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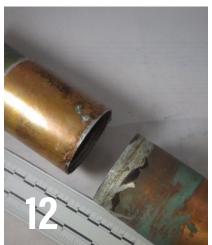
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can't believe it is already September 2023! I am so excited to be the President of this amazing organization. It feels like yesterday that when I joined the TIAA Executive at the behest of Simone Cybulski and the OIAA as a delegate for the Thousand Island Adjusters Association. The time spent has been unbelieve and gave me the opportunity to meet so many wonderful people. When you are growing up, parents encourage you to find a job that you really love, I didn't think it would be in the insurance industry, but I wouldn't change it for a minute.

This industry is filled with such amazing, talented, and truly caring people. I have been watching updates on the wildfires and disasters from Canada and throughout the world, and seeing people we work with attending these locations to assist and help, makes me feel like we really do make a difference. Kudos to all of you who are out there right now assisting our insureds in the worst time of their lives.

I want to say a huge "Thank You" to my wife Shari and my adult children; SMAD (Sarah-Marie) and Kieran. I couldn't do any of this without them. I have such an amazing employer, Aviva Canada Inc. where I have spent over 28 years growing through many amazing opportunities. I think I have a few more years in the tank before I get to race off into the sunset! They support the OIAA and I appreciate that so much.

I would be remiss if I didn't speak about Kyle Case, our now; Past President. Kyle had an amazing year with all of the events he hosted for the members of the OIAA. We saw an incredible return to in person events after almost two years of lockdowns and uncertainty. Our annual Claims Conference and golf tournament were a huge success for the OIAA members, and your ongoing support did not go unnoticed. Kyle, thank you for your ongoing support and guidance as I navigate this year.

I am so excited about the events that we have put forth for our 2023-2024 year. This year is going to go very FAST! I wanted to kick off our year Go Karting on September 20, 2023, at K1 Speed located at 1330 Eglinton Avenue East. Mississauga, ON. Networking begins at 6 PM and the flag drops at 7 PM with our qualifying races followed by the Main Event. I hope to see everyone that evening enjoying food, drinks, and laughter. Tickets are limited, please sign up early. Please visit www.OIAA.com to register.

The OIAA year is filled with amazing events and networking opportunities. We have a Wine Tour in October, our Annual Holiday Party on December 7, 2023. This year we have decided to join this wonderful event and celebrate our Past Presidents together.

We have our OHL Hocket night out in Durham Kawartha area in February 2024. Moving into March 2024, we are going to celebrate with a Celtic Kitchen Party in Kingston, Ontario.

April 2024 will be our Annual Claims Conference at the MTCC. On April 10, 2024, our ever-popular Trade Show including seminars and WP Radio Live.

May 2024 brings us The Blue Jays. We will announce further details on the game date.

The last event of the year be our 9 & Dine Annual Golf Tournament at Cardinal Golf & Country Club.

For a list of all our upcoming events and details, please visit www.OIAA.com.

My Charity of choice for the 2023-2024 year will be announced in our October edition of WP Magazine. There are so many wonderful organizations, making it a very hard decision and I want to make sure I get it right.

See you at the Start Line on the 20th!

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Sustainability in the Property Restoration Industry in Canada

By: Margo Malowney, VP Business Development & Culture, Hudson Restoration



Part One

Climate Change Disaster Costs Continue to Rise

or decades, insured loss costs in Canada consistently amounted to \$100 million - \$200 million dollars annually. In the early 2000's the industry experienced its first \$1 billion-dollar year, and since then, these costs have only increased.

Over the past decade, Canada has experienced some of the costliest natural disasters in our history, including the \$6 billion-dollar, 2016 Fort McMurray wildfires, and the almost \$3 billion-dollar 2013 flooding events in southern Alberta and Ontario.

- ◆ Since 2012, annual insured damage costs have exceeded \$1 billion dollars.
- ◆ 7 of the last 10 years are on the top ten highest loss list on record.

Last year, severe weather caused \$3.1 billion in damage, making 2022 the third worst year in Canadian history. But unlike earlier record setting years, where one or two significant events accounted for the majority of the damage, 2022 saw disasters from almost every part of the country.

What is Going On? Revisiting The Greenhouse Effect

The greenhouse effect is the natural warming of the Earth when gases in our atmosphere trap and hold heat from the sun close to our planet's surface, instead of letting it escape back into space.

Without the greenhouse effect, the Earth's average temperature would be around -18°C. In the 20th century the average temperature was about 14°C. And since the industrial revolution, about 15 °C.

Many of our activities contribute to increasing the concentration of greenhouse gases in the atmosphere. And by increasing the concentration of greenhouse gases, we amplify the greenhouse effect. We make it hotter.

The consequences include more frequent and/or severe extreme weather events, including heat waves and wildfires, hurricanes, droughts and floods.

Contribution of Construction/Restoration Industries to Greenhouse Gas (GHG) Emissions

The Built Environment in Canada (residential, commercial, and institutional buildings) is responsible for approximately 30% of Canada's GHG emissions. Building operations are responsible for just over half, while materials and construction (typically referred to as embodied carbon) are responsible for the remainder, making the building sector the third-highest emitter (Ontario claiming the most significant portion), after transportation and oil and gas production. Buildings also have a significant impact on energy consumption, water use, and waste generation.

