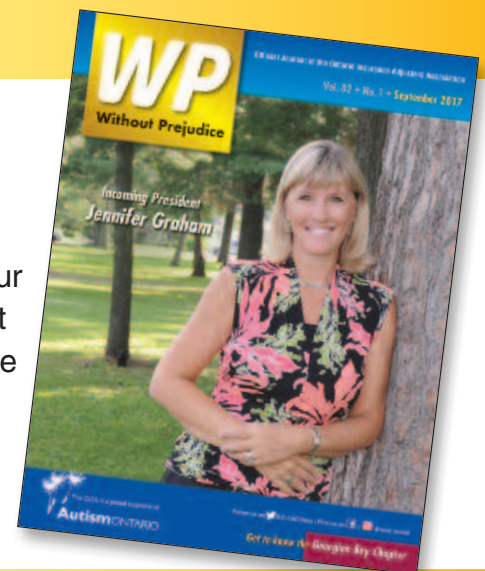
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# Five Reasons For The Canadian P&C Industry To Look Up





**Call it a UAV, UAS, drone, RPA, RPV, or quadcopter. It doesn't matter. What matters is that it's up there so that you can stay down here and it's a great enabler. UAVs have the insurance world buzzing.**

UAVs have been available for a few years. However, equipment costs, flight time, training and certification requirements, and corporate inertia have combined to keep them out of the insurance world till quite recently. Funnily enough, the industry went from ground level to satellite imagery quite willingly but left out the airspace between down here and way up there for a very long time. It's time now.

*By Kabir Shaal, ACII,  
Vice President Client Services,  
Drone Software Canada Inc.*



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**ANNOUNCEMENT**

**First General is pleased to announce the appointment of Lorne McIntyre as Director, Large & Complex Loss for First General Canada.**

Lorne joins an expert team advancing strategic growth in the Canadian & U.S. market.

First General, one of North America's largest restoration networks, is pleased to announce the appointment of Lorne McIntyre as Director, Large & Complex Loss for First General.

Lorne's appointment is part of our focus on expanding and strengthening our geographic coverage and infrastructure across North America. "Lorne adds significant strength adding experience and expertise to our organization," said Frank Mirabelli, CEO. His primary focus will be to lead the large & complex loss division. Lorne will also help our continuing network expansion in the US.

Lorne brings more than 30 years of experience in cleaning and restoration to First General.

His operations and project management experience, advanced technical training and catastrophe and field work will help drive our overall large loss strategy. More recently he has worked on various types and sizes of losses after severe weather events across the country. "I am attracted to First General's vision and forward-thinking leadership," says Mr. McIntyre. "I intend to apply my experience and skills to help our team deliver extraordinary services when our clients need us most."

Lorne has demonstrated devotion to the industry, his clients, and his advanced knowledge in managing complex losses. Lorne's commitment to higher education has earned him the highest industry credentials including the RIA Certified Restorer, Water Loss Specialist and the American Council for Accredited Certification-Certified Structural Drying Supervisor designations. He is also an IICRC, RIA and ICRA Technical Instructor. Recently, Lorne was a consensus body member that created the ANSI/IICRC S540 Trauma & Crime Scene Clean up Standard, the first of its kind. Lorne serves voluntarily on several committees for both the IICRC and RIA. He is currently RIA Canadian Education sub-committee Chairperson and an RIA Board of Director.



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As with most new technologies, it's much easier to list the drawbacks than the advantages. So, here are the current perceived barriers to using UAVs in the property insurance world vs. the advantages:

1. **There aren't a lot of opportunities to use UAVs in the insurance industry:** This is a common fallacy. There were over 50,000 roofing insurance claims in 2016 in Canada. The Prairie Provinces regularly sustain major summer hailstorms. Then there are the underwriting opportunities – risk assessments are a lot easier without ladders and safety equipment.
2. **UAVs are expensive:** Yes, many cost hundreds of thousands of dollars. A lot more cost a few tens of thousands of dollars. However, in reality, the ones that the insurance industry needs cost about \$3,500 (with a lot of extras included). Training and certification cost well under \$2,000 per operator, and UAV insurance is getting cheaper all the time. These are Year 1 costs. Year 2 and beyond will incur insurance plus nominal service and maintenance costs. The UAV will last a few years under normal working conditions.
3. **They have limited flight time capability:** Yes if you compare them to helicopters and airplanes. A resounding "NO" if you evaluate productivity. A \$3,500 UAV will fly for about 30 minutes per battery. That's enough time for up to 3 roof inspections with the right system. It takes under 5 minutes to swap batteries and get the UAV airborne again. Throw in driving time, set up, and coffee breaks (for the operator, not the

*Transport Canada (TC) has many rules in place and is evaluating them all the time. The emphasis is on public safety and operator knowledge. You currently need a Special Flight Operations Certificate to legally fly.*

UAV) and you should get about 10 inspections done per day quite easily. Every day.

4. **The regulations are prohibitive:** Transport Canada (TC) has

many rules in place and is evaluating them all the time. The emphasis is on public safety and operator knowledge. You currently need a Special Flight Operations Certifi-







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cate to legally fly. The initial paperwork can be daunting and the process can take a few weeks. However, TC is actively working on simplifying the former and speeding up the latter. Changes could start taking place as early as January 2018.

5. **The outputs aren't all that good:** The most common tool carried on a UAV is a camera. Inspecting a roof with a hobby drone equipped with a 2MP camera controlled by an operator fiddling with a joystick will result in poor to average image quality. However, a 20MP camera operating on a drone with stabilizing technology controlled by software designed for the task will produce phenomenal results. Satellite imagery doesn't come close to the quality of photographs that are taken from UAVs. Details down to one-tenth sq cm are possible and measurement accuracy is extremely high. More importantly, high-quality images allow an adjuster to determine not only that damage has occurred but also assess type of damage (e.g., pre-existing).

Simply put, there's considerable misinformation - or no information at all – hovering around. A lot of vendors are trying to migrate UAV services to the p&c industry from businesses that have used them for years (e.g., mining, pipelines, and aggregates). That's a bad case of the uninformed attempting to lead the unwilling. Insurers, roofers, restoration contractors, and IAs have specific work processes, desired outputs, data requirements, and customer service standards that simply aren't the same as in other industries.

