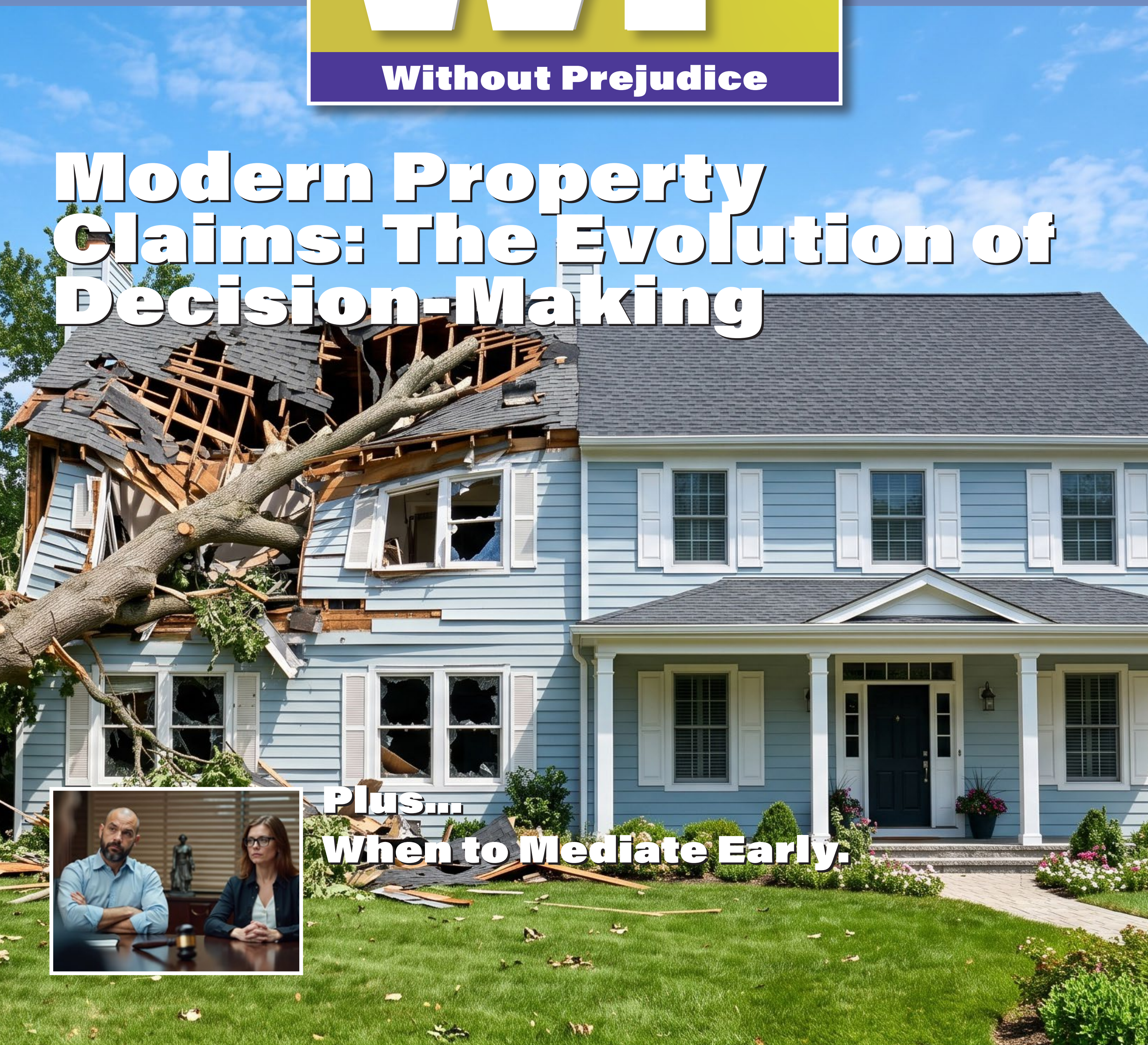
Official Journal of the Ontario Insurance Adjusters Association • Vol. 91 • No. 1 • SEPTEMBER 2026

# WP

## Without Prejudice



# Modern Property Claims: The Evolution of Decision-Making

## Plus...

## When to Mediate Early.



Follow OIAA on

GARDAWORLD
SECURITY

# Defensible Evidence.

# Faster Decisions.

# Reduced Risk.

GardaWorld Security delivers investigative services designed for insurers seeking clarity and confidence in claim decisions.