The Restoration Industry Operates at the Front Lines of Climate Change

Restorers experience firsthand the effects of extreme weather events. The number of claims we to respond to is increasing, their severity is

increasing, as are the stressors on property owners, and the demands on our teams. Our work is akin to treating the symptoms of climate change.

In Canada, restoration is a \$60+ billion dollar industry, growing year over year.

Market Forces Create Opportunity

In parallel, market forces, such as changing consumer expectations and insurers' own goals, are driving industries towards more sustainable operations.

- Consumers, very simply, have increasing environmental, social and governance expectations of the companies they work with.
- Insurers are increasingly setting their own net-zero and environ-

mental goals, including promoting more durable and sustainable practices to their supply chains and policy holders.

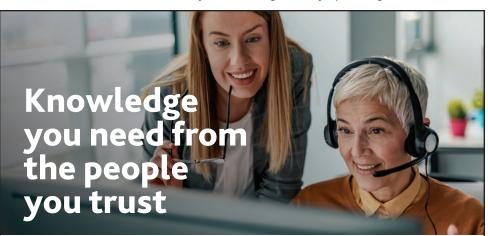
As a result, property owners are increasingly looking for restoration companies that can provide guidance when it comes to sustainable rebuilding solutions.

The way we see it, promoting sustainability in our operations is an opportunity for the restoration industry to play a crucial role not only in supporting our insurer customers, but also in reducing the carbon footprint of the built environment industry itself. We can "Restore Responsibly," and contribute to prevention as well as treating the symptoms.

Restoring Responsibly Can Have Challenges

One key challenge faced by the restoration industry when being proactive, however, can simply be limits on insurance coverage.

Very broadly speaking, insurance covers restoration to a property's "pre-loss condition." And these are the guidelines within which we operate. Improvements and upgrades are typically outside the scope of "preloss" and are up to a property owner to decide. Some upgrades (like energy efficient appliances) are now dictated by code, but generally speaking, sustainable or



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"eco-friendly" upgrades tend to fall outside a scope of coverage.

PART TWO

From A Restoration Point of View

While restorers don't write policy, we can share areas opportunities we see to operate more sustainably.

From a restoration point of view, there are two key areas where we can make direct improvements. The first involves how we run our own business operations, and the second is how we can use a sustainable approach on the job site, through waste management and into the rebuild process itself. It just takes the will, and more creative approaches to implement.

Individual Company Business Operations

Every company, restoration or other, can be making operational decisions that support lowering emissions, managing waste, and decreasing energy use. Obvious improvements include the use of LED lighting & motion switches in office spaces, moving to hybrid and electric fleet vehicles, going paperless and/or using recycled or sugar paper, branch level recycling and more sophisticated waste diversion programs, even adding solar panels to locations. There are tips, guides and howto's everywhere.

but with a shift in approach and a small investment in training, these practices can be extended to the insured.

A. Waste Management & Landfill Diversion

78% of construction waste ends up in landfill.

In Ontario alone, the construction industry creates about 14.2 million tonnes of waste, and currently only

about 12 per cent of construction waste is being diverted from landfill. While restoration is not responsible for it all, it is the field we play on.

Debris materials can be sorted, separated, reused, recycled, upcycled, and/or converted to energy, significantly decreasing the amount that ends up in landfill. For example, materials such as wood can be upcycled into particleboard, while other waste materials can be converted into energy through a high-tech process that includes burning, gas separation, scrubbing or heating. These are areas that requires expertise, and working with partners who specialize in diversion and reuse can provide the assurance all parties require.

B. Rebuild Operations

When we take one step further, and extend sustainable rebuild options to a property owner directly, complexity and currently unaddressed costs enter the discussion.

Measurement is key.

We can further extend our own sustainability values by looking for vendors, partners and importantly in our work, sub-contractors who incorporate similar practices, or are willing to make those improvements themselves.

The real point of difference is taking the step to measure our own emissions, and build ongoing, internal strategies for continual improvement.

Job Site Restoration

The exciting opportunity is extending a "Restore Responsibly" philosophy to the restoration of a property itself. Incorporating sustainability onto a job site can be a bit more complex,

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As mentioned earlier, these costs could be considered upgrades and lie beyond regular policy coverage, resting with a property owner to determine.

Forward looking restorers will be able to guide homeowners and insurers not only through the restoration process, but be able to help them determine how and where there is opportunity to incorporate cost savings, energy saving, emissions reduction, disaster preparedness and sustainable materials to the process.

Third Party Partnerships & Transparency

Third Party Certifications is one way that restorers can seamlessly incorporate credible sustainable options into our process, enabling us to focus on what we do best, while providing assurance to insurers and property owners that up-to-date building science technologies are transparent and available throughout. The restoration process itself remains familiar: respond, evaluate, approve, restore. But the evaluate and approve phases include identifying, assessing, and measuring relevant sustainable options that could be incorporated into the next phases.

Benefits of Going Green

Incorporating sustainability options into rebuild decisions can result in benefits for both property owners

and insurers: including healthier homes overall, improved durability and resilience to future events, decreased, measurable emission contribution. and decreased use of embodied carbon via the use of sustainably sourced materials. Financial benefits could include decreased claim costs. mortgage related incentives, improved resale value, decreased operational costs via lower energy bills.

Durability, disaster preparedness and healthy homes.

Promoting Sustainability

More and more property owners not only require assistance in restoring their homes and businesses, but in doing so sustainably. We have been speaking with insurers about offering a "sustainability endorsement" to policy holders, and are delighted to see development

in this area. Every claim is different, and by bringing a disciplined approach, forward-looking restorers are able to customize sustainable solutions unique to each claim, to the benefit of all.