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To recap:

**FACT:** A UAV will keep your roof inspectors safe from falls and injuries. No more slippery roofs to traverse.

**FACT:** It's cheaper to insure a UAV and associated liabilities than a roof inspector. A lot cheaper to fix, too, if things go wrong.

**FACT:** A UAV will get 4x to 5x the number of roof inspections done per day compared to an experienced roof inspector with a ladder. Every day.

**FACT:** A UAV will pay for itself in a matter of weeks when you factor in acquisition, running costs and productivity.

**FACT:** A UAV will reduce your claims cycle times, improve your underwriting risk assessments, and remove a considerable risk from your inspectors' job.

It's time to fly.



*Kabir Shaal is the Vice President of Client Services at Drone Software Canada Inc.*

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Spring finally! And the promise of Summer weather soon! Summer is almost here, and after this cold, snowy winter we certainly deserve it. Of course, no matter what the weather brings, you can rely on I. A's across the Province on all your claims needs.

*'Spring is the time of year, when it is summer in the sun and winter in the shade.'* Charles Dickens.

Our current 2017-2018 Executive is currently comprised of Gio Rocca (President), Blair Boilard (Vice-President), Carolyn Love (Secretary), Mark Borgogelli (Treasurer), David Marshall (Director) and Mike Botton (Director).

We would like to take this opportunity to thank Phil Heindl (Previous Treasurer) for his many years servicing the Northern OIAA. Phil has been a steady hand throughout the years and was always very active in all aspects of the OIAA. Phil recently retired from the Co-operators and with that also the Northern OIAA.

The Northern OIAA recently teamed up with the Insurance

Institute and Brokers Association for the Insurance Curling Bonspiel on March 22nd, 2018. The event drew 16 teams from all over Northern Ontario and some from the South. The event organizer Dominique Walker did a fantastic job and all in attendance had a great day! The event raised \$1500 towards the Sudbury Infant Food Bank.

The same group above joined forces in 2017 to run the very first Insurance Open on behalf of the N. OIAA, Northern Brokers Association, Insurance Institute and Young Insurance Brokers. It was a huge success and we anticipate even better numbers for our upcoming 2nd Annual Insurance Golf Open on MAY 24th, 2018.

Wishing everyone a Great transition from Spring to Summer and hope to see some familiar faces at this year Golf event!

**Giovanni Rocca**, CIP  
President - Northern Chapter  
fgrocca@roccaclaims.com





# OIAA Thunder Bay Chapter

The Thunder Bay Insurance Adjusters Association has experienced a somewhat uneventful year. Claims volume for our northwestern region of the province are believed to be down compared to years past. Last summer there was some severe weather events that have kept many busy. The decreased volume of claims from usual has enabled many to spend a little more time with family than that in years past and has been welcomed.

Our membership continues to struggle with many seasoned adjusters nearing retirement. We have seen some growth of new blood into the industry locally but, this can be attributed to growth of one of the last remaining insurers who still have a presence in Thunder Bay. The number of adjusters retiring will considerably reduce the local membership and could affect our future. We are reaching out to all to get involved with executive and participate in the various social functions offered throughout the year.

Slow times usually occur when they cannot be fully appreciated. The past years are proof of this detail. Our usual annual golf tournament has seen a decline in participation due to work commitments. We experienced this again last year and

thanks to the efforts of area broker; Mark Gleeson, a joint golf tournament and paintball event was managed. All who participated had great days of fun and memories. Our thanks to Mark for his major role in enabling these events to occur.

We had another successful annual TBIAA Christmas Luncheon at the Valhalla Inn. This of course thanks to those usual contributors who step up to the plate to aid in the cause. Our gratitude and appreciation go out to Karen, Lori, Laura & the Wawanesa staff for their efforts. The volume of gifts shows the true heart and spirit of our industry and its people. Our chapter's social members and vendors are always there in the time of need. A special thank you to OIAA President Jennifer Graham and her husband Peter for attending our event.

One of our key chapter executives; Laura Lalonde of Wawanesa is retiring. Laura has been a great friend to all, a hard worker to the cause and a huge industry supporter. She has held many roles in her 15+ years in the "business" and has been dedicated to the OIAA & TBIAA. This will be a great loss to the chapter and executive. We wish her the very best for the future with good health and happiness in

her travels.

It is with great sadness that we report the loss of a longtime friend and local adjuster; Park MacKay. He passed away in December 18, 2017 at 73 years old. He was still active in the industry handling claims up to his final days. He had reduced his work hours/days to spend more time with family, friends and continue to hone his golf skills. His smile and compassion will truly be missed.

This is my second term as president for the TBIAA and it has been a pleasure working with all on the executive team and the general membership. I took the role in an effort to ensure the chapter remained intact. I had no prior experience leading others and I appreciate the help that has luckily fallen my way from colleagues along the way. The goal of the chapter is to continue with its growth and seek "new blood" to fill the ongoing vacancies. The chapter strives to meet all of its social commitments and continues to support its members and the worthy charities. Have a great 2018 summer.

**R. Mark Sullivan**  
President,  
OIAA Thunder Bay Chapter

# OIAA

## April Meeting and Mock Trial

April 11, 2018 at The Sheraton Parkway Toronto North Hotel & Suites, Richmond Hill

On April 11, 2018 the OIAA hosted a Mock Trial followed by a Q & A Panel at the Sheraton Parkway Toronto North Hotel & Suites in Richmond Hill, Ontario.

This was a new venue for us, and by all accounts was very well received. We had over 60 attendees who witnessed, and in some cases participated in, a fabulous demonstration of what a trial is all about - from jury

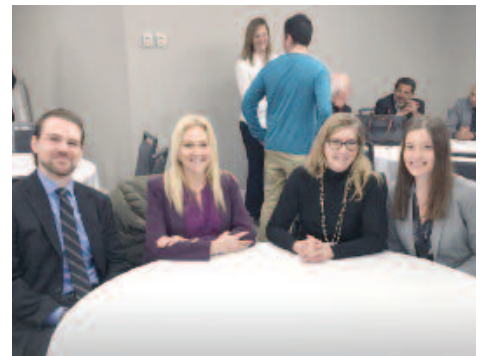
selection to the testimony of Plaintiff and Defence witnesses and industry experts to the final verdict.

