



The Insurer's Guide: Combating Motor Vehicle Fraud

Plus...

When Does a Denial of an Insurance Claim Merit Punitive Damages?



Chapter Spotlight
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CONTENTS



11

Plaintiff’s Negligent Conduct is Not Enough to Absolve Occupier of Liability

The recent Ontario Court of Appeal decision in Lyng v. Ontario Place Corporation confirmed that occupiers have a high duty to ensure that patrons can safely navigate their premises. Moreover, the court confirmed that “but for” causation only requires that a defendant’s negligent conduct be a necessary cause of the injury, not the sole cause, and that a Plaintiff’s contributory negligence does not absolve the defendant of liability.



15

The Insurer’s Guide: Combatting Motor Vehicle Fraud

In recent times, there has been a noticeable uptick in motor vehicle fraud cases, reflecting a concerning trend in the automotive industry. One contributing factor to this increase is the growing sophistication of fraudulent techniques, which have become more difficult detect and prevent.



26

When Does a Denial of an Insurance Claim Merit Punitive Damages?

In Truong v. Jeweler’s Mutual Insurance Company, 2024 ONCA 734, the Ontario Court of Appeal addressed when a Court can award punitive damages against an insurer who improperly denies coverage. In 2014, the appellant, Jeweler’s Mutual Insurance Company (“Jeweler’s Mutual”) issued a policy of insurance to the respondents, Mr. Truong and Ms. Nguyen (“the respondents”). The policy covered jewellery against various risks, including theft. The value of the jewellery was \$502,000 at the time of obtaining the policy.

REGULAR FEATURES

President’s Message..... 4
OIAA Executive Council..... 8
London Claims Association Spotlight..... 22-25
OIAA Chapter Executive 47
Advertisers’ Index..... 46

WHAT’S HAPPENING

Toronto Delegate Election 5
Ottawa Valley Claims Summit..... 6
Save the Date Listings..... 7
In memory of Garth Roscoe..... 10
OIAA Claims Conference Agenda and Seminar Schedule 30-38
OIAA Claims Conference..... 39-40
Claims Conference Sponsorship Thank You 41

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SHAWNA GILLEN, CFEI
President, CIP

This year has been flying by! I cannot believe that it is already March. As I am writing this, we are in mid-February and the barrage of snow has been unrelenting! Great for those that enjoy the Great Canadian winter but not for those that must clear the snow off their driveways and cars! The good news is that Spring is just around the corner. The first day of Spring is on March 20th. Fingers crossed that Warton Willie's prediction of an early spring is correct. Unfortunately, all the groundhogs were not in agreement with Willie this year. Two other well-known Canadian groundhogs, Nova Scotia's Shubenacadie Sam and Quebec's Fred la Marmotte both predicted a longer winter. In addition, the world's most famous groundhog, Punxsutawney Phil also saw his shadow and predicted a longer winter. Let's hope that Ontario's own, Willie will be proven right!

March also features the luckiest day of all, St. Patrick's Day taking place on March 17th! St. Patrick's Day has its origins in Ireland. The holiday started as a Christian feast day for Saint Patrick. Saint Patrick has been credited to banishing snakes from Ireland and using the clover in his religious teachings. Today, St. Patrick's Day is known for parades, Irish food, music and dancing, as well as green beer. My favourite green beer is the "Half and Half" also known as a "Black and Tan". In Ireland, the "Half and Half", is made with Guinness Stout and Harp Lager. Here are the instructions how to make a "Half and Half" for St. Patrick's Day:

1. Choose Your Beers (select a light-coloured ale or

lager and a Stout)

2. Pour the light-coloured beer halfway in a glass and add green dye to this layer.
3. Use a spoon (a half-and-half spoon works best) and pour the Stout over the spoon gently allowing it to float on top of the light-coloured beer.
4. Sláinte (Gaelic for cheers)



***Tip – make sure both beers are cold to avoid mixing of the layers.

As I mentioned in last month's President's Message, February 28th to March 7th is Capes for Kids week. This is an annual charity campaign for Holland Bloorview Kids Rehabilitation Centre. Holland

Bloorview is the OIAA's charity for 2024-2025. I will be wearing my cape during this week for this fundraising campaign and would appreciate any support that you could provide to this amazing charity. The link to my page is:

<https://fundraise.capesforkids.ca/capes2025/myhq/group/82673>

Our next event is the 2025 Claims Conference taking place on Wednesday, April 2, 2025, at the Metro Convention Centre. LIMITED exhibitor booths and sponsorships sales are still available at www.oiaa.com. General registration is now open!!!

All "insurance professionals" are FREE to attend including OIAA Adjuster Members and OIAA Provincial Social Members. For more information on this event and future events, please follow the OIAA's LinkedIn page at:

<https://www.linkedin.com/in/ontario-insurance-adjusters-association-oiaa-provincial-190291b2>

I welcome your comments and feedback. Please feel free to reach out to me at sgillen@facilityassociation.com.

Yours truly,
SHAWNA GILLEN, CIP
President
(437) 962-5820



TORONTO DELEGATE Election 2025

We are looking for four forward thinking individuals that are based in the Toronto area.

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If you are an OIAA member or know of an OIAA member interested in running for this position, please contact **Terry Doherty** at terry.doherty@aviva.com.

Elections will be held on **April 16, 2025**.
Go to oiaa.com for details.



OTTAWA VALLEY ADJUSTERS ASSOCIATION

Claims Summit – Anatomy of a Claim

Date : May 1, 2025

Time: 8:30 am to 5:00 pm

Location : Sala San Marco

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SAVE THE DATE

MARCH 2025

- March 20 Kawartha Durham - 80's Night at the Roller Rink
- March 27 Kitchener Waterloo - Mock Accident Benefits IE's with Evolve Assessments
Lancaster Smoke House

APRIL 2025

- April 24..... Kitchener Waterloo - Battle of the Bands @ Maxwell's Concert Hall

MAY 2025

- May 1..... Georgian Bay - Past President & Elections night @ Sheba Shrine
- May 15..... Kawartha Durham - OIAA Education Day @ Deer Creek Golf Club in Ajax
- May 29 London Claims Association - Trunk Trade Show & Drive-In Movie Night
- May 30 OIAA Provincial - Annual Golf Tournament @ Cardinal

JUNE 2025

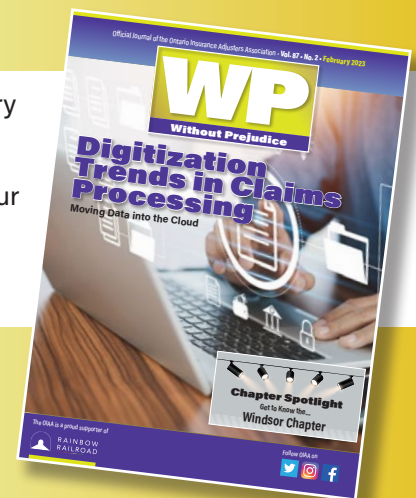
- June 25 Kitchener Waterloo - Annual Golf Tournament @ Ariss Valley

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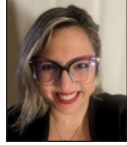
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Career Fair - In association with Claims Conference	Michele Field/ Sheri Turner	Nadine Dionne	Golf Tournament	Sheri Turner	Kayla Helmond
			September Kick Off	Sherry Desai	Natalie Barrow

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Gabrielle certainly has the gift of Gab (but don't call her Gabby)! When she's not in the office you can find her strategizing how to make her next spin class to close her Apple Watch rings. Speaking of strategy, Gabrielle is a big fan of reality TV shows like Big Brother and The Bachelor (so much so that she spearheads our firm-wide Bachelor/Bachelorette fantasy bracket).



Bogdan Miscevic

Bogdan Miscevic is a Partner at MBBM Lawyers LLP, and he specializes in insurance defence litigation. He is a preferred defence counsel for many prominent insurers and companies who manage aspects of their own risk ("SIR clients"), especially when it comes to special investigations and fraud defence work.



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Sebastian di Domenico is an associate at Rogers Partners LLP. Prior to joining the firm, he gained experience representing insurers in occupiers' liability and automobile accident (tort and accident benefits) claims, and he also acted for plaintiffs in medical malpractice and a variety of personal injury cases.



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In Memory of.. *Garth Roscoe*

Sunday, November 3rd, 1940 - Monday, January 27th, 2025

OIAA President 1998



It is with profound sadness that we announce the passing of Garth Roscoe on Monday, January 27, 2025. Beloved and cherished husband of DeeDee (nee Hamilton). Loving and proud father of Kim and Greg (Lisa). Cherished Grandpa to Armando and Maya Pascual de la Cruz; Aidan and Brynn Roscoe. Predeceased by his parents Richard and Alberta Roscoe and sister Beverley (Tom Chapman). He was also predeceased by his extended family, John and Elinor Hamilton, Garry Hamilton, Bruce and Joan Hamilton, Valerie and Jim Torck and Gordie Hamilton. Leaving behind his sisters-in-law Eileen and Shirley Hamilton. His life

was fulfilled with his many travels with DeeDee, Valerie and Jim. He enjoyed a long career as an insurance adjuster and was proud to be the past-president of the Ontario Insurance Adjusters Association. Years removed from his playing days he loved watching sports of every kind and chose to sign off after a Sens win. Family was his everything. His kind and gentle manner will live on forever.