About Hudson Restoration Inc.

Hudson Restoration is a leading boutique and eco-friendly disaster restoration company, providing remediation, restoration and reconstruction services specializing in luxury residential properties, and commercial properties.

For more information, please visit HudsonRestoration.com.

To learn more about Hudson's industry-leading sustainability initiatives, please email info@HudsonRestoration.com.



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VP Business Development & Culture, **Hudson Restoration** Margo's global experience as a pioneer in the new Olympic sport of beach volleyball, combined with a Master's in International Business created the foundation for a 20+ year career helping business leaders

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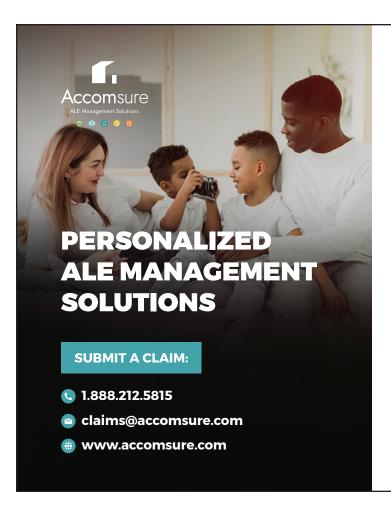


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Water Claims Copper Pipes and What Can Go Wrong

By: Dinu Matei



he use of lead piping in plumbing systems can be traced back over 2,000 years. Romans used lead and clay piping to supply potable water to private homes, amphitheaters, and bathhouses and lead continued to be the material of choice for water supply lines until WW2. Upon the discovery that lead was leaching out of the pipes' material, contaminating the water and causing lead poisoning, it ceased to be used as a material for water supply lines and was replaced with copper and galvanized steel. Galvanized steel was also retired not long after, due to issues with rust and corrosion, and copper became the material of choice. Copper is easy to work with, it comes in soft (annealed) and hard forms, and for many years it was considered the gold standard for water supply lines.

It has been estimated1 that in 2018 the annual world production of copper tubing used in water distribution systems was approximately 500 million kilograms

Above: Substandard solder connection exhibiting shallow depth of the joint.

(or 500,000 tons), which is equivalent to about 1.25 million km of pipe (enough to wrap around the Earth's Equatorial circumference 31 times!).

In recent times, various polymeric materials, especially flexible PEX, have slowly begun to replace copper as the material of choice for water supply lines. Their low cost and ease of installation being too advantageous to ignore despite copper having a longer lifespan. Still, copper has its place in the industry, and it will continue to be used in water-carrying pipes for many years to come.

Copper tubing comes in four types based on the pipe wall thickness relative to the diameter of the pipe; K,

1 Siddhartha, R., et.al.: "Flow-induced failure mechanisms of copper pipe in potable water systems", Corrosion Reviews, De Gruyter, pp.1-33, 2018.

L, M, and DWV (drain-waste-vent). Type K has the largest wall thickness to pipe diameter ratio, and it is usually used for applications where extreme strength is needed. The DWV type has the lowest wall thickness to pipe diameter ratio, making it suitable only for drain and vent lines as it cannot withstand the water pressure of most municipal water supply systems. Copper types L and M are the pipes most often used for standard pressurized water supply pipes.

Copper tubing can be connected in several ways: sweat-soldering, brazing, compression fittings, and push-in-style fittings (e.g., Shark Bite).

While most experts agree that copper is the best available material for water-carrying pipes, copper pipes and copper pipe connections still regularly fail, and will continue to fail in service, causing extensive property damage and expensive insurance claims. Investigating copper pipe/connection failures can be an extensive and complex process. The most common causes for copper pipe/connection failures seem to be associated with installation deficiencies and freezing. However, there are many more failure modes and causes which will be presented below.

Installation Deficiencies

a. External pitting corrosion

Joining of copper tubing/fittings by means of soldering is governed by the "ASTM B828 Standard Practice for Making Capillary Joints by Soldering of Copper and Copper Alloy Tube and Fittings". One of the steps outlined in the Standard deals with cleaning the contact surfaces by using a so-called flux, which is a corrosive chemical compound. If the surfaces are not cleaned after applying the flux, it will remain on the surface of the tubing and it will eventually start to corrode the pipe, a condition which will create pinhole perforations.

b. Improper Solder Connection

One of the conditions necessary for a soldered joint to exhibit good strength is to have an adequate contact area which can be accomplished by ensuring an adequate depth. There is another Standard that outlines the requirements of a soldered joint depth as a function of the tube size, "ASME B16 Wrought Copper and Copper Alloy Solder-Joint Pressure Fittings Standard".

If the depth of a soldered joint is too shallow - below the Standard requirements - the strength of the joint will be significantly diminished, making it prone to failure. The conformance of the joint depth with the standard requirements can be checked by simply measuring the depth of the joint, which requires no special techniques or tools. Photograph 1 (see main photo on previous page) illustrates the appearance of a typical shallow depth of joint and photograph 2 (below) illustrates a "solderless" connection, where the installer simply forgot to do the soldering; it was a snug fit connection that separated because in this condition it could not withstand the water pressure.



Above: Substandard solder connection with no solder on the contact surfaces creating a snug-fir connection.