Of course, this event would not have been possible without the volunteered time and commitment of our presenters, Kadey Schultz, Jason Frost and Jane Cvijan of Schultz Frost, Brian Cameron of Oatley Vigmond, Dr. Mark Watson, Neuropsychologist, Keith Elliott of Read Research, Ava

Hillier, of Hillier & Hillier, Shawna Gillen of AIG and Alec Gillen of Allstate. In addition to the support of our vendors in attendance, we would also like to thank the insurer representatives from Allstate Insurance, CAA Insurance, Co-operators, ClaimsPro, Crawford & Company, Leading Edge Claims Services and the Regional Municipality of York, Risk Management Department.









# 2018 Toronto Delegate Election

April 11, 2018 at The Sheraton Parkway  
Toronto North Hotel & Suites, Richmond Hill

On April 11, 2018, the OIAA held its annual election for Toronto Delegates. The election was held in conjunction with a well-attended and informative Mock Trial Seminar, presented by the OIAA.

With Toronto having the largest concentration of OIAA Provincial members, the association currently has 4 Toronto Delegates representing the GTA within our Executive council.

For the term 2018-2019, there were 3 Toronto Delegate positions open for election. The election was to vote 2-member candidates, who would sit for a two-year term, with an additional 1-member candidate sitting for a one-year term. Given the association had 3-member candidates running, the Toronto Delegates were acclaimed.

We are pleased to announce that Carrie Evans, ClaimsPro, Matthew Rienzo, Crawford & Company and our newest Toronto Delegate, John Slattery, VeriClaim Canada, will be the new Toronto Delegates for the year 2018-19. On behalf of the Ontario Insurance Adjusters Association and all its members, Congratulations to all three.





# Chapter NEWS

Shawna Gillen, CIP  
 AIG Insurance Company of Canada  
 E-mail: Shawna.Gillen@aig.com

## OIAA Calendar of Events around the Province

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<b>MAY</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
Georgian Bay Chapter, Wrap Up Event at Explorers Café in Midland for Tapas and Tasting. <b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>
<b>14</b>	<b>15</b>	Thousand Islands Chapter, Luncheon in Belleville. <b>16</b>	<b>17</b>	Niagara Chapter, Annual Rib Cook-off. <b>18</b>
<b>21</b> VICTORIA DAY	<b>22</b>	<b>23</b>	Northern Chapter, Golf Tournament at Idylwyde Golf and Country Club, Sudbury. <b>24</b>	<b>25</b>
<b>28</b>	<b>29</b>	Kawartha/Durham Chapter, Axe Throwing & Election Night at the Peterborough Axe Club. <b>30</b> Hamilton Chapter, Election Night & Guest Speaker at Shawn and Ed Brewing Co.	Kitchener/Waterloo Chapter, Education meeting. Mini tech showcase. <b>31</b>	

### Upcoming Chapter Events around the Province

**June 7, 2018**

Windsor Chapter, Educational Seminar presented by the Windsor Police Dept & Crimestoppers.

**June 21, 2018**

Kitchener/Waterloo Chapter, Golf Tournament at Ariss Valley Golf and Country Club in Guelph.

**June 21, 2018**

Thousand Islands Chapter, Horseshoe Tournament.

Please visit  
[www.oiaa.com](http://www.oiaa.com)  
 for more upcoming  
 chapter events

**The OIAA OPEN Annual Golf Tournament**  
**Friday, June 8, 2018**  
**at the Cardinal Golf Club**  
**in Newmarket.**

**Dinner-only reservations are available for non-golfers.**

**Sponsorship opportunities are still available**

**Register on-line only at [www.oiaa.com](http://www.oiaa.com)**

# New Members



The following were approved as active new members in March 2018

NAME	COMPANY	CITY	CHAPTER
Aidan MCCARDLE	Crawford & Company (Canada) Ltd.	Mississauga	Hamilton
Gunraj DHALIWAL	ClaimsPro	Toronto	Toronto
Yves ELEOSIDA	DSB Claims Solutions Inc.	Toronto	Toronto
Fauna LUPINETTI	Integrated Insurance	Mississauga	Toronto
Chris MACKINNON	Wawanesa Insurance	Vaughan	Toronto
Amanda GAUDET	Frank Cowan	London	London



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Allan Graham • 289.204.0106

**PROMUS Kapuskasing**  
Carey Oreskovich • 705.335.2929

**PROMUS Kawarthas**  
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Jamie Hassall • 519.649.7771

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Developed in collaboration with the OIAA, this series of four programs includes case studies and applied industry knowledge from subject matter experts. The series has been designed specifically for adjusters but also has high applicability to other industry roles.

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## **Understanding Serious Injury | Five-day dispersed format**

Better manage the recovery of injured claimants, and gain a broad perspective on accident benefits and bodily injury with a focus on the injured person.

## **Understanding Case Law | Two days**

Acquire in-depth knowledge and skills to expertly source, interpret and apply case law to prepare a comprehensive file for negotiation, settlement and litigation.

## **Understanding Bodily Injury | Two days**

Learn how to more effectively manage bodily injury claims through an in-depth look at the main principles and concepts, including presenting the claim, investigating exposures and more.

