

Monday, May 26, 2014

Adding PTSD To Your Claim > 3.5 Years After a Thunder Bay Car Accident

The Issue: Can a husband, not involved in the [car accident](#) nor present at the crash site, develop PTSD as a result of the shock and emotional upset of his wife being involved in this very serious accident and dying shortly thereafter from her injuries?

Can that husband add the PTSD claim to his Statement of Claim, by amendment, some 3.5 years after the car accident?

Why This Matters

When a person is involved in a car accident, it is a common sequelae for many victims in Ontario to suffer from emotional anxiety and distress and, in the course of seeking medical treatment, a diagnosis of PTSD (post traumatic stress disorder) is fairly common.

While the ability to claim for 'nervous shock' is generally limited for those present at the accident scene, the claim of PTSD is different. In this case, the husband was not present at the accident scene.

This Case

In [Chapin v. Bennett, 2014 ONSC 1179 \(CanLII\)](#), a married mother, riding as a passenger, died shortly after her Thunder Bay car accident at a lighted intersection. The husband was notified of the accident and went to the hospital, where he stayed with his wife during her last hours. Sadly, this family was dealing with the loss of their son which occurred only 10 months prior. As can be expected, the husband was devastated by this loss.

A lawsuit was commenced under the Family Law Act and the Statement of Claim made all the usual allegations.

As early as 16 months post-accident, during treatment, the husband was diagnosed with PTSD.

This motion, brought 3.5 years after the accident, sought to amend the Statement of Claim to specifically claim damages for this condition. The motion was contested.

Mr. Justice McCartney allowed the motion and the claim of PTSD was allowed.

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