- **Court-Defensible Evidence**
  Investigations built to withstand legal scrutiny, supported by documented surveillance, digital intelligence, and verified chain of custody.
- **Fraud Detection That Reduces Losses**
  Combining field surveillance and open-source intelligence to identify patterns and support SIU investigations.
- **Rapid Response, Real-Time Intelligence**
  Fast deployment with integrated field surveillance and digital insights to accelerate claim decisions.
- **Specialized Expertise for Complex Claims**
  Advanced investigative methods to resolve high-risk and hard-to-verify cases.

**garda.com/investigations**

WP
Without Prejudice

Official Journal of the Ontario Insurance Adjusters Association

Vol. 91 ▪ No. 1 ▪ SEPTEMBER 2026

SEPTEMBER 2026 WP

# CONTENTS



## REGULAR FEATURES



## WHAT'S HAPPENING



## STAY CONNECTED

Visit us at www.oiaa.com

@OIAAOfficial

@OIAAOfficial

@oiaaprovincial

@oiaa

WP Radio Podcast
Apple iTunes:WP Radio
www.soundcloud.com/wpradio

# President's Message

**EMILY FEINDEL**
**President**

### Welcome everyone to the 2026-2027 OIAA year!

When I joined the OIAA in 2018 I didn't think I would find myself becoming president. I started my journey with the OIAA when I met Shawna Gillen at AIG. I had been at AIG only a few months and was working as an Auto Claims Adjuster and she encouraged me to join as a Toronto Delegate. I remember being excited to join and was able to do some in person events but then COVID had other plans.  We were still able to make those few years fun, with virtual trivia and we even hosted a murder mystery.  Now all these years later I get the privilege of planning my year as president!

As a Toronto Delegate, I was tasked with the John E. Lowes Scholarship portfolio. This scholarship program is through the Insurance Institute, and the selection committee is compiled of insurance professionals from different companies. For 9 years I have had the pleasure of working with the selection committee and getting to know the other members.

I have also been lucky enough to have served on past Kick-Off and Holiday party event planning committees and have loved being able to bring our membership fun and exciting events!

A huge thank you to Jennifer Brown, our outgoing President, for being a great example of what being an OIAA President should be. I have learned a lot from you. Your dedication and commitment to the OIAA is amazing. The wealth of knowledge you have for the organization is deep and I can always count on you for support. I would also like to introduce the 2026/2027 Senior Executive Committee: Carrie Keogh is our First Vice-President who has dedicated her time to the Provincial Chapter as well as the Kitchener-Waterloo Chapter. Christine Andrews is our Second Vice-President and has been on the Senior Executive Committee since 2024 and acted as the Hamilton Chapter Delegate. Kayla Heldmond who is our Treasurer. Kayla has been on the Senior Executive now for the past two years and continues to support the Kitchener-Waterloo chapter. And a warm welcome to our newest Senior Executive member Nicole Mitchell as our Secretary, who is coming to us from the Hamilton Chapter.


I have decided to continue our support of the Starlight Children's Charity, which we had the honor of supporting last year as well. Their mission is to deliver happiness to seriously ill kids and their families. They also encourage diversity of identity, perspective, and backgrounds to create a more inclusive organization to better serve seriously ill kids and families of all races and ethnicities. I hope to raise some significant funds for them this coming year!