To learn more and see the schedule of courses and locations, visit [www.insuranceinstitute.ca/AdjustersTraining](http://www.insuranceinstitute.ca/AdjustersTraining)

***"Very thorough. Will be able to use all info learned... (it) gave me a better understanding of serious injury."***

***"Having the law panel was excellent. A great way to wrap up the program."***

***"It makes me excited to handle BI claims!"***



# The OIAA OPEN Annual Golf Tournament

Friday, June 8, 2018



**The OIAA will be hosting the tournament at Cardinal Golf Club this year.**

2740 Davis Drive West, Newmarket, ON

**Registration starts at 8:30 a.m., shotgun start at 10 a.m.**

**Dinner-only reservations will be available for non-golfers.**

Golf/Dinner/Power Cart - \$876.20 per foursome  
(\$740.00 + \$96.20 hst + \$40 benevolent)

Dinner only - \$73.45 per person (\$65 + 8.45 hst)

**No Refund No Rainchecks**  
**Shotgun Start Time: 10 a.m.**  
**Proper golf attire must be worn.**

**No tickets available for sale on day of tournament.**

**Registration is first come first serve on-line at [www.oiaa.com](http://www.oiaa.com)**

## **Register on-line only at [www.oiaa.com](http://www.oiaa.com)**

**Sponsorship opportunities open now at [www.oiaa.com](http://www.oiaa.com) on a first come first serve basis.**

Corporate sponsors are needed for our annual golf tournament this year, and your support is greatly appreciated. All corporate sponsors are guaranteed an opportunity to purchase one foursome.

Sponsorship is available in the form of:

- **Hole Sponsorship - \$500**
- **Luncheon Sponsorship - \$1500**
- **Benevolent Prizes for Silent Auction Table**

Tournament continues, Rain or Shine! We again look forward and thank you in advance for your continued generous support.

Benevolent proceeds will be going to **Autism**ONTARIO

Sponsorship inquiries can be made to:

**GREG DOERR, CIP**  
**Chairperson**

E-mail: [greg@doerrclaims.com](mailto:greg@doerrclaims.com)

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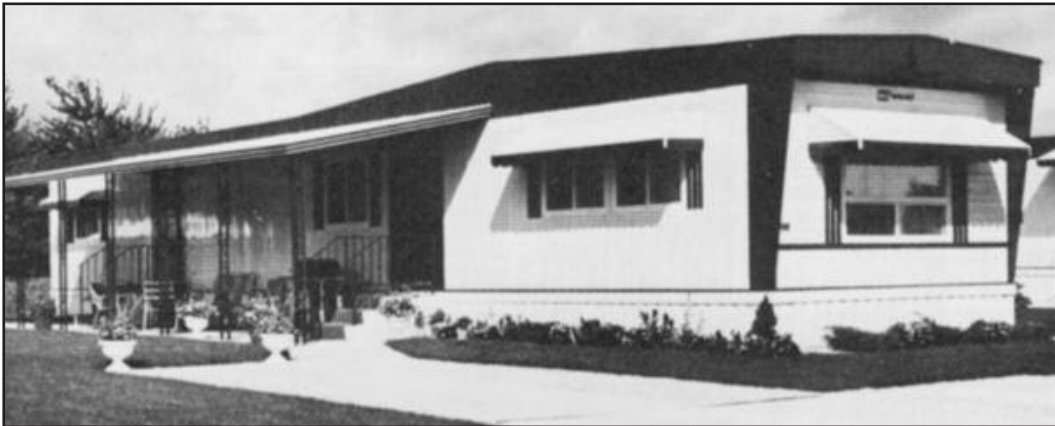
For information on Cardinal Golf Club, visit their website at

**[www.cardinalgolfclub.com](http://www.cardinalgolfclub.com)**



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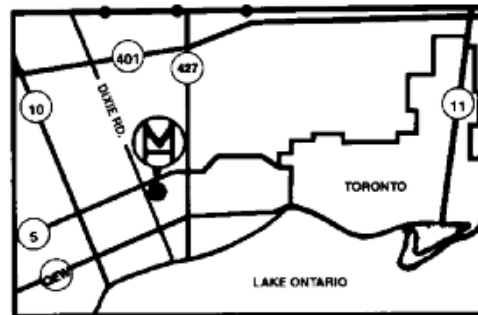
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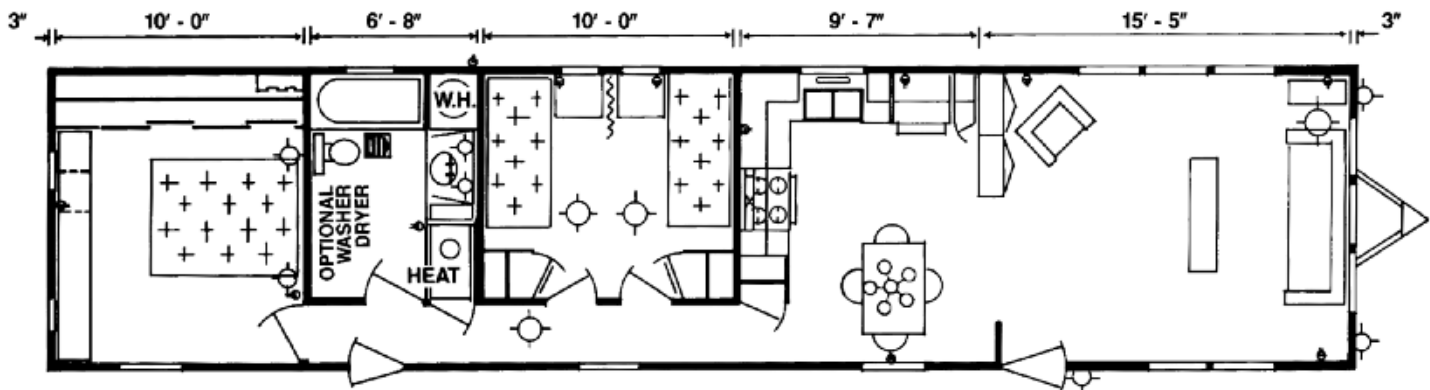
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# Rise of the Machines: Appliance Fire and Flood Claims

*By Mazen Habash, President, Origin and Cause*

**Fears surrounding failing appliances  
in the wake of new technological innovations  
are by no means new.**





***You may be surprised to know that both electric and gas ranges are equally likely to be involved in a fire. However, the risk for a fatality is four times greater with gas appliances due to gas leaks and because the open flame from a burner can ignite combustible materials such as curtains, loose clothing, towels, etc.***

A New York Times article published in 1984, titled The Digital Revolution Breeds Smart New Appliances, stated:

“For better or worse, the digital revolution has come to the laundry and kitchen. Appliances are beeping, blinking, flashing messages and signaling when doors are ajar, cycles over and motors burned out... Quality has improved because of increased automation in factories - but so has appliance complexity, oftentimes with irksome results.”<sup>1</sup>

Fast-forward 30 years and that still holds true. Innovation in the home has only continued to increase and appliances are more complex than ever. However, today that can lead to more than just “irksome results”; in many cases, it means an increased risk of fire and flood.