Contact surface preparation is also critical for a good soldered joint. If the contact surfaces (tube ends and fitting cups) are not cleaned of debris, oxides and oils, they will interfere with the capillary action of the solder alloy and the joint will exhibit a poor wetting condition, making it weak and prone to failure. This condition can be easily checked by the naked eye or by the use of a stereo microscope. If there is no solder alloy on the contact areas, and the pipe substrate is exposed and visible, this means that the contact surfaces were not properly cleaned prior to the joining process. A substandard soldered joint is illustrated in photograph 3 (page 14).

c. Galvanic Corrosion

When two dissimilar metals are placed in direct physical contact and there is humidity in the contact area, the less noble metal will start to corrode. Con-



Above: Substandard soldered joint exhibiting improper surface preparation and excessive solder beading.

tact between galvanized steel or aluminum, and either copper or brass, is a setup for rapid corrosion, especially in a humid environment. This condition could also be checked visually without the need for special equipment, as seen in photograph 4 where the copper pipe is in direct contact with the steel framing.



Above: Copper pipe in direct physical contact with aluminum framing causing galvanic corrosion. In this example, it was the frame that corroded.

d. Bowing

This condition is sometimes encountered in risers associated with HVAC systems in high-rise apartment buildings. The risers, which extend many floors up from the mechanical room level, are made from several sections of copper pipe. If these sections are not cut to the proper size and are left too long, they tend to bend in service, a condition which will introduce both undesirable tensile stresses in the concave section, and compressive stresses in the convex section. Often, the bowing of a riser is visible to the naked eye. A copper riser that was bent in service and which developed a longitudinal split as a result is shown in photograph 5.



Above: Copper riser that was bent in service and which developed a longitudinal split. Stresses induced in the pipe due to bending contributed to the formation of the split.

e. Improper Copper Pipe/Fitting

As mentioned earlier, copper tubing and fittings come in four types. A plumbing designer will recommend a specific type to accommodate the particular service conditions. A DWV pipe/fitting is not suitable for applications where pressure is a factor for the simple reason they are not designed to withstand pressure and the pipe/fitting might split. The wrong choice of material can be determined by looking at the markings stamped or printed on the component, which clearly read "DWV," as seen in photograph 6.



Above: DWV (drain-waste-vent) fitting improperly used in a riser where it was subjected to pressure for which it was not designed for.

2. Freezing

One of the leading causes of copper/fitting failure in service is freezing. Freezing can occur for many reasons and in various scenarios. When freezing occurs in a copper plumbing system, either a longitudinal split forms in the pipe, usually in an elbow section (as shown in photograph 7), or at a poorly soldered joint. The split in the pipe exhibits typical characteristics like a fish-mouth appearance and outward bulging



Above: Split with fish mouth appearance in a 900 copper elbow which was typical for failure due to freezing. The piping was installed in non-heated attic space and it was not protected from freezing.

around the rim. Although the split and macro features can be seen by the naked eye, sometimes further microscopic examination is required to determine whether there was a manufacturing defect within the material. Soldered joints forcefully separated by freezing can be distinguished by the presence of longitudinal markings on the separated contact surfaces.

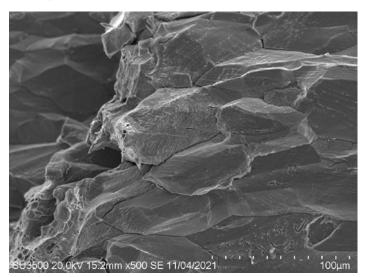
3. Stress Corrosion Cracking

Stress corrosion cracking (SCC) is a progressive degradation mechanism that occurs in metals and alloys as a result of the simultaneous presence of tensile stress, a corrosive environment, and a susceptible material. In the absence of one of these three components, SCC will simply not occur. Failures due to SCC



Above: Microstructure of a metallographic sample from copper pipe showing secondary branched cracks, typical for stress corrosion cracking degradation mechanism.

can be very unpredictable. They can occur after as little as a few hours of exposure. Conversely, the piping may continue to function normally for months or even years. SCC of copper pipes is often encountered in risers associated with HVAC systems in high-rise apartment buildings and a full metallurgical evaluation is required to reach a definite conclusion. There will be secondary and branched cracks in the material (as seen in photograph 8) and the fracture surface will be either transgranular (through the grains), or intergranular (along the grain boundaries, as seen in photograph 9).



Above: Fracture surface of a SCC degraded copper pipe as seen under a powerful microscope (magnification x500). The fracture is intergranular as it developed along the grain boundaries.

4. Service Conditions

a. Erosion, or velocity-induced corrosion,

is described as localized wearing away of pipe material due to the impingement of foreign particles/air bubbles in the water against the inner diameter of the pipe, or due to cavitation. The erosion corrosion degradation is more predominant in areas where there is a change in the direction of the water flow, or where there is turbulent flow caused by a change in the pipe diameter. Areas of the pipe affected by erosion corrosion exhibit wall thinning, are typically bright and shiny, and exhibit grooves or rounded cavities as seen in the example illustrated in photograph 10. The cavities will grow over time and will develop into pinholes in the pipe wall.

b. Improper Water Treatment Chemistry

Chemicals like chlorine and/or chloramine are often



Above: Stereo microscope image of the inner surface of a copper tube affected by erosion-corrosion. Scooped appearance in areas where the pipe material was eroded and swept away.

added to public water systems to act as disinfectants in potable water. In some municipalities, where attempts were made to counterattack acidity (adjustment of pH), sodium hydroxide was added to the water. However, this created favourable conditions for copper to corrode, and as a result, copper pipes developed pin holes (through wall perforations), an example being illustrated in photograph 11.