We are kicking off my presidential year with a Boat Cruise on the Toronto Harbor on September 17th, 2026. I can't wait to see everyone there in your best tourist themed outfit! We will have a great DJ, delicious food and as always it will be a wonderful way to socialize and engage with your industry peers.

Our annual OIAA Holiday Party & Past President's Night will be hosted on December 3rd, 2026 at Liberty Grand in Toronto. Tickets and sponsorship will be on sale after the Kick-Off event. Hotel rooms will also be available at HotelX. More details to come but we hope you 'Save the Date'!

Mark your calendars early as well as our Claims Conference will be on April 22nd, 2027 with vendor set up the day before (April 21, 2027) at the Metro Toronto Convention Centre (MTCC). Look out for more details on our website and socials soon for tradeshow booth sales and sponsorship. As we have done previously, we will also have an opportunity posted for seminar speaker applications and we look forward to delivering some new and fun education sessions.

We will be switching up our annual golf tournament in 2027 and moving it back to playing 18 holes at Deer Creek in Ajax. This will take place June 4th, 2027. We look forward to a wonderful day out on the greens!

I am excited for the year ahead and can't wait to see everyone at our upcoming events! Any comments or feedback please feel free to email me : Emily.feindel@aig.com.

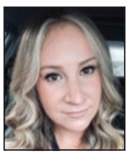
**Thank you,**
**Emily Feindel**
**OIAA President**
**AIG Insurance 416-596-3917**

# OIAA - EXECUTIVE COUNCIL 2026 – 2027

**EMILY FEINDEL**
**President**
AIG Insurance Company of Canada
(416) 596-3917
FAX : (855) 453-1063
emily.feindel@aig.com

**CARRIE KEOGH, *BA Hons.***
**1st Vice President**
Co-Operators, Cambridge
(519) 618-1224
carrie_keogh@cooperators.ca

**CHRISTINE ANDREWS, *CRM, FCIP***
**2nd Vice President**
Sage Claims Solutions Inc.
(905) 389-4522
Christine@sageclaims.ca



**KAYLA HELMOND, *CIP***
**Treasurer**
HD Mutual Insurance Company
226-894-2495
khelmond@hdmutual.com

**NICOLE MITCHELL**
**Secretary**
Norfolk County
(519) 426-5870 ext. 5045
Nicole.Mitchell@norfolkcounty.ca

**JENNIFER BROWN, *FCIP***
**Past President**
Echelon Insurance
(416) 427-1324
jenniferbrownfcip@outlook.com

**SHERI TURNER**
**Georgian Bay Delegate**
West Wawanosh Mutual
Insurance Company
(800)265-5595 ext 883
sheri.turner@wwmic.com

**RHU SHERRARD**
**Hamilton Delegate**
ClaimsPro
1-877-753-0753
rhu.sherrard@claimspro.ca

**SHAWNA GILLEN, *CIP***
**Kawartha/Durham Delegate**
Facility Association
(437) 962-5820
sgillen@facilityassociation.com

**MICHELE FIELD, *FCIP***
**Kitchener Waterloo Delegate**
Trillium Mutual Insurance Company
(519) 291-9300 ext. 5713
FAX: (519) 291-1800
mfield@trilliummutual.com

**SIVA (MOE) MARURI**
***B.ENG, MBA***
**London Claims Association Delegate**
Crawford & Company (Canada) Inc.
(289) 719-0792
moe.maruri@crawco.ca

**ROB FIORIDO, *CIP***
**Niagara Delegate**
Portage Mutual Insurance
(289) 974-0211
FAX: (289) 937-4919
rfiorido@portagemutual.com

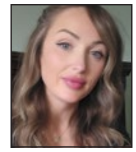
**DAN ROSS, *B.Sc., CIP***
**Northern Delegate**
Northern Ontario Adjusters
(705) 885-8025
dan.ross@northernadjusters.ca

