

Publisher's Note

2019 — Release 1

Previous release was 2018-10

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The Annotated Insurance Act of Ontario

This comprehensive four-volume service provides the entire *Insurance Act of Ontario*, with amendments, exhaustive case annotations, Schedules and Regulations as well as a wide range of annotated RELATED STATUTES and Regulations. Other features include cross-referencing to legislation in other provinces, expert and informative commentaries, and bibliographies for selected key sections. This looseleaf is supplemented 10 times per year.

LEGISLATION

• **NOTE:** As of January 3, 2019, actions arising from acts or omissions that occurred prior to January 1, 2004, are statute barred by virtue of the *Limitations Act, 2002*, S.O. 2002, c. 24, Sched. B, s. 15, as per the *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F, s. 89(1), even if such items were not discoverable prior to January 1, 2019. There will be very limited exceptions.

• Bill 57-2018, Royal Assent, December 6, 2018: S.O. 2018, c. 17 – *An Act to enact, amend and repeal various statutes. Ontario Gazette*, Vol.151-51 (December 22, 2018):

SCHEDULE 4 — AUTOMOBILE INSURANCE RATE STABILIZATION ACT, 2003

The *Automobile Insurance Rate Stabilization Act, 2003* is amended to change references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016*.

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SCHEDULE 17 — FINANCIAL SERVICES REGULATORY AUTHORITY OF ONTARIO ACT, 2016

Section 2 of the *Financial Services Regulatory Authority of Ontario Act, 2016* is amended to provide that the Financial Services Regulatory Authority of Ontario (the Authority) and the Deposit Insurance Corporation of Ontario (DICO) are amalgamated and continued under the name Financial Services Regulatory Authority of Ontario.

Section 3 of the Act is amended to set out the objects of the Authority in respect of credit unions.

New section 10.2 of the Act requires that the board of directors of the Authority establish a committee to advise the board on matters related to the Deposit Insurance Reserve Fund. Transitional matters related to the amalgamation of the Authority and DICO are provided for in new section 33.

SCHEDULE 21 — INSURANCE ACT

Section 42 of the *Insurance Act* is amended to provide that certain insurers must be members of the Fire Mutuals Guarantee Fund.

A technical amendment is also made to the French version of the Act.

SCHEDULE 26 — MOTOR VEHICLE ACCIDENT CLAIMS ACT

The *Motor Vehicle Accident Claims Act* is amended to change references to the Superintendent of Financial Services appointed under the *Financial Services Commission of Ontario Act, 1997* to refer instead to the Chief Executive Officer appointed under the *Financial Services Regulatory Authority of Ontario Act, 2016* in certain cases and the Director of the Motor Vehicle Accident Claims Fund in others.

COMMENTARY

- *2019 Monetary Thresholds and Deductibles for Non-Pecuniary Tort Awards under the Insurance Act, Ontario Gazette*, Vol. 151-50 (December 15, 2018).
- *2019 Indexation Percentage, Revised Deductibles and Monetary Amounts for Automobile Insurance under the Insurance Act and the Statutory Accident Benefits Schedule, Ontario Gazette*, Vol. 151-50 (December 15, 2018).
- *Insurance Act* s. 251, tab **Compulsory Automobile Insurance Act: Automated Vehicles — Mandatory Minimum Policy Limits HIGHWAY TRAFFIC ACT** — O. Reg. 517/18, amending O. Reg. 306/15 (Pilot Project – Automated Vehicles), *Ontario Gazette*, Vol. 152-01 (January 5, 2019).

CASE DIGESTS/CITATIONS

- *Insurance Act*, s. 447; tabs **COMPULSORY AUTOMOBILE INSURANCE ACT; FSCO — Unconstitutional — Mandatory Victim Surcharge** — Section 737 of the *Criminal Code* infringes s. 12 of the *Charter* and is not saved by s. 1. It is invalidated with immediate effect: *R. v. Boudreault*, 2018 CarswellOnt 20975, 2018 CarswellOnt 20976, 2018 SCC 58.
- tab **LICENCE APPEAL TRIBUNAL ACT** — Hearing **adjournment request denial not being procedural unfairness**. Appellant appearing alone at hearing. No request made prior to date the hearing set to begin. On the contrary, appellant verbally advised panel Chair that he had retained legal counsel to act on his behalf at the hearing: *Todorov v. Ontario Securities Commission* (2018), 142 O.R. (3d) 578, 2018 CarswellOnt 12042, 2018 ONSC 4503 (Div. Ct.).