Some thoughts from OIAA Past Presidents

Very sad news indeed. Garth came to us as a gift as the delegate from the merger with the Ottawa Valley Adjusters Assoc. during Jim Cameron's tenure I recall. I, as many of you did, had the pleasure of having him on our team starting back in the mid 1980's. His dedication to the OIAA was never in question and I could always count on him for behind the scenes sage advice. After a day of OIAA business he was always up for a game of Euchre. He was a demon at it. The man took more than a few dollars off me over the years. He invited me to visit Ottawa when I last saw him so in his words so he could kick my butt again. I will miss him and take some consolation in the fond memories. His meeting opening prayer "For a World" was adopted into the Blue Goose and many other associations. I continue to use it to this day. Greetings to all.

Rest in peace my old friend - Max Brugger

Thank you for sending this to me. I go back a long time with Garth. I had dealings with Garth as an adjuster used by our company going back to the 70s and 80s. He was a kind person and had a likeable way that people took too. For health reasons, I cannot get to Ottawa. MY words aren't adequate for how I feel because I spent time with Garth in Ottawa and had numerous conversations with him over many years.

Chet Gibula

*A Grace
Shared by
Garth*

For food in a world
where many walk in
hunger

For friends in a world
where many walk alone

For faith in a world
where many walk in fear

We give thee our
humble thanks

Plaintiff's Negligent Conduct is Not Enough to Absolve Occupier of Liability

By: Gabrielle Nigro



The recent Ontario Court of Appeal decision in *Lyng v. Ontario Place Corporation* confirmed that occupiers have a high duty to ensure that patrons can safely navigate their premises. Moreover, the court confirmed that “but for” causation only requires that a defendant’s negligent conduct be a necessary cause of the injury, not the sole cause, and that a Plaintiff’s contributory negligence does not absolve the defendant of liability.

Background

The subject incident dates back to June 2016. The Plaintiff, age 21 at the time, attended a concert at Ontario Place with his friend. It rained heavily that day. Following the concert, the Plaintiff, who had consumed alcohol and was wearing flip flops, exited the main gates with his friend and proceeded to a pedestrian bridge that leads to the Exhibition GO station.

Upon arrival at the bridge, the Plaintiff found it was closed and two security guards were blocking entry. Along with others, the Plaintiff and his friend proceeded down a hill next to the bridge. There were no barricades or warnings limiting access to the hill. The Plaintiff slipped fell while descending near the bottom of the hill and sustained a serious knee injury requiring surgical repair.

Trial Decision

The trial judge found that Ontario Place was liable for the Plaintiff's injuries under s. 3 of the Occupier's Liability Act ("OLA"). Specifically, the trial judge determined that the Plaintiff's injury was caused by him jumping and landing awkwardly on a straightened leg, not that he slipped when going down the hill. Furthermore, the trial judge maintained the slippery hill was a hazard known to Ontario Place, that what occurred was foreseeable and that it could have been prevented.

Considering the above, the trial judge found that the Plaintiff would be contributorily negligent and apportioned liability to be 75 percent to Ontario Place and 25 percent to the Plaintiff.

The trial judge also awarded damages against Ontario Place for non-pecuniary general damages, past income loss and loss of competitive advantage.

Court of Appeal Decision

The matter was appealed, and Ontario Place argued that the trial judge erred in several aspects of his decision, namely regarding his causation analysis and finding that Ontario Place breached its duty under s. 3 of the OLA on the basis that wet grass is not an unusual danger. The Court of Appeal upheld all aspects of the trial judgement and dismissed the appeal.

Regarding causation, Ontario Place claimed the respondent's injuries were due to other factors unconnected to what it did or did not do. Ontario Place took the position

that, even if one were to accept that it breached its obligation to protect its patrons from the danger of wet grass, that failure did not cause the injury. That is, the respondent did not slip and fall; he made the needless decision to jump, which led to him landing awkwardly. The Court of Appeal rejected this argument, as Ontario Place was asking the court to reweigh the evidence on the issue of causation, a factual finding which should not be interfered with absent palpable and overriding error.

Furthermore, Ontario Place argued that wet grass caused by rainfall is not an unusual danger that it, as the occupier, had to guard against, pursuant to s. 3 of the OLA, as the standard is not perfection. The trial judge found that by blocking the pedestrian bridge and making no reasonable effort from preventing the crowd, a number who had been drinking alcohol, from going onto a wet hazardous hill, Ontario Place failed in its duty to take care that persons were reasonably safe while on its premises. As such, the Court of Appeal rejected Ontario Place's argument and stated that the trial judge did what s. 3 directs him to do, which is carefully consider what would have been reasonable in the circumstances.

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Finally, the Court of Appeal rejected Ontario Place's argument that, having found that the respondent jumped down the slope in flip-flops, after consuming alcohol, the trial judge had to then find that he was the author of his own misfortune and dismiss the action accordingly. Specifically, the Court of Appeal clarified that "but for" causation only requires that a defendant's negligent conduct be a necessary cause of the injury, not the sole cause. As such, there was nothing inconsistent about the trial judge's findings of negligence on both parties.

Key Takeaways

This case suggests that occupiers have a duty to ensure that patrons can safely navigate their premises, particularly in situations where natural hazards on the premises bring patrons in greater risk of collision. In these instances, it would be wise for occupiers to ensure that patrons have an alternate route, or that they adequately warn patrons of the risk of using the unsafe route. It also serves as an important reminder that contributory negligence from a Plaintiff will not shield an occupier from liability.

[Read here: Lyng v. Ontario Place](#)



Gabrielle Nigro

Gabrielle certainly has the gift of Gab (but don't call her Gabby)! When she's not in the office you can find her strategizing how to make her next spin class to close her Apple Watch rings. Speaking of strategy, Gabrielle is a big fan of reality TV shows like Big Brother and The Bachelor (so much so that she spearheads our firm-wide Bachelor/Bachelorette fantasy bracket). While she's a team player, you may still find her forming office alliances to get first dibs at people's snack drawers. As a junior lawyer, Gabrielle's practice is broad as she works on bodily injury and accident benefits matters. A legal chameleon, you'll find her working on a wide array of matters from dog bites to OPCF-44R coverage to everything in between.



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The Insurer's Guide: Combating Motor Vehicle Fraud

By: Bogdan Miscevic



Preface

In recent times, there has been a noticeable uptick in motor vehicle fraud cases, reflecting a concerning trend in the automotive industry. One contributing factor to this increase is the growing sophistication of fraudulent techniques, which have become more difficult to detect and prevent.

Moreover, the global shift towards digital platforms for vehicle sales and transactions has created new opportunities for fraudsters to manipulate systems

and deceive unsuspecting buyers and insurers. This includes activities such as falsifying vehicle histories, forging ownership documents and staging accidents to make fraudulent insurance claims.

The impact of this uptick in motor vehicle fraud extends beyond financial losses to individuals and insurers. It can erode trust in the automotive market, disrupt insurance operations, and ultimately lead to higher premiums for honest policyholders. As such, there is a pressing need for collaborative efforts between insurance companies, regulators, and

law enforcement agencies to develop robust fraud prevention measures and educate consumers about potential risks.

In this article, I outline basic steps that an insurance investigator (and insurance defence lawyer) should follow when investigating a potentially fraudulent claim. Of course, these steps are not exhaustive and should be considered in conjunction with other internal insurer's guidelines and best practices.

General Principles Relating to Fraud

The general principles relating to insurance claims and fraud are well established in Canadian law. According to these principles, an insured must provide sufficient information and specific details in the proof of loss and extent of damage sustained to allow the insurer to determine whether the nature and amount of a claim brought by the insured is valid. The insured must provide the fullest account possible and the best particulars of the loss. Compliance with these requirements is a matter of judicial interpretation. The onus of proving fraud, a false statement, or staged accident, is on the insurer.¹

Generally, in order to recover for a loss, the insured

bears the onus of establishing, on a balance of probabilities, that the loss occurred and the amount of the loss – the onus does not shift to the insurer merely because the insurer raises the defence of fraud. In preparing the proof of loss, an insured owes a duty to the insurer of honesty and accuracy. Before addressing whether the insurer has proved that the insured's valuation is flawed, the trial judge must first satisfy himself or herself that the insured has proved, on balance, that his or her evidence in support of the loss is credible and reliable.²

A defence of fraud may be established by presumption or inference from circumstantial evidence. The onus of proving fraud or false statement is on the insurer. Having said that, it is important to note that mere exaggeration of a claim may not be sufficient to vitiate the claim.

Relevant Regulation:

(i) Insurance Act

7. Fraud Any fraud or willfully false statement in a statutory declaration in relation to any of the above particulars, vitiates the claim of the person making the declaration. [Emphasis Added].



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233(1) Misrepresentation or violation of conditions renders claim invalid Where,

- (a) an applicant for a contract,
- (i) gives false particulars of the described automobile to be insured to the prejudice of the insurer, or
- (ii) knowingly misrepresents or fails to disclose in the application any fact required to be stated therein;
- (b) the insured contravenes a term of the contract or commits a fraud; or
- (c) the insured wilfully makes a false statement in respect of a claim under the contract, a claim by the insured is invalid and the right of the insured to recover indemnity is forfeited. [Emphasis Added]

(ii) Ontario Automobile Policy of Insurance (OAP1)

The Statutory Condition(s) of the Ontario Automobile Policy of Insurance OAP1 pertain to the insured’s responsibility to cooperate, and the relevant sections read as follows:

Statutory Condition 5(3) states:

Requirements Where Loss or Damage to Persons or Property

(3) The insured shall, whenever requested by the insurer, aid in securing information and evidence and the attendance of any witness and shall co-operate with the insurer, except in a pecuniary way, in the defence of any action or proceeding or in the prosecution of any appeal.