**RITESH MAHAJAN, *MBA, CIP***
**Ottawa Delegate**
Sedgwick Claims Inc.
(613) 295-8445
Ritesh.mahajan@sedgwick.com

**ERIN SHEARD**
**Thousand Islands Delegate**
Claims Pro
(613) 777-3811
erin.sheard@claimspro.ca

**CLAIRE RICHARDSON, *BA, CIP***
**Thunder Bay Delegate**
Sedgwick
(807) 345-7676 ext.1
claire.richardson@sedgwick.com

**SHERRY DESAI**
***CIP, CRM, ACS***
**Toronto Delegate**
AIG Insurance Company
of Canada
(416) 646-3722
FAX : (855) 326-5546
shery.desai@aig.com



**JO-ELLEN KAMSTRA**
**Toronto Delegate**
Sedgwick Canada Inc
905-285-8063
joellen.kamstra@sedgwick.com

**JENNIFER CUTRUZZOLA, *CIP***
**Toronto Delegate**
Definity
(437) 826-0624
Jennifer.Cutruzzola@definity.com

**ANA JANEVA**
**Toronto Delegate**
Co-operators General Insurance
Company
(647) 598-0871
Ana.janeva@cooperators.ca

**ERNEST MASHINGAIDZE, *MBA, CIP, ACS***
**Windsor Delegate**
ClaimsPro
(905) 695-6724
ernest.mashingaidze@claimspro.ca

**JOEL BOBB, *CIP***
**Industry Liaison**
Everest Insurance Company
of Canada
(647) 258-5248
Joel.Bobb@everestglobal.com

# OIAA - EXECUTIVE COUNCIL COMMITTEES 2026 – 2027

| COMMITTEE NAME | CHAIRPERSON | COMMITTEE MEMBERS |
|---|---|---|
| **COMMUNICATIONS** | | |
| Without Prejudice Editorial | Carrie Keogh | Jennifer Cutruzzola, Ana Janeva |
| Without Prejudice Articles | Rob Fiorido | Ernest Mashingaidze, Erin Sheard |
| Advertising-Sales - WP, Website, Links | Shawna Gillen | Moe Maruri, Nicole Mitchell |
| Website | Jennifer Brown | Nicole Mitchell, Sherry Desai |
| Social Media | Joel Bobb | Shawna Gillen, Kayla Helmond |
| GTA Membership | Toronto Delegates | |
| **EDUCATION** | | |
| Speakers & Meetings | Joel Bobb | Sheri Turner, Jennifer Cutruzzola |
| Seminars & Education | Joel Bobb | Shawna Gillen, Christine Andrews |
| Adjuster Training | Joel Bobb | Jo-Ellen Kamstra, Jennifer Brown |
| Strategic Planning | Christine Andrews | Kayla Helmond, Nicole Mitchell |
| Bursary | Erin Sheard | Dan Ross |
| **CONFERENCES** | | |
| Toronto Claims Conference | Jennifer Brown | Joel Bobb, Carrie Keogh |
| Career Fair Industry Liason | Sheri Turner | Joel Bobb, Ritesh Mahajan, Moe Maruri |
| **BENEVOLENT & COMMUNITY** | | |
| Charity & Gifts | Emily Feindel | |
| John E. Lowes - Insurance Institute | Jennifer Cutruzzola | Ana Janeva |

| COMMITTEE NAME | CHAIRPERSON | COMMITTEE MEMBERS |
|---|---|---|
| **INDUSTRY** | | |
| Licensing | Ernest Mashingaidze | Moe Maruri |
| Industry Liason | Joel Bobb | |
| **ASSOCIATION OPERATIONS** | | |
| Chapter Liaison | Emily Feindel | |
| Membership | Jennifer Brown | All Chapter Delegates |
| Discipline | Jennifer Brown | |
| Constitution/Incorporation | Kayla Helmond | Sr. Exec. |
| Handbook | Claire Richardson | Erin Sheard |
| Nominating | Jennifer Brown | |
| Vendor Relations/Sponsorship | Carrie Keogh (Holiday) | Sheri Turner (Golf), Emily Feindel (Kick-Off), Jennifer Brown (Conference) |
| **ENTERTAINMENT** | | |
| September Kick Off – Boat Cruise | Carrie Keogh | Ana Janeva, Jo-Ellen Kamstra |
| Christmas Party & PP Night | Carrie Keogh | Joel Bobb, Jennifer Cutruzzola |
| Golf Tournament | Sheri Turner | Kayla Helmond, Rhu Sherrard |