Above: Optical microscope image of pitting on the internal surface and wall perforation of a copper pipe due to addition of undesirable chemicals in chlorinated water (magnification x50).

c. Water Hammer

Water hammer is a phenomenon that can occur in any piping system where a fluid in motion is forced to change direction or stop abruptly. This will result in a transient pressure surge, or high-pressure shockwave that propagates through the piping system causing it to burst at the weakest location. The pressure created during a water hammer effect is many times more than the pressure rating of the pipe/fitting and this may explain the pipe burst. The appearance of a burst due to water hammer can take many forms, however, it is clearly distinguishable from a split that occurred as the result of freezing (i.e., flared opening, gasket extruded through a joint). Water hammers occur in every plumbing piping system; the noise of rattling pipes following the flushing of a toilet, for example, is evidence of water hammer.

5. Stray current corrosion

Stray current is an electrical current that flows through paths outside the intended electrical circuit. It creates an electrical potential between two metallic components that should not be subjected to voltage. It can be caused by wiring flaws (electrical equipment not properly grounded), or underground metallic structures close to piping. Corrosion is an electrochemical process involving an anode (a piece of metal that readily gives up electrons; corrodes), an electrolyte (a conductive media that helps electrons move) and a cathode (a piece of metal that readily accepts electrons). In stray current corrosion, the piping becomes the anode and will therefore corrode over time. Damage caused by stray current corrosion is usually localized, and it can be identified by the presence of rounded crater-like features on the surface which eventually grow, overlap, and cause wall perforations. Photograph 12 illustrates a section of a copper pipe that was consumed by stray current corrosion.



Above: Copper piping that failed as the result of stray current corrosion because of improper grounding of electrical appliances.

6. Intentional damage (insurance fraud)

I have seen many instances where attempts were made to deceive insurance companies for financial gain. This has included piping/fittings intentionally altered and submitted as a claim, posing as an installation issue or a manufacturing defect that caused the incident. One example is the pipe section illustrated in photograph 13. The homeowner used a pipe cutter to make a partial circumferential cut on the copper pipe. Being weakened by this process, it was only a matter of time before the split opened, creating the pathway for water to discharge. The claim was eventually denied, but not before a comprehensive fractography analysis under a powerful microscope and metallurgical evaluation were conducted to rule out an installation issue, overpressure, or a manufacturing defect.

Manufacturing deficiencies

Manufacturing defects, such as voids, pores, impurities, and non-uniform microstructure, all of which reduce the load-carrying capability of the pipe, will act as undesirable stress concentrators. Such defects can be identified only by destructive examination and



Above: Copper pipe cut intentionally using a pipe cutter.

metallurgical evaluation of microstructures. A metal/alloy microstructure is the result of the material chemical composition and processing history, and it will dictate the final properties of the material and/ or the component manufactured from the material. There are specific heat treatments for each family of alloys to tailor the microstructures to the desired level. Smaller grains are desired as this condition will increase the strength of the material while a large grain microstructure will have a detrimental effect on the strength and toughness of the material. Although



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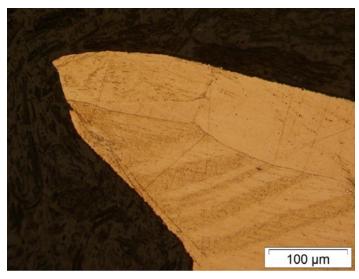


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the grain size is controlled at the manufacturing stage, sometimes variations from the desired microstructure are encountered, such as the example illustrated in photograph 14.



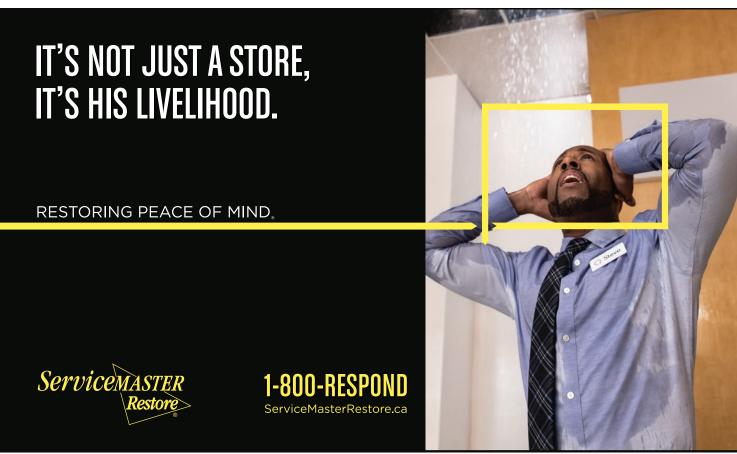
Above: Microstructure of a copper pipe metallographic sample exhibiting excessive grains growth with a detrimental effect on the strength and toughness (magnification x100).