Statutory Condition 6(4) states:

Examination of Insured:

“(4) The insured shall submit to examination under oath, and shall produce for examination at such reasonable place and time as is designated by the insurer or its representative all documents in the insured’s possession or control that related to the matters in question, and the insured shall permit extracts and copies thereof to be made.” [Emphasis added].

Basic Steps in Motor Vehicle

Fraud Cases:

Now that we have outlined general principles and relevant regulation governing motor vehicle fraud in Ontario, we will look at some basic steps that an insurance investigator ought to consider when handling a potentially fraudulent claim.

Please see below list outlining steps that need to be considered in order for an insurer to deny or approve a potentially fraudulent motor vehicle claim:

1. **Proof of Loss:** the applicant must submit a valid and notarized proof of loss outlining exactly what is being claimed, the amount, details pertaining to the incident and other required information. This document will serve as a framework for the claimant’s claim, and it will define boundaries within which the insurer can navigate in the course of its investigation. The insurer should insist on production of a valid proof of loss before proceeding with the claim.
2. **Personal Information Consent Form:** the investigator should be requesting Personal Information Consent Form (or its equivalent) to be executed by the claimant. This consent form will allow investigator to share the claimant’s

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personal information with other parties in order to obtain documents/information for the purposes of investigating the file. For instance, it will allow the investigator to reach out to other insurance companies, other adjusters, credit organizations, medical professionals, police authorities and other third parties for the purposes of investigating the claim and gathering relevant documentation/information.

3. Photographs and/or Videos: if the investigation deals with a motor vehicle theft, arson, content loss or other similar claim, then the investigator should be requesting photographs and videos of the subject incident and items being claimed in the proof of loss.

4. Telephone Records and Bank Statements: the investigator may request telephone records and bank statements from the insured if those are relevant. For instance, if the claimant claims he or she purchased a re-VIN vehicle over Kijiji for cash and does not have documents to substantiate the transaction or contact information of the seller, the investigator may request telephone records and/or bank statements to verify those claims. Of course, telephone records and/or bank statements should be redacted and only relevant information substantiating the claim should be sought.

5. Social Media / Online Searches: the investigator should be conducting thorough searches of the claimant's social media and online presence including saving all relevant information including photographs, videos, friend/connection lists, location check-ins, and business registries. Certain software engines allow for internet searches for content that has been deleted including Kijiji ads, online posts and other.

6. Other Useful Searches: the

investigator should be obtaining the following information and documents:

- a. AutoPlus Details
- b. Carfax & Lien Searches
- c. Mohawk Searches
- d. Motor Vehicle Registration Documents
- e. Corporate Searches

7. Recorded Statement: the investigator should be conducting a recorded statement with the insured to verify information provided, investigate facts of the case and surrounding circumstances. The recorded statement will serve two-fold purposes: (i) it will allow investigator to investigate the claim and (ii) it will provide external counsel, if retained,

MEDIATIONS AND ARBITRATIONS



PAUL M. IACONO



Paul brings over 50 years of experience in the field of insurance litigation and dispute resolution. He served as a Deputy Judge of the Toronto Small Claims Court for 25 years. The International Academy of Mediators bestowed upon him its highest honour, making him a "Knight".



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additional information before Examination Under Oath is conducted (see below for further information pertaining to Examination Under Oath).


8. Canvassing of Neighbourhood: the investigator should be canvassing the neighbourhood and speaking with the neighbours to obtain further information as well as obtain potential photographs/video footage of the subject incident. For instance, in a motor vehicle theft, many surrounding houses might have CCTV footage of the reported incident. This information is highly relevant as it has a potential to prove or disprove the claimant's allegation regarding the subject incident and aid relevant authorities in catching the thieves.

9. Crown Disclosure: if there are criminal proceedings commenced against the insured, a complete crown brief disclosure should be obtained. If the claimant has a criminal defence lawyer, a relationship should be established, and crown disclosure and other relevant documents should be requested from the criminal defence lawyer (unless otherwise instructed). In many instances, the criminal defence lawyers wish to be part of the investigation process and prefer to attend recorded statements and/or Examination Under Oath of their clients. If such requests are made, they should be allowed.


10. Freedom of Information Request: the investigator should be considering a "LEVEL 2" Freedom of Information Request with the relevant authority. If completed properly, a "LEVEL 2" request will provide a number of relevant documents pertaining to the underlying incident including officer's notes, diagrams, information pertaining to criminal charges (if any), and witness statements. Depending on the jurisdiction, the Freedom of Information Request will take several weeks (if not months) to

be completed, so this step should be completed early in the investigation process. It is preferable that the Freedom of Information Request is satisfied, and relevant documents obtained by the time external counsel conducts Examination Under Oath of the claimant.

11. VIN Searches: if the investigation involves a stolen motor vehicle and circumstances warrant, the investigator should be conducting VIN searches to determine whether the subject vehicle was a "re-VIN". If that is a case, there could be an argument for lack of insurable interest to be made on the claim. In addition, if the vehicle was a re-possessed by the relevant authorities, then the insurer could argue that there was no insurable event (i.e., the insurance contract does not cover re-possession of the re-VIN vehicle by the relevant authorities). There has been a noticeable increase of re-VIN vehicles in the province of Ontario, and, in many instances, these follow a similar pattern: (i) the claimant purchased the vehicle for cash, (ii) with no proof of payment, (iii) over Kijiji or other similar online platform, (iv) from an unknown individual; and (v) the claimant no longer has contact information of that unknown



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individual. If your case contains one or more of the above factors, you should be completing a VIN search to ensure the subject vehicle is not a re-VIN. If it shows that the subject vehicle is a re-VIN, consideration as to whether the subject theft can be considered as an insurance event and/or insurable interest should be made.

12. Engineering Report(s): various engineering reports can be obtained to confirm or debunk the claimant's testimony including "keyreads", accident reconstruction reports and black box data analysis. For instance, a successful "keyreads" will provide information about when that particular key was last time used to start the subject vehicle. If that information does not match the claimant's testimony, then there might be potential material misrepresentation and the file should be further investigated.

13. Appraiser Reports: these reports are typically supplementary but do have a potential of containing useful information including colour photographs of the subject vehicle, images of damaged areas, required repairs, value of the damage vehicle and other. These reports should be provided to engineers and external counsel for further analysis.

14. Examination Under Oath: if the above investigation reveals discrepancies between the insured's statement(s) and factual evidence, the investigator should be retaining an external legal counsel to conduct an Examination Under Oath of the claimant. The external counsel should be serving Notice of Examination on the insured outlining the mandate for the examination. If practical, this should be completed in-person at a local Court Reporter's Office close to where insured lives to accommodate him or her and

the dates for Examination Under Oath should be canvassed with and agreed upon with the claimant in writing. The investigator should be in attendance. If the claimant fails to attend the Examination Under Oath, he or she could be deemed non-compliant. If that is the case, the claimant should be placed in non-compliance but a second opportunity to attend the Examination Under Oath should be provided with the claimant can provide a reasonable explanation for failing to attend the first time. The Examination Under Oath is a one-time opportunity to examine the claimant on the evidence and, arguably, one of the most important steps in the investigation of a claim. As such, the external counsel should be

MEDIATIONS AND ARBITRATIONS



MARVIN J. HUBERMAN

LL.B., LL.M. (ADR), FCIArb



Marvin has over 30 years of experience in insurance disputes. He is a former Vice-Chair of the Ontario Commercial Registration Appeal Tribunal, and is the current Integrity Commissioner for several municipalities, and a Certified Specialist in Civil Litigation (LSO).



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covering all areas, addressing all discrepancies, entering relevant exhibits into evidence, requesting relevant productions, and rendering his legal opinion to the investigator following the Examination Under Oath in a timely manner. Based on the legal opinion and internal insurer team discussions and policies, the investigator will be deciding about whether to approve or deny the claim. The approval or denial of the claim ought to be in writing and the concrete reasons must be provided.

Closing Remarks:

The recent years have witnessed a concerning surge in motor vehicle fraud, presenting a complex challenge for both insurers and law enforcement agencies (in addition to serving as an embarrassment to many local and national politicians). Additionally, the economic downturn and financial hardships experienced by many individuals during recent times have created incentives for fraudulent activities related to motor vehicles.

The impact of this uptick in motor vehicle fraud extends beyond financial losses. It also undermines trust in the insurance industry, raises costs for insurers and consumers alike, and strains resources allocated to fraud detection and prevention. As such, there is a critical need for increased vigilance, enhanced collaboration between industry stakeholders and law enforcement, and the adoption of advanced technologies such as AI-driven fraud detection systems to stay ahead of evolving fraud tactics and protect both insurers and consumers.

On another note, while fraud-detection is crucial, the insurers must not lose sight of the bigger picture and their role in the industry. In that regard, it must be stressed that most fraud investigations are typically first-party claims and, as such, the insurer owes a duty of good faith to its insured. This must be considered throughout the investigation process by the insurer's investigator (and later

external counsel) because it could potentially open the insurer to a bad faith claim if the investigation of the file is not conducted properly and in a timely manner.