In Canada, approximate 1 out of 5 residential fires start in the kitchen<sup>2</sup> – more than in any other place in the house – and water damage (caused by water main breaks, overflowing appliances and

hot water tank leaks) has replaced fire and theft as Canada’s largest source of claim.

A significant number of the residential fires and floods that we investigate start in the kitchen or laundry room. I’d like to take this opportunity to walk through the typical appliances found in those rooms and explore how and why each one can fail.

### **Kitchen**

#### **Ovens and Ranges**

In Ontario, 18 percent of fires in kitchens are cooking fires,<sup>3</sup> and of those, nearly three quarters start on the range cooktop.<sup>4</sup> You may be surprised to know that both electric and gas ranges are equally likely to be involved in a fire. However, the risk for a fatality is four times greater with gas appliances due to gas leaks and because the open flame from a burner can ignite combustible mate-

rials such as curtains, loose clothing, towels, etc.

On the other hand, electric ranges are much more likely to be accidentally activated than gas appliances, either by the user or by a defect in the controls. Between 2009 and 2012, electric ranges from Kenmore, Frigidaire, Electrolux and LG were all recalled for one thing: Defective digital controls that caused the heating elements to either:

- 1) Turn on spontaneously without being switched on; or
- 2) Fail to turn off after being switched off; or
- 3) Unexpectedly increase in temperature

Speaking of recalls, one more thing has changed since 1984: More appliances or components are being manufactured overseas. Consumer Reports says that almost four of every five recalls involved products made outside of the U.S., with the

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majority coming from China. <sup>5</sup> And in the case of ranges, these malfunctions have the potential to cause extensive physical damage if any food or any combustible materials are left on the cooktop.

One of the first things I check when investigating a kitchen fire is whether a recall has been issued for any appliance on the scene. If not, and assuming no evidence of failures is discovered, I then have to consider user-related causes.

**User-Related Causes**

When it comes to ovens and ranges, most user-related causes boil down to carelessness, distraction or haste. As previously mentioned, one common user-related cause of fire is the accidental activation of a cooktop. Again, electric ranges are prone to this, but also any model with front controls – both electric and gas.

Self-cleaning ignition scenarios often simply come down to people keeping combustible materials too close to, or even inside, the oven. The self-clean is a feature that works by raising the temperature to over 800 degrees Fahrenheit and incinerating any food inside to ash. Towels, cookbooks or oven mitts left inside the warming or storage drawer can ignite during the self-clean cycle, or in the case of gas ranges, during normal use.

There are many variations of user-related causes but the number one cause of range fires is, by far, unattended cooking. However, we have to be careful. Sometimes a seemingly open-and-shut case, where the insured says they left the stove unattended, turns out to be a not-so-innocent incident upon further investigation. When a range is used to stage an arson, certain clues may survive the fire, such as combustible materials like towels that people place over the

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# INSURANCE OPEN

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*Join us for our 2nd Annual Insurance Open Golf Tournament hosted by the Northern OIAA, the Sudbury & District Insurance Brokers Association, the Insurance Institute and the Young Brokers Council.*

*The tournament will be a Scramble format with a 12:00pm Shotgun start. Tournament fee includes cart and dinner. We will have Specialty holes and much more!*

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WIND



FIRE



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*This past October, over half a million dishwashers sold between January 2013 and May 2015 were recalled because the power cords could overheat and catch fire.*

cooktop as a mechanism to spread the fire beyond the range.

**Microwaves and Blenders**

Microwaves present two common causes of fire: Improper usage and internal defects. Improper usage includes unintentionally over-heating items (accidentally setting the timer to 30 minutes instead of 3 minutes), or microwaving foods that can ignite, like bacon or carrots (carrots are effective conductors of electricity and can act as miniature lightning rods under certain conditions inside a microwave). The second common cause of fires in microwaves is internal defects, usually related to circuit

board failures.

Blenders don't commonly catch fire for two reasons: They aren't heat-producing appliances and they are generally only used for short durations. However, where early blenders only had an on/off switch, modern blenders have circuit boards (similar to microwaves) and processors, as well as high powered motors, so the potential for a defect is present, especially since they are exposed to liquids.

**Coffee Makers and Kettles**

During the 1990s coffeemaker fires became so common that arsonists started tampering with them to sim-

ulate a well-publicized mode of fire ignition. Due to tightened safety regulations, coffeemaker fires have become less common, but they still have the potential to fail. Both coffee makers and kettles can overheat if their internal safety devices malfunction and they don't shut off as they should.

**Refrigerators**

People don't normally think of refrigerators as posing a fire hazard, but they have heaters and draw plenty of electrical current. And unlike ranges, fridges are constructed with more combustible materials which can provide fuel in the event of a fire. A common defect in fridges is a relay failure. A relay is an electrical component which turns on the fridge's compressor. The compressor circulates coolant which absorbs the