Dinu Matei

Dinu is a Lead Engineer with more than 30 years experience in the industry, including more than 23 years in Mechanical, Materials, Product, and Equipment Failure Investigations. Dinu has been the lead investigator on more than 2,500 complex and multidisciplinary investigations in those fields for the insurance industry, risk managers,

law firms, manufacturing companies, and private clients. Dinu is a Registered Professional Engineer in the province of Ontario, is designated as a Consulting Engineer, and has been qualified as an expert witness in the Court of King's Bench of Manitoba. Dinu has participated in 23 multi-national projects which resulted in the development of new materials and processes. He has taught at undergraduate and graduate levels on materials science and engineering and on failure analysis, and is an active mentor for engineers in training. Dinu is a member of the American Society for Metals (ASM International), American Society for Mechanical Engineers (ASME), Association for Materials Protection and Performance (AMPP, formerly known as NACE, National Association of Corrosion Engineers). Throughout his career, Dinu has delivered both technical papers and presentations at several international conferences on materials science and engineering. Dinu's experience and expertise is in a variety of complex metallic and non-metallic (plastic) materials/ mechanical failures, mechanical systems and equipment failures, product liability, corrosion, oil spills, residential and commercial plumbing systems and appliances failures, personal injuries associated with product failures, break and entries, insurance fraud, and sprinkler system failures.



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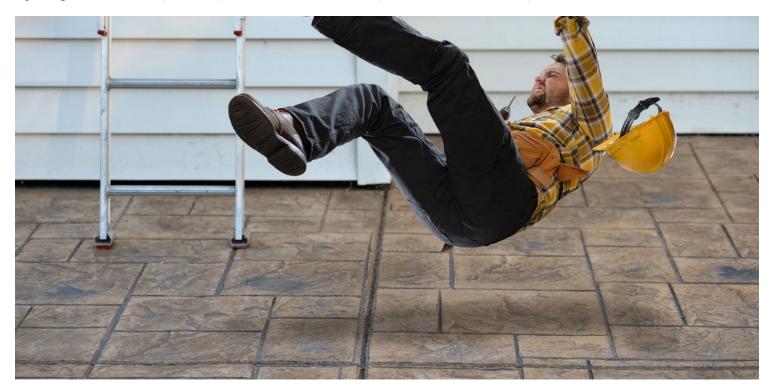
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Falling into the Realm of "Accidents": Madore v Intact, 2023 ONSC 11

By: Bogdan Miscevic (Partner) and Celine Tuncertan (Summer Law Student)



In a recent case, Madore v Intact, the court granted an appeal and set aside previous decisions, determining that the incident in question qualified as an "accident" under the Statutory Accident Benefits Schedule ("SABS"). This case sheds light on the interpretation of the term "accident" and the ordinary use or operation of a vehicle in the context of insurance claims and emphasizes a broad and inclusive approach. This article provides an analysis of the case, highlighting the key facts, analysis, decision, and the legal principle derived from the judgment.

Facts:

Clayton Madore ("Madore") appealed the decisions of the Licence Appeal Tribunal (the "LAT"), which denied his claim for accident benefits under the SABS. Madore suffered serious injuries after falling from the roof of his camper trailer while inspecting

and cleaning it. His application for accident benefits was initially denied by the insurer, and the LAT Adjudicator agreed with this denial. The Adjudicator concluded that the incident did not meet the definition of an "accident" under the SABS, as there was no direct causation between the use or operation of the trailer and Madore's injuries. Madore appealed the decisions, arguing that the Adjudicator erred in applying the causation test.

Analysis:

The main issue in this appeal was whether the Adjudicator erred in determining that the incident did not qualify as an "accident" under the Ontario legislative scheme for compensation for automobile accidents. The analysis focused on the interpretation of the term "accident" and its application to the facts of the case.

The court noted that the Adjudicator's requirement for evidence of tripping on the trailer was inconsistent with the definition of "accident" and the established test from previous cases. The court emphasized that Madore only needed to show a link between the use and operation of the trailer and his impairment, without proving a direct physical connection between the cause of the injury and the trailer. Several precedents were cited, including the case of Fehr v Intact Insurance Co., which recognized that direct contact with the vehicle is not always necessary to establish causation under an insurance policy.

The court granted the appeal, setting aside the previous decisions and determining that the incident involving Madore qualified as an "accident" under the SABS, seeing as the causal link between the ordinary use and operation of the vehicle and the injury was not broken.

Closing remarks:

Madore v Intact highlights the importance of a broad interpretation of the term "accident" in insurance claims. The court's decision emphasizes that an "accident" should be understood as an unexpected and unintended event, encompassing a range of incidents that may not necessarily involve a specific cause or identifiable fault, but that can still be included within the ordinary use and operation of a vehicle. This case reinforces the principle

of providing insurance coverage and benefits to individuals who suffer harm where the causal link has not been broken. Insurance companies and claimants alike should take note of this inclusive approach when assessing the applicability of the term "accident" in insurance claims.



Bogdan Miscevic **Partner** Bogdan is a bold advocate and a trusted advisor - his goal is to secure favourable results for his clients while providing the most

cost-effective legal service. He has been named by The Best Lawyers in Canada for his outstanding expertise in the area of Insurance Law. Prior to co-founding MBBM Lawyers, Bogdan worked for the world's largest multinational law firm where he advised a wide range of international clients on a variety of legal matters.