It should be noted that there has been a noticeable uptick in successful bad faith claims against insurance companies in the recent years and, as such, the insurers should be mindful of these decisions when navigating these potentially turbulent claims.

1 *Hanna v. Royal & SunAlliance Insurance Co. of Canada*, 2007 CarswellOnt 3361.

2 *Canadian Encyclopedic Digest, Fraud, Statutory Condition 7*.



Bogdan Miscevic (Partner)

Bogdan Miscevic is a Partner at MBBM Lawyers LLP, and he specializes in insurance defence litigation. He is a preferred defence counsel for many prominent insurers and companies who manage aspects of their own risk ("SIR clients"), especially when it comes to special investigations and fraud defence work. Bogdan

has successfully represented his insurer and SIR clients at various court and administrative tribunal levels. He is regularly invited to speak and present at various insurance industry events and has been named by The Best Lawyers in Canada for his outstanding expertise in the area of Insurance Law.



Chapter Spotlight

Get to Know the...

LONDON CLAIMS ASSOCIATION

President's Message

Is it too late to say Happy New Year 2025?!!

As I sit down to write this, we are now mid-January and the days are starting to get longer (which makes me happy). Our region has had quite a bit of snow this season with more falling outside my window now (which makes me cranky)! The London Chapter has kicked off our 2024/2025 season with a bang!

Our 2024/2025 executive board consists of: Kelly Peck-McDonnell (President), Geoff Edgar-Stubgen (Vice President); Kate Boyle (Past President), Linda Pereira (Treasurer); Jordan Hamilton (Secretary), Cory Boyle (Website Manager); and Michele Field (Chapter Delegate). Our Directors are: Amanda Gaudet, Amanda-Lynn Stublely, Linda Marshall and Samantha Swoffer. Our Social Directors are: Warren Hamer, Laura Emmett, Chau Trac and Manny Almanza Guerrero. Our chapter Bookkeeper is Wendy Barbour.

Our Chapter continues to be focused on community involvement and helping where we can. We continue this year to support Anova, our charity of choice. Anova is the product of a merger between London's Women's Community House and Sexual Assault Centre London. Anova provides safe places, shelter, support, counselling and resources for abused women, their children and all oppressed individuals to find a new start. We collect food, clothing, feminine hygiene and baby products at each event for Anova. We even held our 5th annual Holiday Toy and Food Drive on November 30, 2024 which generated one full XO Homes work-van full of donations (it's a big van)! We also made a cash donation to Anova in the amount of \$1,500.00. We are so very grateful for

the donations received from our members and vendor partners. Especially in this difficult economic time.



We kicked off our 2024/2025 season with our LCA Derby Days & Past President's Night on October 1, 2024 at the Top of the Fair where we enjoyed a night of fashion, horse racing and betting! We had 8 Past President's attend – some travelling from Sarnia and Burlington – thank you so much for joining in on our fun night! It was fun to celebrate you and your commitment to our organization! We had a total of 89 people register to attend. There were some epic fascinators and hats modeled throughout the night. It was great to have so many people attend and take part in the theme!

On November 21, 2024 we hosted our annual Holiday Party at the Lamplighter Inn and we kept the Ugly Holiday Sweaters theme going. Although this was our 4th or 5th (?) year with this theme, we added in a Holiday Game and a Candy Bar, which we had a lot of fun with. Who doesn't love an ugly holiday sweater??!! The turkey dinner was yummy, the holiday décor was beautiful and the dance floor was pumping until 1am – Londoners sure know how to keep a party going! It was wonderful seeing so many faces and I am always impressed with how many people travel from other chapters to come and experience this event. I can't thank you enough for supporting our Chapter at our biggest event of the year. It is always a terrific way to start the holiday season seeing so many friends!

We are hosting our first event of 2025 on January 23rd with our annual Chili Cook-off & Trivia Night at the German Canadian Club. We are hoping to have approximately 10 chilis registered and look forward to find out who will bring home the prize for Judge's Pick and the People's Pick. Will it be a recipe that has won previously, or will it be a new entry? And which team will claim the trivia prize? On February 26, 2025 we will be holding our annual LCA Curling Funspiel at the Highland Curling Club. Registration has already opened for that event and we can't wait to enjoy a day on the ice with you! Our plans for our April 2025 meeting are still in the works and we are keeping them under wraps for now. Stay tuned to our website and social media for more information.

Our 4th LCA Trunk Trade Show & Drive-In Movie Night has been tentatively scheduled for May 29th at The Mustang Drive-in. This event grows BIGGER and BIGGER each year and we've heard from adjusters and vendors alike about how much they enjoy this format. Last year, we had 60 adjusters and 24 vendors register

and we expect these numbers to increase this year. We encourage adjusters and vendors from near and far to register. It is FREE for adjusters to attend and each vehicle with an adjuster in it gets a \$25 concession gift card for movie snacks to enjoy. Adjusters can bring their friends, family and dogs to enjoy with them and the next day is a PD day. Vendors set up their vehicles at the back row of the drive in, open up their trunks, set up tables and signs and give out swag while the attendees wander vendor-to-vendor (much like at a formal trade show). A DJ plays music while we enjoy catching up with friends and colleagues (and gather as much swag as you can carry) and the children play at the jungle gym. The movie selection will be announced closer to the event date so stay tuned.

Our last event of the season will be our LCA golf tournament on August 14, 2025 at Fanshawe Golf Course. I'm already looking forward to a day of sunshine (fingers crossed) on the links and enjoying time with friends, cocktails and a BBQ dinner with lots of door prizes!

I am extremely proud of our Chapter and the events we throw for our members. I often hear how the London Chapter is always thinking out-of-the-box and willing to try new things. Our Board really strives to be creative and member-centric. We want our attendees to not only enjoy our events but to feel that they have learned something new or met new industry colleagues and partners which add value to their career path. I'd like to personally thank each and every Director on our Board for their hours of volunteerism that it takes to be so successful – I can't wait to keep working with you all! You are a wonderful group of people who I love to call friends.

Make sure to follow along our social media pages and to visit our website for event updates, registration and sponsorship information at: www.londonclaimsassociation.com. We look forward to seeing you soon and thank everyone for your ongoing support of our chapter!

Kelly Peck-McDonnell, CIP
President, London Chapter
Team Lead of Accident Benefits,
Kent & Essex Mutual Insurance
Phone: (519) 360-4782
Email: kellyp@kemutual.com



Chapter Spotlight

Get to Know the...

LONDON CLAIMS ASSOCIATION

Delegates Report

Greetings from the London Claims Association.

My name is Michele Field and this is my third year as the Toronto Delegate for our London Chapter. I have had a wonderful time representing our local London area as well as having an opportunity to engage with the OIAA on a provincial level.

While helping our wonderful Toronto Chapter, I would like to share with you a change we implemented in the 2024/2025 year.

Myself, along with my Georgian Bay Chapter colleague, Sheri Turner have reached out to our Ontario Colleges that offer an Insurance program. We have requested an opportunity to be a guest speaker to discuss "claims". So far, we have attended Conestoga College and Fanshawe College. We were able to promote the OIAA and inform them of various claims opportunities. Whether that is working for an independent, stock company or mutual. It was exciting to see the students engaged and eager to learn about different types of roles. We hopefully have encouraged some students to consider claims as a potential career path!

I look forward to seeing you on April 2nd, 2025 at our Toronto Provincial Claims Conference. Specifically, I hope you can attend the "Emerging Trends and Challenges in the P&C Industry; Insights from Claims Leaders" seminar where my

very own, CEO from Trillium Mutual Insurance Company will be part of the panel! (yes, this is my plug 😊)

On behalf of London Claims Association, we encourage you take a moment to checkout our newly renovated website to keep you informed of our future events.

<https://londonclaimsassociation.com/>

I look forward to meeting you soon!

Michele Field, FCIP

**London Claims Association/Toronto Delegate
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Chapter Spotlight

Photos from the...

LONDON CLAIMS ASSOCIATION HOLIDAY PARTY



When Does a Denial of an Insurance Claim Merit Punitive Damages?

By: Sebastian di Domenico



In *Truong v. Jeweler's Mutual Insurance Company*, 2024 ONCA 734, the Ontario Court of Appeal addressed when a Court can award punitive damages against an insurer who improperly denies coverage.

In 2014, the appellant, Jeweler's Mutual Insurance Company ("Jeweler's Mutual") issued a policy of insurance to the respondents, Mr. Truong and Ms. Nguyen ("the respondents"). The policy covered jewellery against various risks, including theft. The value of the jewellery was \$502,000 at the time of obtaining the policy.

In 2015, the respondents filed proof of loss and sought payment for the jewellery because it was stolen while

they were in Vietnam. Jeweler's Mutual requested information, conducted interviews, and questioned the respondents under oath about the jewellery. Afterwards, however, Jeweler's Mutual did not pay the respondents for their loss.

The respondents commenced an action seeking payment for their loss. Jeweler's Mutual did not take the position that the respondents had made a misrepresentation when obtaining the policy, which was confirmed by counsel for the respondents during the examination under oath. However, the appellant took the position that the respondents had to provide proof that they had actually owned the jewellery claimed, and had failed to do so.