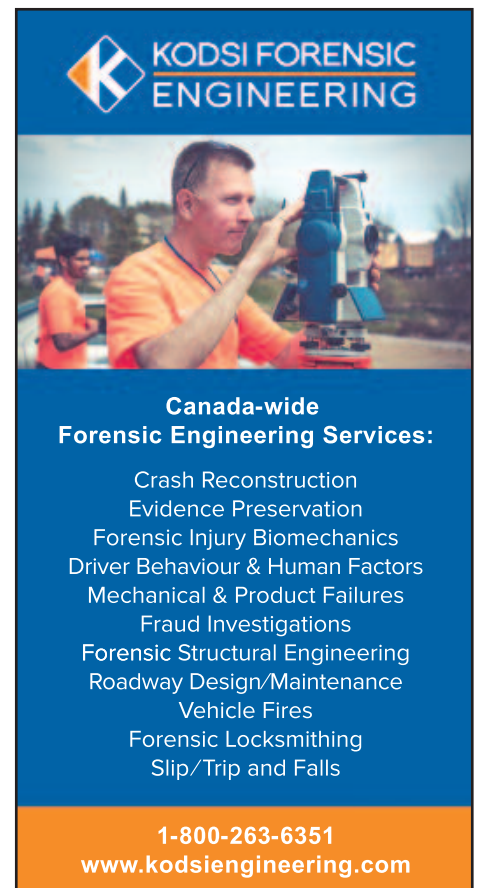


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heat inside the fridge, cooling down the air. The relay can overheat, usually due to an electrical phenomenon called arc tracking, and ignite the surrounding plastics.

**Dishwashers**

Prior to the rise in popularity of dishwashers in the late 1970s, dropping a plate was the worst thing that could happen doing the dishes. This past October, over half a million dishwashers sold between January 2013 and May 2015 were recalled because the power cords could overheat and catch fire. However, the most common causes of dishwasher fires are the infiltration of water, detergent or rinse-aid on the control circuit board(s), and overheating of the heating element. Failure of the heating element, which frequently results in the ignition of the plastic tub, can be especially destructive.

**Toasters**

The two most common causes of toaster fires are misuse and product defects. Misuse includes overheating greasy, oversized or sugary foods to the point where they ignite. The most common product defect in toasters is the failure of the switch that provides power to the heating elements. This causes the toaster to stay on indefinitely, igniting food inside and anything else in its path, including curtains, paper towel rolls, and low cabinets.

**Laundry Room**

**Dryers**

Dryer fires generally fall into three categories: Manufacturing defects, installation errors, and misuse. Common failures related to manufacturing defects, include:

- Heating element failures
- Motor failures



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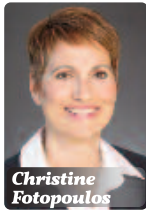
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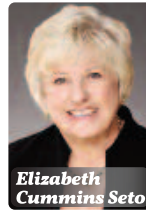
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- Electrical arcing events
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Heating element failures in dryers, similar to those in dishwashers, are not uncommon and can cause incredible amounts of damage.

Another cause of dryer fires is due to the improper installation of the exhaust. The exhaust's job is to expel moisture from the dryer. The length of straight sections, how the ductwork is positioned, and what it's constructed of determine air flow characteristics through a dryer. If air-flow is insufficient or impeded by lint, kinks or excess ductwork it can contribute to a fire.

Sometimes a load of laundry will ignite through no fault of the dryer, but due to misuse. Usually because it contains things that should never be in a dryer, like cushions, butane lighters and plastic tablecloths. Having the load of laundry available for review is extremely beneficial for an investigation, and should always be kept.

### Washing Machines

The most common causes of water losses in washing machines are:

- Solenoid valve failures
- Circuit board/control malfunctions
- Hose failures

Solenoid valves also perform the same function in kitchen appliances such as dishwashers and refrigerators. Regardless of the appliance, the job of a solenoid valve is to open when told, allowing water to flow into the appliance and then close, shutting off the water supply. There are many types of failures, such as stress cracking, freezing, and installation errors. Sometimes small bits of debris get caught in the valve and prevent it from closing after it has opened – that's when a flood situa-

## *One type of failure that's become more prevalent as the appliances have become more technologically advanced are circuit board and control malfunctions.*

tion takes place. Because the valve isn't cutting off the water supply, water keeps flowing into the drum and eventually it spills over.

One type of failure that's become more prevalent as the appliances have become more technologically advanced are circuit board and control malfunctions. Circuit board failures can cause a fire but we are seeing malfunction that result in floods. This can happen when people use too much detergent, which causes an overflow of bubbles into the housing of the washing machine. Those bubbles can come into contact with the circuit boards and cause future malfunctions.

The third most common cause of washing machine water losses is hose failures. Hose failures happen for a number of reasons. Age is one important factor: Studies show that failure rates increase dramatically in hoses over 5 years old; the materials themselves can fail, causing the reinforced rubber to crack, leak or burst; and installation errors such as not leaving enough slack in the line to prevent kinks or bends are far from uncommon.

The advancement of technology in the home has made our lives infinitely easier. We no longer have to manually light our ovens – or use them at all if you're a fan of



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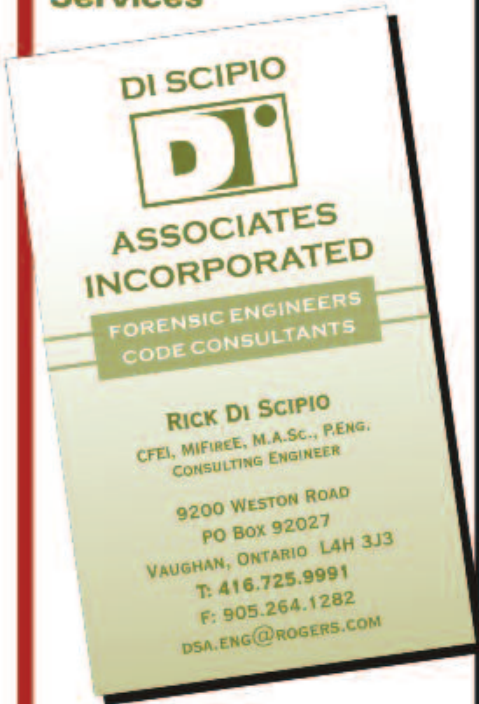



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microwave cooking; dishpan hands are a thing of the past; and even your teenage children can learn to do the laundry (whether they do it is a different story). But risk always increases proportionately with reward, and the fallout from a dryer installation error is much worse than that from a clothesline. We've investigated just about every variation of fire and flood caused by household appliances. And if there's a bright side to be gleaned from that, it's that we're better prepared and equipped to help our clients when they're confronted with these kinds of claims.