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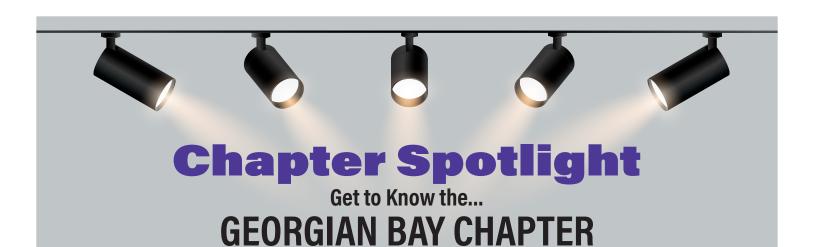
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Details, sponsorship opportunities and ticket information to follow at www.OIAA.com

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he Georgian Bay Chapter year (August 1, 2022 – July 31, 2023) had an incredible journey. Looking back, we held various events which were all extremely successful. We started off in September at Horseshoe Valley for our annual golf gournament at the beautiful rolling hills of Settlers Ghost Golf Club. We needed extra golf carts and the course had to slide to town to stock up on ice. Wow what a turn out! Next, we ventured to the Claims Conference in October where several chapter members spent time at to take in the sites from the CN Tower, seminars & network with new and familiar faces.

We then went further north to Orillia in December and enjoyed many laughs, ribs and cheer at our Holiday Social held at Couchiching Brewery. Another sold out event - it sold out in 4 hours! In January, the slopes were calling as we headed to Craigleith Ski Club for some fun in the snow and good conversation during Après. And how about the the views of Georgian Bay - another WOW moment. February & March 2023 we landed back in Barrie to grab the curling brooms and strap on the skates with our always successful curling bonspiel and adjuster vs broker hockey tournament. Finally, in May we paid tribute to our Past Presidents with a decadent dinner and keynote speaker. As summer was rolling around we had one last hooray with a gathering at Quayles Brewery in Coldwater.

I want to take a few moments to recognize our newest Past President Greg Doerr. Greg has put many years into the Georgian Bay Chapter and the OIAA. He has held various position and has been instrumental in leading events and our Chapter. Greg has worked tirelessly over the last 2 years to help grow our Chapter. With Greg as President our Chapter has run several sold-out events and has managed to grow our Chapter board each year. Thank you, Greg, and see you on the patio!

What's to comes? Our Chapter will be running several events starting with Golf in September which is sold out! Stay tuned for future events such as our Holiday Social which we will bring to historic downtown Collingwood in December.

Presenting the amazing Georgian Bay Chapter Executive that will be on the 2023-2025 ride, along with our social directors who work tirelessly on our events!

Past President	Greg Doerr
President	Joe Cumming
Vice President	Mary Charman
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Secretary	Kim Barker
Chapter Delegate	Sheri Turner

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	Ben Thomson

Social Directors Randy Henderson
Kristin Dusome
Trevor Walker
Crystal Graveson
John Ross
Kim Graveson



Georgian Bay Chapter Upcoming Events

2023 Event Schedule

Golf: September 8, 2023 @ Settlers Ghost (SOLD OUT) Kickoff Speaker & Dinner (Tentative) November 2023

Holiday Social: December 1, 2023 @ Black Bellows Brew House, Collingwood

2024 Events:

January - Ski Day @ Craigleith Ski Club, Blue Mountains

February - Curling Bonspiel, Barrie

February - Adjuster vs Broker Hockey Tournament & Barrie Colts Game







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ONTARIO, CANADA - WP Radio, the premier insurance adjusters podcast in Ontario, is excited to announce the upcoming season of guests, episodes and interviews for 2023.

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WP Radio will continue rolling out MyKey's series 'Home Away From Home', on the podcast network and will additionally be at all Ontario Insurance Adjusters Association events, recording live with guests, sponsors and other members of the industry.

In 2023, WP Radio has focused on expanding their production of branded content shows, as part of their mission to constantly grow and enhance their roster of episodes.

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Listeners can tune in to the podcast on all major platforms, including Spotify, Apple Podcasts, and Google Podcasts.

For more information on all branded content productions, options for sponsorship, and quest spots on interviews, please contact Kieran Doherty by phone or email.