The trial judge found in favour of the respondents and awarded them \$502,100 as compensatory damages for the loss of the jewellery. Further, the trial judge awarded \$45,000 in punitive damages. The punitive damages were awarded because the respondents should not have been put to the proof of their pre-policy ownership of the jewellery, since Jeweler's Mutual had accepted the respondents' ownership when it issued the policy. Therefore, the trial judge held that by not paying for the loss and imposing the obligation to prove ownership on the respondents, which would have not been reasonably expected, the appellant had acted in bad faith.

The Applicable Test

The Ontario Court of Appeal referred to the leading case for punitive damages in the insurance context, *Fidler v. Sun Life Assurance Co. of Canada*, 2006 SCC 30, [2006] 2 S.C.R. 3. In *Fidler*, the Supreme Court of Canada explained that a decision of whether an insurer has acted in bad faith rendering it liable for punitive damages is a contextual one, revolving around the facts of the particular case: at para. 72.

The key question is whether the denial of insurance coverage was the result of overwhelmingly inadequate handling or improper considerations. At para. 63, the Court wrote:

In *Whiten*, this Court set out the principles that govern the award of punitive damages and affirmed that in breach of contract cases, in addition to the requirement that the conduct constitute a marked departure from ordinary standards of decency, it must be independently actionable. Where the breach in question is a denial of insurance benefits, a breach by the insurer of the contractual duty to act in good faith will meet this requirement. The threshold issue that arises, therefore, is whether the appellant breached not only its contractual obligation to pay the long-term disability benefit, but also the independent contractual obligation to deal with the respondent's claim in good faith. On this threshold issue, the legal standard to which Sun Life and other insurers are held is correctly described by *O'Connor J.A. in 702535 Ontario Inc. v. Lloyd's London, Non-Marine Underwriters (2000)*, 2000 CanLII 5684 (ON CA), 184 D.L.R. (4th) 687 (Ont. C.A.), at para. 29:

The duty of good faith also requires an insurer to deal with its insured's claim fairly. The duty to act fairly applies both to the manner in which the insurer investigates and assesses the claim and to the decision whether or not to pay the claim. In making a decision whether to refuse payment of a claim from its insured, an insurer must assess the merits of the claim in a balanced and reasonable manner. It must not deny coverage or delay payment in order to take advantage of the insured's economic vulnerability or to gain bargaining leverage in negotiating a settlement. A decision by an insurer to refuse payment should be based on a reasonable interpretation of its obligations under the policy. This duty of fairness, however, does not require that an insurer necessarily be correct in making a decision to dispute its obligation to pay a claim. Mere denial of a claim that ultimately succeeds is not, in itself, an act of bad faith.

The Positions of the Parties

The respondents argued that the trial judge had made no error of law with respect to the analysis of whether to award punitive damages.



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Jeweler's Mutual maintained that it had engaged in good faith when handling the claim because it merely required the respondents to provide pre-policy ownership. Additionally, Jeweler's mutual argued that the trial judge should have considered its conduct in light of the proof of loss provisions that contemplated substantiation of the inventory of the property lost, and because it had a right to require additional information about the loss.

The parties did not argue that there was a palpable and overriding error of fact.

Disposition

The Ontario Court of Appeal held that Jewel's Mutual should have questioned ownership at the time that the respondents sought to obtain the policy:

It is one thing to question whether an insured who owned property at the time of the Policy thereafter disposed of or encumbered it before the alleged loss occurred, affecting the existence or extent of their insurable interest at the time of the loss. It is quite another to challenge whether the insured ever owned the property at the time it obtained the Policy.

Additionally, the Court highlighted that there was "no air of reality" that the respondents had disposed of or encumbered the jewellery in the time between obtaining the policy and experiencing the theft.

The Court also rejected the argument that the appellant was exercising its right pursuant to the policy by requiring substantiation of ownership of the jewellery. The Court noted that the conduct must still be justified by a reasonable interpretation of the terms of the policy in light of the factual context of the case. Relatedly, the Court emphasized that the requirement for substantiation did not specify any consequence if a specific form of substantiation was unavailable, and the right to additional information only referred to information that Jeweler's Mutual might "reasonably require".

Ultimately, the Court found that it was open to the trial judge to hold that Jeweler's Mutual had breached the duty of good faith because of how it dealt with the respondents' claim. Since there was no legal error, or a palpable or overriding error in fact, the trial judge's finding of bad faith was given deference. Although there were other issues in addition to the award of punitive damages, the appeal was dismissed.

Takeaway

There are at least two takeaways from this case. First, insurers must proceed with caution and keep in mind that there is an ongoing duty to act in good faith towards their insureds, which will encompass all aspects of how they handle a claim.

Second, if there is a question about ownership of an item that will be covered by a policy of insurance, it should be addressed when the party is obtaining the policy of insurance. Alternatively, unless there is some factual basis that meets the air of reality legal test, the insurer may expose itself to punitive damages if it argues that the insured(s) had disposed of or encumbered the property that was covered by the policy of insurance.



Sebastian di Domenico

Sebastian di Domenico is an associate at Rogers Partners LLP. Prior to joining the firm, he gained experience representing insurers in occupiers' liability and automobile accident (tort and accident benefits) claims, and he also acted for plaintiffs in medical malpractice and a variety of personal injury cases.

At Osgoode Hall Law School,

Sebastian was the recipient of the Dean's Gold Key for exceptional leadership and involvement. He was very active in the law school community, including serving as President of Osgoode Latin American Students and Senior Editor of the Journal of Law and Social Policy. Before law school, Sebastian earned Bachelor of Arts and Master of Arts degrees in criminology. Sebastian is fluent in Spanish and has intermediate knowledge of French.

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2025 CLAIMS CONFERENCE AGENDA AND SEMINAR SCHEDULE



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“In the wake of catastrophic events, the role of a property adjuster is both critical and challenging. This seminar will equip attendees with key strategies to navigate the complexities of catastrophe response with confidence and efficiency. Topics will include effective capacity management to prevent operational bottlenecks, identifying vendors with proven CAT response capabilities, and setting realistic expectations with stakeholders. Additionally, the session will emphasize the importance of mental wellness during high-pressure events, offering practical tools to maintain focus, resilience, and professional integrity. From understanding the impact of “the 28th day” to cultivating mindfulness and self-awareness, attendees will gain actionable insights to thrive in the demanding field of catastrophe response”



David Mercer, Vice President, ServiceMaster Restore

David Mercer began his career in the restoration industry with a ServiceMaster Restore franchise in Owen Sound, Ontario, where he gained hands-on experience in the field. His drive and commitment to excellence soon led him to assume roles in project management and branch management in Brantford, Ontario. These positions allowed him to deepen his expertise in operational oversight and team leadership, building a strong foundation for future success.

Seeking to broaden his perspective and skill set, David joined Contractor Connection, where he honed his abilities in performance management. This role was pivotal in developing his capacity to analyze and improve operational efficiencies while maintaining strong partnerships with stakeholders.

In a full-circle moment, David returned to ServiceMaster in 2017, where he embarked on a journey of progressive leadership. Over the years, he has held various strategic roles, each contributing to his growth as an industry leader. His vision, dedication, and ability to foster collaboration have culminated in his current role, where he leads the ServiceMaster Restore Canadian network with a focus on innovation, operational excellence, and strengthening customer relationships.

SEMINAR

B

9:30- 10:30 AM

Lessons in Leadership From Ted Lasso

Presented by: Laura Emmett and Elizabeth Brotten

Location

Room 104 B

Max. Capacity

190

Explore the future of leadership from a unique and entertaining perspective, focusing on how we can apply the leadership approach of the entertaining sports comedy, Ted Lasso, to our workplaces. We will delve into how Ted's "be a good person, respect others, and judge no one" philosophy can help your organization not just survive, but thrive, in changing and challenging times. This presentation will include entertaining examples from Lasso, the fictional English soccer coach, and share the top ten ways organizations can apply Lasso's unique style to build success and satisfaction.



Laura Emmett, Partner, SBA Lawyers

She has a diverse practice where she focuses on bodily injury claims, cyber liability, and privacy law. She is the co-author of an annual publication, "The Annotated Statutory Accident Benefits Schedule." Laura is a Past President of the Canadian Defence Lawyers and was the youngest person to hold the position. Presently, she is a Bencher for the Law Society of Ontario, which governs all lawyers and paralegals in the Province.



Elizabeth Brotten, Partner, Foley Mansfield

Elizabeth Brotten is a Partner in Foley Mansfield's Minneapolis office, a member of the firm's Executive Committee, and chair of the firm's Products Liability practice group. She defends clients in product liability and toxic tort cases throughout the United States. She currently serves as President of the Minnesota Defense Lawyers Association.

SEMINAR

C

9:30 AM - 10:30 AM

No Stone Unturned: Cyber Investigation Techniques

Presented by: Brian Sartorelli and Sarah Bunder

Location

Room 104 C

Max. Capacity

190

A session that delves into the dynamic world of cyber investigations tailored specifically for insurance professionals. In this interactive presentation, we'll uncover the secrets of geospatial OSINT (Open Source Intelligence) and show you how extracted valuable insights from social media accounts to enhance your investigative efforts.

An opportunity to learn from industry experts who will guide you through practical applications and real-world scenarios.