1 Broad, William J. "The Digital Revolution Breeds Smart New Appliances." *The New York Times*, March 8, 1984. <http://www.nytimes.com/1984/03/08/garden/the-digital-revolution->

[breeds-smart-new-appliances.html?pagewanted=all](http://www.nytimes.com/1984/03/08/garden/the-digital-revolution-breeds-smart-new-appliances.html?pagewanted=all).

- 2 "Fire Losses in Canada Year 2007 and Selected Years." *Council of Canadian Fire Marshals and Fire Commissioners*, September 2011. [http://www.ccfmfc.ca/pdfs/report\\_e\\_07.pdf](http://www.ccfmfc.ca/pdfs/report_e_07.pdf)
- 3 "Water Damage Risk and Canadian Property Insurance Pricing." *Canadian Institute of Actuaries*, February 2014. <https://www.cia-ica.ca/docs/default-source/2014/214020e.pdf>
- 4 "Reducing Residential Stovetop Fires in Ontario." *Office of the Fire Marshal and Emergency Management*, 2009. [http://www.mcscs.jus.gov.on.ca/english/FireMarshal/Legislation/TechnicalGuidelinesandReports/reducing\\_residential\\_stovetop\\_fires.html](http://www.mcscs.jus.gov.on.ca/english/FireMarshal/Legislation/TechnicalGuidelinesandReports/reducing_residential_stovetop_fires.html)

5 Appliance fires pose a safety concern

<https://www.consumerreports.org/cro/magazine/2012/03/appliance-fires-is-your-home-safe/index.htm>



Mazen is the President of Origin and Cause and specializes in fire investigation, electrical and electronic failures, product liability and alarm system analysis. With over 30 years of experience in the industry, he has performed over 3,000 fire, product liability and alarm system investigations. Mazen has been qualified as an expert witness in civil and criminal courts in four provinces. He is also certified at two levels by the Canadian Alarm and Security Association as an alarm technician.

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# Mould Contamination in Buildings

*By Bob Caskanette, B.A.Sc., C.E.T.,  
Caskanette Udall Consulting Engineers*

**So what exactly is mould?**

**Moulds are a fungus, which grow on various kinds of damp or decaying organic matter. Moulds and fungi are found everywhere in nature, and are necessary for the breakdown of leaves, wood and other plant debris. There are more than 100,000 species of mould in the world and 1,000 species which are common in Canada and the USA.**





## ***Mould contamination in buildings continues to receive attention in the media and is a concern for homeowners, property managers, insurance companies, and restoration companies.***

People are exposed to moulds through inhalation or skin contact. Touching mouldy surfaces can, in some cases, result in skin irritation. Moulds become airborne when materials are disturbed and spores are released into the air. Mould spores can be spread throughout buildings in ventilation systems using forced air. Central heating, ventilation and air conditioning (HVAC) systems that are poorly maintained are common sites for mould growth. Occupant activity like walking can spread mould spores throughout a building. Mites, which thrive on paper and dust, can carry mould.

Visual inspection is the normal method of identifying mould problems. Moulds will most often appear as dark spots, stains or patches. The presence of mould or fungi can be confirmed by dabbing a spot with chlorine bleach. If the colour changes or disappears, the stain is likely organic and probably mould.

Various air samplers and sticky surface samplers can be used for indoor air quality sampling to identify the species/genus of moulds present. Spore trap cassettes are the most common type of air samples collected. Laboratory staff can then determine spore counts for each mould species identified. This type of testing is normally done after a water damage claim to assist in establishing the extent of contamination within a building compared to outdoor background levels so an abatement protocol can be derived. It is also done to verify if the structure is rehabilitated and fit for occupancy following a mould abatement. Swab or tape lift samples are useful to identify the visible moulds found on surfaces. Culturable mould samples are also an option but can take longer for laboratories to analyze as

time must be given for the moulds to grow within the culturable media they are collected on. Remediation is intended to return the spore count to background levels after the mould abatement is completed by a certified contractor. Air quality testing is also often performed in workplaces and public buildings such as schools, when the possibility of mould is identified.

Mould contamination in buildings continues to receive attention in the media and is a concern for homeowners, property managers, insurance companies, and restoration companies. Without proper use of an indoor moisture control system, black mould can start to grow in a building in as little as 48 hours after exposure to water.

Common symptoms of prolonged inhalation include aggravation of asthma, cough and nasal congestion, eye irritation, fatigue, difficulty concentrating and headaches, similar to non-toxic allergic reactions. Dr. Johanning proposes the name "fungal syndrome" for the ailments produced by indoor air exposure to mycotoxin and allergen producing fungi. In his 2001 publication "Clinical findings related to indoor fungal exposure-review of clinical data of a specialty clinic", key messages reported include; "Many patients have a variety of symptoms, primarily the skin, mucous membrane, respiratory organs, central nervous system and constitutional symptoms" and "The prognosis appears good provided the exposure can be stopped".

Mould contamination has been identified as a contributor to building-related illness and poor indoor air quality. Some moulds release mycotoxins, which can have adverse health effects for some people, particularly those with increases sensitivity to mould. Some moulds also release microbial volatile organic compounds (MVOC's) which contribute to the musty odours often found with mould and can also contribute to health related symptoms.

A qualified mould professional should be retained by insurers to identify areas and causes of moisture within buildings that lead to mould growth. Prevention of mould growth is achieved by removal of moisture within the first 48 hours after exposure. If water is removed and materials are dried within that time period, then mould abatement is usually not necessary.



*Bob Caskanette is a Certified Environmental Consultant (CEC) and Certified Remediation Specialist (CRS) through the Environmental Assessment Association (EAA) with over 10 years of experience in the field of consulting and engineering. He holds a B.A.Sc. (Honours) in Environmental Management from Lakeland College in Vermilion, Alberta with a specialty in Environmental Reclamation and Remediation.*

# OUT AND ABOUT



*Tom Pooler*

## SCM St. Patty's Day

On March 15, 2018, over 400 insurance professionals joined the SCM Group of Companies at Grace O'Malley's in Toronto for their 9th Annual St. Patrick's Day Charity Social.