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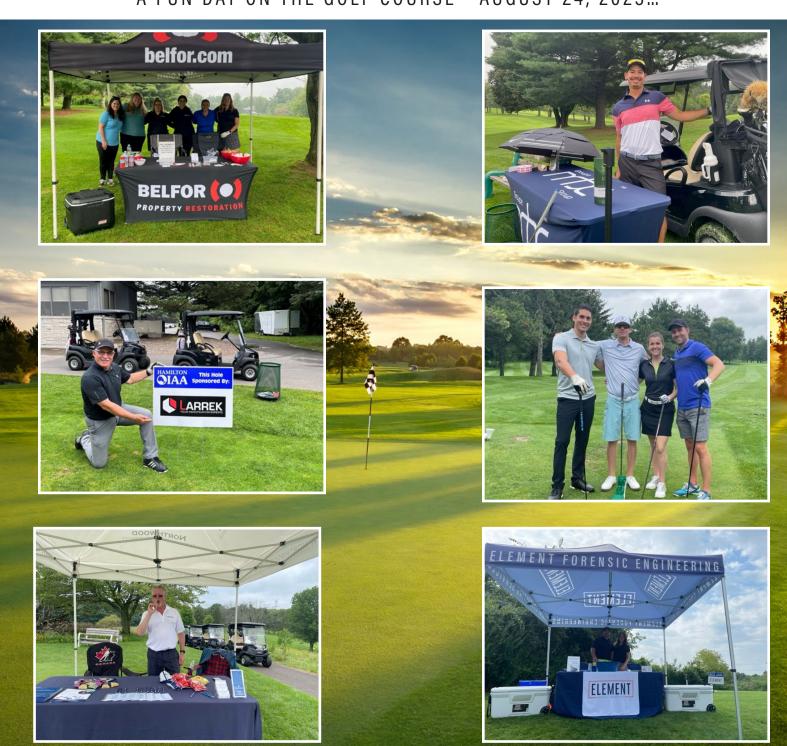
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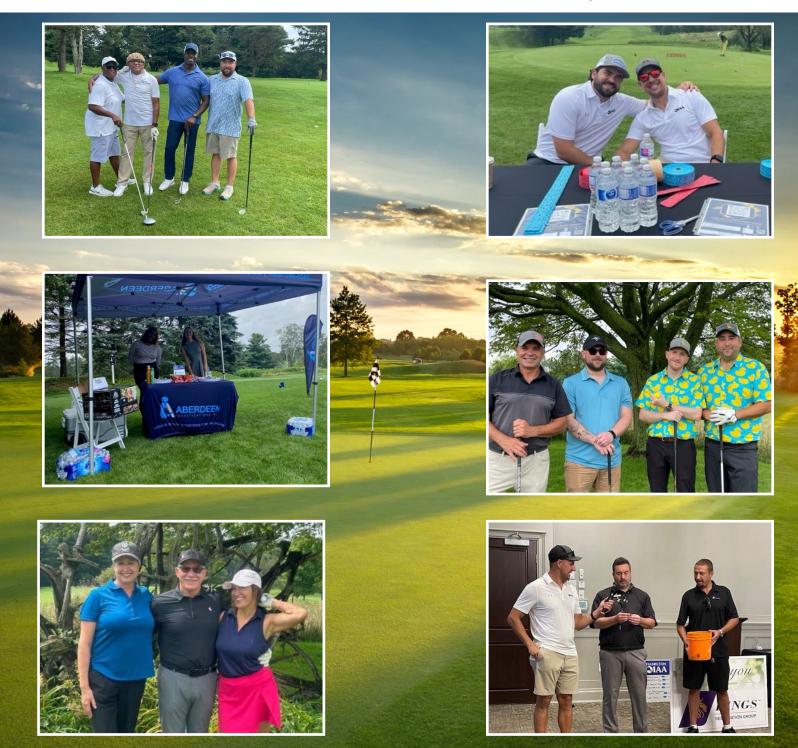
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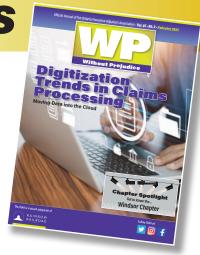
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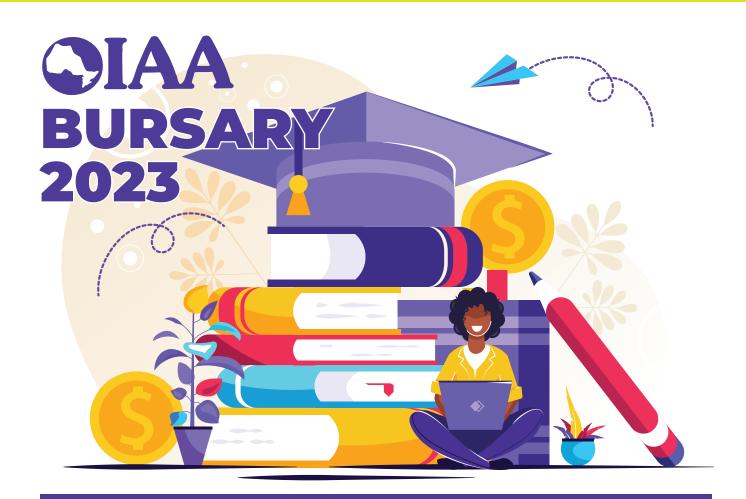












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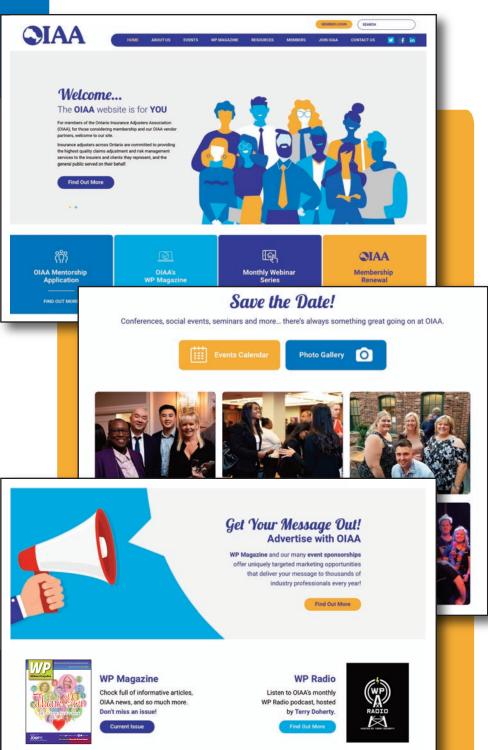
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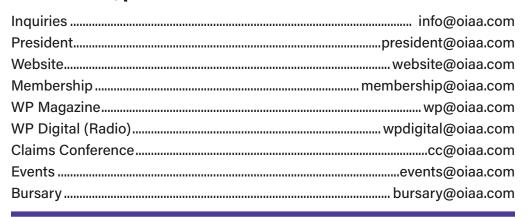
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