Brian Sartorelli, CPIO-MI, CSO

President and CEO, Investigative Risk Management

Brian Sartorelli has built an illustrious career in providing consultative and advisory risk management and investigative services to Fortune 500 companies on both national and international stages. His expertise was honed through a distinguished career in law enforcement with the Department of National Defense, where he specialized in drug enforcement, undercover operations, and criminal investigations. Brian's career has encompassed major crime and joint forces operations across all three levels of law enforcement agencies.

Brian has successfully managed significant investigations, including billion-dollar cases and numerous multi-million-dollar civil litigations for both the legal and insurance industries. His analytical acumen ensures the thoroughness and professionalism of complex investigations, employing major case management principles to oversee large-scale investigations.

A respected figure in the investigative and risk management community, Brian is a prolific public speaker and has delivered keynote presentations at numerous national and international industry events. He designs and conducts seminars across various industry sectors, offering tactical and strategic advice within his investigative specialization. Additionally, Brian is a well-published author, contributing white papers, articles, and publications on corporate risk management and investigative services."

Cont'd...



Sarah Bunder, CCII, CSM

Certified OSINT Specialist/Supervisor, Investigative Risk Management

Sarah Bunder is a dedicated OSINT specialist with over a decade of experience in the investigation industry. Throughout her career, Sarah has held various roles, including report writing, video editing, and scheduling, before focusing on open-source intelligence investigations (OSINT).

Sarah's training includes a certificate in Internet for Investigators from the Ontario Police College, obtained through Toddington International. She furthered her education with the York Region Police and under the guidance of Michael Bazzell, a former member of the FBI's Cyber Crimes Task Force. Continuing her education, Sarah has recently completed courses in Criminology, Forensics, and Python Script. In her role, she conducts online investigations to gather information on claimants' activities for pre-employment checks, due diligence, or insurance claims, ensuring the information is archived using the company's best practices for future use.

SEMINAR

D

10:30 AM - 11:30 AM

Navigating Labor Market Challenges in Restoration with AI and Technology

Presented by: Nelson Higgins

Location

Room 104 A

Max. Capacity

190

This presentation for OIAA Claims Conference 2025 will discuss the current state of the labor market in the restoration industry, wage pressures, and how AI and documentation technologies can help mitigate these challenges. The talk will provide insights on improving efficiency, accuracy, and overall operational effectiveness through technological advancements.



Nelson Higgins, XCT, Vice President, DocuSketch

Nelson is the Vice President, North America at DocuSketch. Prior to DocuSketch, Nelson was the founder and COO of XTR Consulting Inc. His home base is in Halifax, NS, Canada, but he covers projects throughout North America. He currently holds an XCT (Xactimate Certified Trainer) certificate and has held this designation for over 10 years. With more than 35 years experience in the insurance industry from both the contractor and adjuster perspectives. He is experienced in all aspects of scoping and estimating property damages of residential and commercial buildings and has been involved in completing estimates and projects of all sizes through completion. He has gained a vast amount of knowledge on leveraging new technologies to help clients with in depth documentation and the cycle of a claim.

DocuSketch™ helps users with a complete accurate estimate including 360 walkthroughs, accurate sketch and detailed Xactimate or Symbility estimates of the damages in days not weeks.

SEMINAR

E

10:30 AM - 11:30 AM

Designer, Builder, and Municipal Liability in Construction Claims

Presented by: Yasser Korany & Kayla Kwinter

Location

Room 104 B

Max. Capacity

190

The 1992 Building Code Act (BCA), which regulates the Ontario Building Code, provides that it is the role of everyone who "causes a building to be constructed" to ensure that it is constructed in accordance with the BCA, the building code, and with any permits issued for the building. The obvious intent of the BCA is that health and safety are shared responsibilities between designers, builders, and building officials.

Understanding the professional and legal obligations and responsibilities of the various parties at the design, permitting, and construction stages is crucial to determining liability and successfully pursuing remedies when construction does not satisfy health and safety standards. In this seminar, the presenters will explore the potential liabilities of designers, contractors, and municipalities that may arise at each project stage and will share the view of the Canadian courts on the duty of care of the involved parties.



Yasser Korany, KSI Engineering

Yasser Korany is a Consulting Forensic Engineer and the Managing Principal of KSI Engineering, a firm that specializes in investigating property insurance claims and provides construction litigation support.

Cont'd...

He is a certified senior member of the National Academy of Forensic Engineers in the USA and has been qualified numerous times as an Expert Witness. Prior to calling Ontario home, he was a Professor of Structural Engineering at the University of Alberta. He was recently recognized with the distinction of Fellow of the Canadian Society for Civil Engineering.



Kayla Kwinter, Torkin Manes LLP

Kayla Kwinter is a Partner in Torkin Manes LLP's Construction Law and Litigation Groups. She has considerable experience with the Construction Act and has broad experience acting for clients on complex litigation matters, including regular appearances before Judges and Associate Judges of the Superior Court of Justice, Construction Lien Associate Judges, and the Ontario Court of Appeal. She served on the Construction and Infrastructure Law Section Executive of the Ontario Bar Association from 2018-2021.

SEMINAR



10:30 - 11:30 AM

Emerging Trends and Challenges in the P&C Industry; Insights from Claims Leaders

Presented by: Gianna Aimola – VP Claims, Allstate Canada
Erik Martensson – AVP, Supply Chain, Property Claims, Aviva
Andy Dykstra – AVP, Enterprise Fraud & Investigative Services, Co-operators
Tracy MacDonald – President & CEO, Trillium Mutual
Joel Bobb (Moderator) - Claims Specialist, Axis Capital

Location

Room 104 C

Max. Capacity

190

A panel discussion about the emerging trends and challenges within the P&C Industry as viewed by Claims Leaders across the industry. Moderated by Joel Bobb of Axis Capital.



Gianna Aimola, Vice President - Claims, Allstate Canada

With 20+ years in the industry, Gianna leads the claims operation for Allstate Canada, overseeing the strategic and operational direction for the team. Over her career, she has led various multi-year transformational initiatives. Gianna has deep operational expertise, and a track-record of strengthening claims performance, enhancing the customer experience, while improving loss costs and efficiency. She holds a CIP designation, and a Bachelor of Science (Hons) from the University of Toronto.



Erik Martensson, AVP Supply Chain, Property Aviva

Erik Martensson believes despite constant and changing headwinds, the Canadian Claims industry can persevere and improve. As AVP Supply Chain | Property, Erik is responsible for managing Aviva's Appraisal and Property Vendor resources. He's spent 20 plus years in the industry, starting on the Property Restoration Vendor side, before moving onto field and leadership roles with Definity prior to Aviva. His work interests include proactive claims management, appraisal, large loss, catastrophe response, mentorship, and vendor partnerships. Passionate about improving organizational outcomes while removing bottlenecks and barriers, Erik is focused on the importance of building cooperative relationships aligning towards positive results. In his free time Erik is a busy father of three and community volunteer through his love for youth sports and activities.



Andy Dykstra, Associate Vice President - Enterprise Fraud, Co-operators

Andy leads Co-operators Enterprise Fraud Program and Investigative Services, overseeing fraud and management strategy along with his team's investigations within the property and casualty side of the business. Prior to joining Co-operators, Andy spent several years in a variety of roles related to fraud management. His education background includes a bachelor's degree in political science from Western University and a Master of Management from St. Mary's University.

Cont'd...



Tracy MacDonald, CEO, Trillium Insurance

Tracy has an extensive background in P&C claims management and leadership. Starting her career as a multi-line claims adjuster 31 years ago and progressing through claims leadership roles with a National Carrier.

In her current role, Tracy serves the membership and Board of Trillium Mutual Insurance located in Listowel, Ontario as CEO. She leads the organization focused on protection for Agriculture and Rural members championing the spirit of Mutuality, strategic planning, corporate governance, and stakeholder relations. Tracy holds a Bachelor of Arts degree in Economics from the University of Guelph as well; she is a Fellow Chartered Insurance Professional (FCIP).

When she's not leading Trillium Mutual Insurance, Tracy enjoys the outdoors and spending time with family and friends. Currently in progress, she has a goal to complete the 900km trek of the Bruce Trail.



Joel Bobb, Claims Specialist, Axis Capital

Joel began his claims career in 2017 as a Claims Assistant at Desjardins. Since then, he has held various adjusting roles across different lines of businesses such as Accident Benefits, Casualty and Specialty. He joined AXIS in 2024 as a Claims Specialist where he continues to handle Casualty and Specialty Claims. Joel is also a major advocate for the Insurance Industry, this is represented by his involvement in associations such as Ontario Insurance Adjuster's Association, Canadian Association for Black Insurance Professionals and Young Insurance Professionals of Toronto. His work with these associations involves, facilitating outreach to students and young professionals, acting as an ambassador, and organizing networking events.

SEMINAR



11:30 AM - 12:30 PM

Tort Update

Presented by: Ian Gold and Adam Bucci

Location

Room 104 A

Max. Capacity

190

Casualty Update: A Year In Review

Another year has come and gone, and there have been important developments in the case law on a wide variety of issues relevant to the insurance industry. Ian and Adam will discuss their picks for the top 10 insurance cases of the last 12 months(ish) and anticipated trends to keep a lookout for in the future.



Ian Gold is a founding partner of Thomas Gold Pettingill LLP.