# OUT AND ABOUT



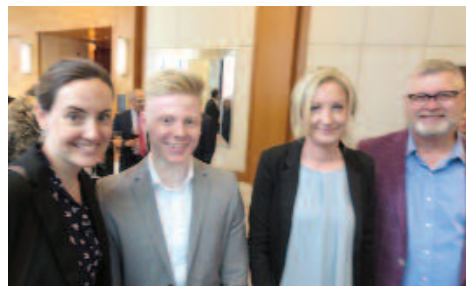
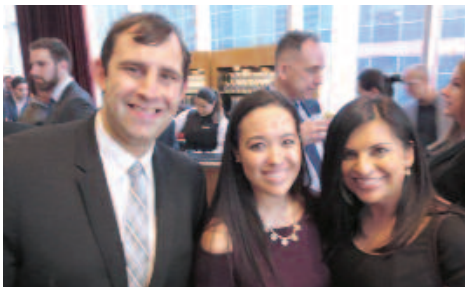
*Tom Pooler*

## Blue Goose Ontario Pond Annual Scotch Nosing

On March 22, 2018 the Blue Goose Ontario Pond hosted their Annual Scotch Nosing at the Ritz Carlton in Toronto. It was an event in support of Autism Speaks Canada.









# OUT AND ABOUT



*Tom Pooler*

## Capes for Kids 2018

This year, women from 15 insurance related companies came together as “The League of Extraordinary Insurance Women” for Capes for Kids ([www.capesforkids.ca](http://www.capesforkids.ca)), a fundraising campaign for Holland Bloorview Kids Rehabilitation Hospital, Canada’s pre-eminent kids rehab and research facility. Everyone wore a cape from March 5-11, 2018; whether on their commute to work, to a presentation, to close a deal, or to the theatre, red capes could be seen all over the GTA. \$600,000.00 was raised for kids with disabilities with the League of Extraordinary Insurance Women raising over \$25,000 and placing 5th over all - #KAPOW!!!. Aiming for \$50,000 next year, if you’d like to join the League, please reach out to Kadey Schultz at [kschultz@schultzfrost.com](mailto:kschultz@schultzfrost.com).

The League of Extraordinary Insurance Women was made up of women from the following companies: Hub International, Chubb, AIG, XL Catlin, The Guarantee, Direct IME, Vericclaim, Berkshire Hathaway, CNA, Purves Redmond, Woodgate Financial, Dutton Brock, McLeish Orlando, Smockum Zarnett, and Schultz Frost.







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## Final Report

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*Mike Bottan, CIP, CEI, Northern Chapter Delegate*

I am grateful for the opportunity to provide this final report. Being new to the OIAA executive as a Northern delegate I have pondered what it is that would have some meaningful retrospect to this report.

To this end I have reflected back over my 28 year career as an independent adjuster. My thoughts continuously brought me to the question of Why? Looking at our entire industry of claims adjustment why do we do what we do? Obviously there are many reasons both from an industry point of view and also from a personal perspective. We have all heard and know these standard answers and they have been pondered throughout the entire evolution of our industry. In fact with recent and coming technologies, the evolution of our industry is increasing at greater rate. The pace of change is accelerating providing both opportunities and challenges. It is at this time worth revisiting and contemplating, - why?

In short, WE HELP PEOPLE! We help people, industry and society as a whole. The insurance industry and in particular claims adjusters assist in the financial stabilization of our society, by the mitigation of financial risk and indemnification of insured losses.

In order to be successful and help society it takes an adjuster who cares. It takes an adjuster who wants to help people, who wants to assist in times of disaster and or financial loss. I strongly believe getting to the heart of it all, you have good people working in a dynamic environment with a desire to help. Good people who work within policy, procedures, guiding principles, laws

and regulations all in an effort to help our society. To help in the recovery following a loss. My thought process then turned to the past 28 years and it was not difficult to prove this with many examples of good people, working to help others. Good people who go above and beyond every day.

I recall a recent event with one of my co-workers, a young up and coming adjuster, David Montgomery. Thanks David for letting me use this story. He was sent down to the US Virgin Islands to work catastrophe duty. Any adjuster who has worked a CAT will surely know it can be both rewarding and a grueling pace. It was early morning and David was out for a run before he started his day's work. He was running along a side walk that followed the shore line of the ocean. Suddenly he heard a loud crash from a car accident which resulted in an elderly lady in a vehicle crossing in front of him and plunging into the ocean. As the car floated he could see the lady in a panicked state and not able to get out of the vehicle. Quickly locals gathered but no one was willing to put themselves at risk to help. David took it upon himself to dive in and attempt to extract the lady from the car. As David struggled to get the lady out making several attempts until eventually the driver's window was lowered and they grabbed each other as the car sunk. Being dragged down under water David did as much as he could until he was gassed and needed to come to surface. Eventually some snorkelers assisted and were able to bring the driver to the surface. David then left the beach for his days' work with no praise nor

recognition for his efforts, extremely satisfied to have helped. A perfect example of a good person dedicating his career to helping others. In this case, the impact extended to include the family of the victim who searched David out following their loss to thank him and welcomed him into their family.

That's what it takes to be an adjuster.

Another example comes to mind when an adjuster from the far north Thunder Bay area was dispatched to an accident with a potential large environmental exposure. A transport was sinking through the ice on an ice road over a lake. The adjuster was required to attend the site right away to evaluate the loss, design a mitigation plan, and govern the offloading of the transport. Going on this loss was going to be a daunting task and the adjuster knew to get there, do the job, in such a remote location, would require him to spend two nights in his vehicle in freezing temperatures. The adjuster wanting to help, planned for eventualities and slept in his vehicle, potentially putting himself in harm's way. Again another example of good people trying to help others. That adjuster is Thunder Bay's OIAA delegate Geoff Sullivan.

It does not take long and there are hundreds of examples to support that good people wanting help others is the bases of what it takes to be an adjuster. Our value proposition begins and builds on this core value.

Cheers.

**WP**





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