

ICBC "No Fault" Benefits

Even if you are wholly responsible for a collision, you may be entitled to certain no-fault benefits. These are commonly called "Part-7 benefits" because they fall under part 7 of the [Insurance \(Vehicle\) Act Regulations](#). These benefits include medical and rehabilitation benefits, wage loss benefits for total disability and death benefits. Part 7 benefits are typically available to anyone injured or killed in a motor vehicle accident in BC, or a BC resident injured or killed in a motor vehicle accident in the USA or Canada. These benefits may be available either from ICBC or from another insurer to a party involved in the collision.

1. [Who Is Insured?](#)
2. [Medical And Rehabilitation Benefits](#)
3. [Disability \(Wage Loss\) Benefits](#)
4. [Disability \(Homemaker\) Benefits](#)
5. [Death Benefits](#)
6. [Applying For Part 7 Benefits](#)
7. [What If I Don't Apply For My Benefits?](#)

Who Is Insured?

The first step in determining whether you are entitled to Part 7 benefits is to see if you meet the definition of "insured."

The definition of insured is quite broad and includes the following:

- a. *An owner of a vehicle insured with ICBC*
- b. *A member of the vehicle owner's household*
- c. *An occupant of a vehicle licensed in BC, or an occupant of a vehicle not required to be licensed in BC but driven by a person with a BC driver's license.*
- d. *A cyclist or pedestrian who collides with a vehicle described in an owner's certificate*
- e. *A resident of BC who is entitled to bring an action for injury or death under the [Insurance \(Vehicle\) Act](#) for either hit and run collision or pursuant to the uninsured motorist provisions.*
- f. *The personal representative of a deceased insured*
- g. *A resident of BC who holds a valid driver's certificate and members of his or her household.*

If you meet the definition for insured and were injured in a motor vehicle collision you should [apply for Part 7 Benefits](#).

Medical And Rehabilitation Benefits

Some of these benefits are mandatory and some of these are permissible. The goal of these benefits is to restore an insured, in the shortest practical time, to the highest level of gainful employment or self sufficiency that is reasonably achievable.

For most motor vehicle collisions, ICBC is liable to provide up to \$150,000 in Part 7 rehabilitation benefits.

These benefits typically cover expenses such as chiropractic treatment, massage therapy, physiotherapy, travel to and from medical appointments, the costs of medications and other rehabilitation expenses. The full amounts of these treatments are not always covered under Part 7 and this is sometimes a surprising and discouraging thing to learn. For example, ICBC will pay for the primary costs of certain treatments such as physiotherapy; however they will not pay the "user fees" which typically run from \$10-\$20 per treatment.

Disability (Wage Loss) Benefits

In certain circumstances an insured may be entitled up to \$1,200 per month in wage loss benefits if he or she becomes disabled from employment as a result of a motor vehicle collision. The amount of these benefits will be the lesser of \$300 per week or 75% of an insured's average gross weekly earnings. ICBC will need verification of an insured's employment status and medical evidence supporting disability in order to approve these benefits.

Disability (Homemaker) Benefits

If you are a homemaker and are disabled due to accident related injuries, you are entitled up to \$145 per week to compensate you during your period of disability. ICBC will require medical evidence to support your application for these disability benefits.

Death Benefits

These include certain funeral expenses and survivor benefits. If a death occurs as a result of a motor vehicle collision, an insured is entitled for the payment of funeral expenses up to a maximum of \$2,500. Additionally, surviving family members are entitled to survivor benefits from ICBC or possibly another insurer involved in the collision if the head of household or spouse in household is killed.

Applying For Part 7 Benefits

Generally, to claim Part 7 benefits one must:

1. Promptly give ICBC notice of the motor vehicle collision. This requirement can be fulfilled by giving notice on-line through ICBC's website or by calling ICBC's dial-a-claim (604-520-8222 in the Lower Mainland and 1-800-910-4222 elsewhere in BC). Whatever way you choose to report the claim, you should know that ICBC will keep records of your statements. For this reason it is very important to ensure that any information you provide ICBC is completely accurate.
2. Give ICBC a written report of the collision no later than 30 days from the date of the collision. This report must set out the particulars of the accident and its consequences. A good way to fulfill this requirement is to type out a short but accurate statement describing the collision and its consequences and to provide this statement to your ICBC adjuster. This statement does not have to be signed.

Often ICBC will use this requirement to have an applicant give a detailed verbal account of the collision which is then transcribed by ICBC and presented to an applicant for his/her signature. If the written report is taken in this fashion it is very important to read through the entire report carefully and ensure that it is completely accurate. Any inaccuracies in this report can be used later in your claim to challenge your version of events.

3. Provide ICBC with a proof of claim on the appropriate form within 90 days of the collision. Your ICBC adjuster is required to provide you with the appropriate form to fill out. This form requires that, amongst other things, you provide information about yourself, your employment and your injuries. Ensure that this form is filled out completely and accurately.

You do not have to sign any authorizations permitting ICBC to obtain your personal information! Many people are not aware of this and sign very broad authorizations permitting ICBC to collect significant records which may not relate to accident related injuries in any way.

If you do not wish to sign the authorizations you will need to provide appropriate medical documentation to support your injuries in your application for Part 7 benefits. This can be arranged with your family physician. ICBC can also request a short report from a treating physician which discusses your accident related injuries. If this occurs you are entitled to a copy of this report.

What If I Don't Apply For My Benefits?

In a personal injury claim, if a person had the right to claim Part 7 benefits and failed to do so, the amount of the benefits that the person was entitled to receive will be deducted from the compensation that person receives in the injury claim. This deduction applies even if the person never received any Part 7 benefits and due to the passage of time is now prevented from claiming Part 7 benefits. This deduction is not discretionary, it is mandatory! This deduction can potentially lead to hundreds of thousands of dollars of lost compensation. For this reason it is very important to apply for Part 7 benefits.

If ICBC refuses or neglects to pay Part 7 benefits it is important to consider legal action to force payment of these benefits, or to preserve your right to seek these benefits at a later date to prevent a possible deduction. If you need to speak with a lawyer to assist you in dealing with ICBC in your application for Part 7 benefits, [we will help you arrange a free consultation](#).