Areas of Practice & Experience:

Ian Gold resolves problems for his clients. He is a skillful civil and commercial litigator having extensive trial experience with judges and juries. His practice spans all fields, but emphasizes complex insurance litigation.

Ian is also counsel to a number of insurance companies, including some of Canada's largest insurers. He has litigated insurance coverage and bad faith claims, and has defended a wide variety of claims, including motor vehicle accidents, fire losses, construction negligence, product liability, occupiers' liability, municipal liability, slip and fall liability, libel and slander claims, and social host liability. Ian also regularly defends professional liability claims involving architects, engineers and other design professionals.



Adam Bucci is a partner at Thomas Gold Pettingill LLP.

Areas of Practice & Experience:

Adam joined Thomas Gold Pettingill after first gaining a wealth of experience in civil litigation at the Crown Law Office of the Ministry of the Attorney General. Adam's practice at the firm includes defending complex insurance matters involving occupiers' liability, tavern liability, municipal liability, sports liability, product liability, professional negligence, and motor vehicle insurance claims. Adam also regularly represents insurers in first-party insurance claims under CGL and homeowners' policies. Adam has represented clients before the Superior Court and the Divisional Court of Canada.

Cont'd...

SEMINAR



11:30 AM - 12:30 PM

A Brief Introduction to Concussions

Presented by: Dr. Jason Swain

Location

Room 104 B

Max. Capacity

190

The presentation will provide attendees with the basic tools to understand head injury cases, and in particular, Concussions. We will discuss the cause of concussions, the severity indices, and the various types of chief complaints that may accompany a mild traumatic brain injury. The attendees will learn about the different types of disciplines that may be required to assess and manage a concussion claim. The purpose of the presentation is to get claims adjusters more comfortable with concussions in general.



Dr. Jason Swain, Hons BSc, MBA, DC, CFE, CICE - President and Chief Operating Officer

Dr. Swain is a member, in good standing, of the College of Chiropractors of Ontario, the Canadian Chiropractic Association and the Ontario Chiropractic Association. He is licensed to practice in the Province of Ontario. Dr. Swain holds an Honors Bachelor of Science Degree from the University of New Brunswick, a Doctor of Chiropractic Degree from the Canadian Memorial Chiropractic College, and a Master of Business Administration Degree from the University of Fredericton. He is a Certified Functional Abilities Evaluator (ARCON) and a Certified Independent Chiropractic Examiner through the American Board of Independent Medical Examiners (ABIME). Dr. Swain has completed Certificate courses in the application of the American Medical Association Guides to the Evaluation of Permanent Impairment. Dr. Swain is the President and Chief Operating Officer for A.R.S. Assessment Rehabilitation Services Ltd., a leading provider of Independent Medical Evaluation services across Canada.

SEMINAR



12:30 - 1:30 PM

The Future of Property Claims Estimating

Presented by: Joel Dagenais

Location

Room 104 B

Max. Capacity

190

Property Claims Estimating is poised for significant transformation, driven by advancements in technology, shifting customer expectations, and evolving industry practices.

Here are the key trends shaping the future of property claims estimating:

- **Automation and AI-Powered Adjusting**
- **Remote Assessments and Virtual Inspections**
- **Data Analytics and Predictive Modeling**
- **Customer-Centric Approaches**
- **Climate Change and Catastrophe Response**
- **Enhanced Collaboration and Workflow Management**



Joel Dagenais, COO - Property Estimating Solutions, Verisk

Joel Dagenais is the Chief Operating Officer for Property Estimating Solutions at Verisk. Joel has over 35 years of experience in the insurance industry. His first experience began in high school as a summer job, as a laborer restoring a fire damaged retail lumber store. Joel went on to be a framing contractor that turned into a successful full-service restoration contracting firm (First General Services) with 17 offices in the province of Québec. Joel's been with Verisk for 21 years which started as a consulting opportunity for the Canadian market.

Cont'd...

SEMINAR



12:30 - 1:30 PM

A Look Forward: Top 10 AB Cases of 2024 & Important Updates.

Presented by: Andrea Lim

Location

Room 104 B

Max. Capacity

190

Review of the Top 10 AB cases from 2024 and other important updates that may change future handling.



Andrea Lim, Partner, Dutton Brock LLP

Andrea R. Lim, a Partner of Dutton Brock LLP, has practised in the area of insurance defence with an emphasis on first party accident benefits since 2009. Ms. Lim graduated from University of Windsor Law in 2008, and articulated with Dutton Brock LLP. She also received a Master of Arts degree from Queen's University, and her Honours Bachelor of Arts from the University of Toronto, Trinity College. Ms. Lim is currently serving as the President of the Medico-Legal Society of Toronto (MLST) and is a Past-President of the Canadian Defence Lawyers – Legal Association Canada, 2022-2023. She was the recipient of the 2016 Richard B. Lindsay Q.C. Exceptional Young Lawyer Award, and the inaugural Medico-Legal Society of Toronto Dr. Grant Farrow Award in 2021. Ms. Lim has authored various published articles regarding first party accident benefits in Ontario, including "My Beautiful Dark Twisted Fantasy: Combining Physical and Psychological Impairment", Toronto Law Journal, June 2012, and "The Fine Line Between Custodial and 'On Call' Care", Claims Canada, October 2012. She is the Co-Author of the Annotated Statutory Accident Benefits Schedule, an annual text, which is now in its 9th edition, as published by LexisNexis. Ms. Lim has also been recognized on the Best Lawyer Directory since 2023, and 5-Star Insurance Lawyers in 2021.

SEMINAR



12:30 - 1:30 PM

Canadian Underwriter's Mental Health Survey Report from the P&C Industry

Presented by: David Gambrill, Editor-in-Chief, Canadian Underwriter
Tammie Kip - Director, Claims Digital Transformation and Chief of Staff to the COO, Allstate Canada & Co-Founder, FIHT (Friends of the Industry Healing Together)
Christina Fuda - Mental Health Training Coordinator, Communications and Public Affairs, Ontario Shores Centre for Mental Health Sciences

Location

Room 104 C

Max. Capacity

190

Last year, Canadian Underwriter conducted its inaugural 2024 survey of mental health in the Canadian property and casualty industry.

As (bad) luck would have it, the survey was conducted during the busiest claims period in Canadian adjusting history, with four major NatCats causing more than \$7 billion in damage in less than a month. Not surprisingly, CU found our industry survey respondents reporting a high state of anxiety.

Many people in our survey said they were reluctant to speak about their mental health concerns with their supervisors or peers, for fear they would appear "weak" or incapable.

Let's talk about that.

Join us our panellists in a seminar to discuss the results of CU's mental health survey. Learn the signs and signals that someone needs help. And discover the resources available for those who seek support in handling a mental health issue.

MODERATED BY:

**David Gambrill
Editor-in-Chief, Canadian Underwriter**



David has been a journalist for more than 17 years, mainly in the trade press. He is now the Editor-in-Chief of Canadian Underwriter, a trade publication serving Canada's property and casualty insurance industry. This is his second time as a senior editor at CU, leading the publication from 2005-2012, and again from 2017 until now. Over the course of his career, his work has appeared in Law Times, Canadian Lawyer, Occupational Health and Safety (OHS), The Kingston Whig-Standard, Ottawa Citizen, Maclean's, and CBC radio. He began his journalism career as editor of the weekly community newspaper, The Woolwich Observer. He has a Master's degree in Political Science and a Graduate Diploma in Journalism from Concordia University.

Cont'd...

PANELLISTS:



Tammie Kip

Director, Claims Digital Transformation and Chief of Staff to the COO, Allstate Canada

With 30 years of experience in the insurance, education, and not-for-profit sectors, Tammie Kip is an accomplished professional and Board Member known for expertise in leadership, claims, digital transformation, and organizational redesign. Focused on transformative growth, Tammie uses Human-Centered Design and strategic leadership to drive organizational change and deliver customer-focused products and services.

As a published author of *Your Extraordinary Self*, *Developing the Leader Within*, and *Finding Wellness Through Compassion*, Tammie is devoted to helping individuals and organizations achieve results by championing leaders and increasing awareness within one's self and of others.

Tammie chairs the Insurance Institute of Canada's Ethics Committee, is a former council member of the CIP National Society and Past President of the Ontario Insurance Adjusters Association. She's been recognized as one of Insurance Business Canada's Top 35 Most Influential Women in Insurance and is a past recipient of the CIP Society's Emerging Leader Award.

A dedicated philanthropist, Tammie co-founded a mental health not-for-profit, FIHT (Friends of the Industry Healing Together) and served as President and Board member of the Jennifer Ashleigh Children's Charity.



Christine Fuda

Mental Health Training Coordinator, Communications and Public Affairs, Ontario Shores Centre for Mental Health Sciences

Christina Fuda is the Mental Health Training Coordinator at Ontario Shores. With a decade of experience, she has trained thousands of individuals nationwide through mental health workplace training workshops and seminars.

Christina has been invited to speak at several international conferences and has been featured on Breakfast Television and Global News, where she shared her expertise on improving workplace mental health. At Ontario Shores, she has played a pivotal role in establishing partnerships with organizations such as Ontario Power Generation, General Motors, The City of Toronto, The Beer Store, Marine Atlantic, and several colleges and universities, among many others.

She holds a Master's degree in Developmental Neuroscience Psychology and a Bachelor's degree in Psychology. Christina is passionate about using her expertise to educate diverse communities on the importance of creating mentally healthy and safe work environments.

SEMINAR



1:30 - 2:30 PM

Large Loss Evolution

Presented by: Tom Streek

Location

Room 104 A

Max. Capacity

190

Next to liability-type claims, a large loss will cost the most and take the longest to resolve/complete. Whether these claims are caused by wind, water, or fire, the industry is seeing some changes in how they are handled and processed.

Catastrophic losses recently experienced with the Halifax and Jasper wildfires continue to expose various challenges, creating new learning opportunities that can transfer across other boundary lines and claim scenarios.

Due to AI and recent online information, insured policyholders are becoming more aware of best practices and options, which can create unique issues to overcome.

Separate sectors of contractors are beginning to segregate; highly effective emergency restoration contractors are best suited for their specific roles, and large/total loss specialized contractors are being directed to those types of claims accordingly.

Ongoing building code changes and varying engineering approaches create the need to be aware of new pivoting details.

Tom will present a dynamic large loss case study for an in-depth, open forum review to showcase how involved and complex those types of claims are in the industry.

Cont'd...



Tom Streek, Chief Executive Officer, Rebuild Response

Tom has over 35 years of construction experience covering commercial and residential projects. Having grown up in his father’s prior family business, the longstanding delivery of quality and integrity has been a staple throughout his current province-wide large insurance rebuild company, Rebuild Response Group, and custom home business, Harmony Homes.

With an ongoing passion and insight for teaching/training, Tom inspires students and professionals alike by sharing his experiences, which include the East and West Coast catastrophic loss of wildfires in the past couple of years and countless large losses across Ontario.

Tom leads a strong network of large loss builders within Ontario and is currently developing into the East Coast through a developed franchise model/network to provide some of the best insurance industry service and customer care experiences possible.

SEMINAR



1:30 - 2:30 PM

Intelligence Tradecraft: Principles for Advanced Investigations

Presented by: Garrett McGinn, Partner

Location

Room 104 B

Max. Capacity

190

The breadth of modern investigations has grown rapidly over the past decade. Traditional social media and background checks, one-crew surveillance and interviews are no longer the only tools at a professional’s disposal. More information than ever before is available to the end-users of intelligence and yet traditional investigative patterns have persisted. This has wasted client money, lead to unimaginative investigations with unimpactful results, and has fostered a divide between what clients need and what investigator deliver.

Understand how the private intelligence community has evolved via an examination of geospatial and geosocial investigations, device forensics, video and imagery upscaling, international investigations, multi-crew and unmanned surveillance operations and how to leverage these capabilities to maximum effect.

Many investigative solutions which are considered “advanced” are far more accessible and affordable than many believe. This session will provide clarity to professionals and improve their understanding of a variety of modern techniques for uncovering and leveraging information.

Specifically, the session seeks to educate the attendee on the four main disciplines of private intelligence gathering: Open Source Intelligence, Geospatial Intelligence, Signals Intelligence and Human Intelligence. By utilizing a more diverse set of tools, the end-user of intelligence enables themselves and their organization to deliver a compelling defense against high-value litigation and threats.



Garrett McGinn, Partner, DigiStream Investigations

Garrett McGinn is a Partner with DigiStream Investigations’ R&D Department and its complex investigations company UpStream Intelligence. He has over 17 years of investigative experience and is a Certified Fraud Examiner, a licensed Private Investigator and holds a master’s degree in Transatlantic Relations from Jagiellonian University in Krakow Poland, and a bachelor’s degree in International Relations from the University of California, Davis. Mr. McGinn trained in advanced surveillance tactics in the United Kingdom, achieving a Level III Advanced Award in Foot & Mobile Surveillance. Prior to his employment with DigiStream in 2006, Mr. McGinn was a Research Analyst for Glass, Lewis & Co., an institutional investment advisory firm.



CLAIMS CONFERENCE 2025

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- ⇒ Company name scrolling on the OIAA website as a Diamond sponsors
- ⇒ Logo on all name badges
- ⇒ Full page ad¹ in the printed April WP provided to all attendees
- ⇒ Standalone acknowledgement with company logos on signage at the event
- ⇒ Acknowledgement with logos and links in the WP
- ⇒ Premier Social Media Package, may include:
 - Live shout out to visit your booth at the event
 - Company profile linked in posts when acknowledging your contributions
 - Company Logo on Social Media Platforms
 - Standalone recognition posts on social media platforms 3 times a month³
 - Recognition as a Diamond Sponsor on platforms once formally a sponsor
 - Recognition posts the day of the event

GOLD SPONSORS \$2500 4 AVAILABLE

- ⇒ Company name scrolling on the OIAA website as a Gold sponsors
- ⇒ 1/2 page ad¹ in the printed April WP provided to all attendees
- ⇒ Acknowledgement with company logos on signage at the event
- ⇒ Acknowledgement with logos and links in the WP
- ⇒ Social Media Package, may include:
 - Company Logo on Social Media Platforms
 - Recognition as a Gold Sponsor on platforms once formally a sponsor
 - Company profile linked in posts when acknowledging your contributions
 - Recognition posts on social media platforms 2 times a month January-March 2025
 - Recognition posts the day of the event

SILVER SPONSORS \$1000 8 AVAILABLE

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- ⇒ Acknowledgement with logos in the WP²
- ⇒ Social Media Package, may include:
 - Company Logo on Social Media Platforms
 - Recognition as a Silver Sponsor on platforms once formally a sponsor
 - Company profile linked in posts when acknowledging your contributions
 - Group recognition posts on social media platforms 2 times a month January-March 2025
 - Group recognition posts the day of the event

BRONZE SPONSORS \$500 UNLIMITED

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- ⇒ Acknowledgement in the WP²
- ⇒ Social Media Package, may include:
 - Company Logo on Social Media Platforms
 - Recognition as a Bronze Sponsor on platforms once formally a sponsor
 - Group recognition posts on social media platforms once a month January-March 2025
 - Group recognition posts the day of the event

FOR MORE INFORMATION VISIT
www.oiaa.com

¹ Ad to be provided by the sponsor

² Monthly acknowledgements in WP will start the month after purchase and run until May 2025

³ Monthly social media acknowledgements will start the month after purchase and run until March 2025



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1/3 Page	\$345	\$335 per issue	\$310 per issue	\$295	\$265 per issue	\$250 per issue
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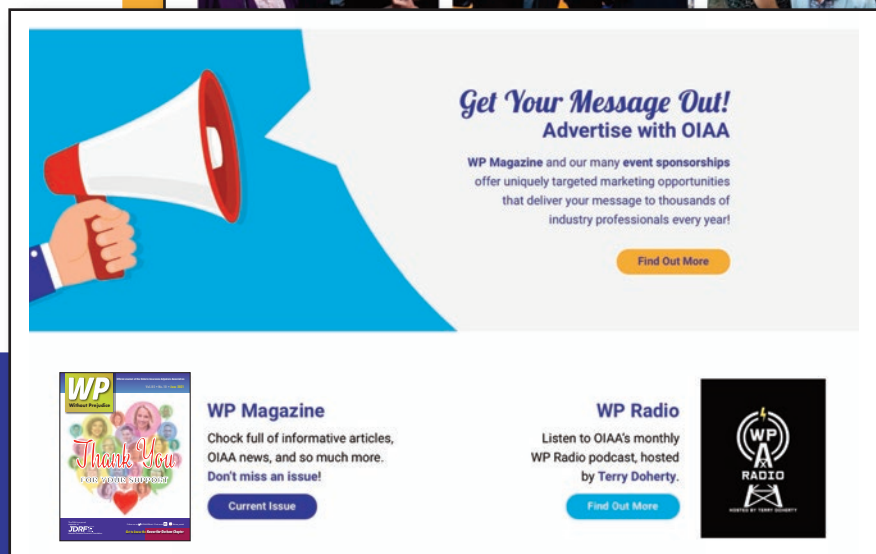
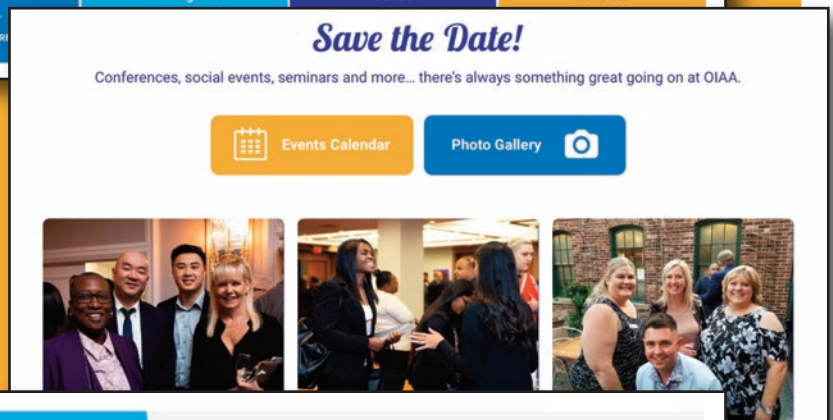
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ADVERTISERS' INDEX

Advertiser	Page Number
Accomsure	2
ADR Chambers	18 & 20
Davis Martindale	16
Global Resolutions	17
KPMG	24
MDD Forensic Accountants	12
Relectronics	13
Williams Meaden & Moore Inc.	19
W3 Intelligence	27
Xpera Risk Mitigation	14

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