# FOR THE MAGAZINE

**CARRIE KEOGH**
*Managing Editor*

**SHAWNA GILLEN,**
*Advertising Manager*

**ROB FIORIDO**
*Articles*

**ERNEST MASHINGAIDZE**
*Articles*

**ERIN SHEARD**
*Articles*

# CONTRIBUTORS

**Michael Thompson**
Michael Thompson is a visionary and performance-focused leader with 25-plus years of experience building profitable businesses. With an exceptional track record in the Canadian technology and corporate marketplace, he is well known for his customer-centric approach, team building talent and ability to create a deep network of senior C-level relationships.

**Jon Cooper**
Jonathan Cooper is a Toronto-based mediator with over a decade of experience, having conducted more than 1,800 civil mediations. Jon devotes 100% of his professional time to mediating primarily, but not exclusively, in the areas of personal injury and insurance. He has extensive experience in mediating claims relating to Motor Vehicle Accidents (Tort & Accident Benefits), Occupiers' Liability, Long Term Disability, Life Insurance and Critical Illness, Subrogation, Professional Negligence and Product Liability.

**Dr. Essam Dabbour**
Dr. Essam Dabbour is registered as a professional engineer (P. Eng.) in Ontario, Alberta, and British Columbia. He is also a Fellow of the Institute of Transportation Engineers (ITE) and a certified Road Safety Professional - Level 1 (RSP1) and Road Safety Auditor. With a Ph.D. in Transportation Engineering and over 35 years of combined academic and practical experience, Dr. Dabbour is widely recognized as a leading expert in road safety.

**Frano Sain**
Frano Sain is CEO of Hero Response and a property restoration professional with more than 17 years of experience in the industry. Having built his career from the field up, he focuses on how insurtech can transform property restoration and the insurance claims ecosystem. Frano advocates for simplifying complex claims processes and using technology to improve collaboration, transparency, and more sustainable outcomes for insurers and policyholders.

**Gabrielle Nigro**
Gabrielle has a broad insurance defence litigation practice, with matters ranging from occupiers' liability, personal injury, and property damage claims. She regularly advises and defends insurers on a wide range of complex matters, bringing a practical, strategic approach to each file. Gabrielle has successfully represented clients before the Ontario Superior Court of Justice, Small Claims Court, and the Licence Appeal Tribunal.

WP
Without Prejudice

**Official Journal of the Ontario Insurance Adjusters Association**

OIAA

"WP" is published in September, January and April with e-newsletters being published on other months except July and August. Every reasonable effort is made to ensure accuracy of articles and advertisements but the Association expressly limits its liability to printing of retraction or correction. The opinions expressed in all articles unless otherwise specified represent the views of the authors and are not necessarily endorsed by the Association, the editorial staff or the Executive Council. Contents of "WP" are copyrighted and may not be reproduced without written consent of the Association.

The magazine is distributed free of charge to all active and associate members of the OIAA.

For change of address or inquiries regarding distribution, please contact us at:
**membership@oiaa.com**

For information regarding the OIAA Privacy Policy, please refer to our website at www.oiaa.com

For information on advertising specifications, costs, production of ads or ad placement, please contact Shawna Gillen.

For submission of proposed articles please contact Rob Fiorido and Peter Riediger.
**E-mail: wp@oiaa.com**

ISSN 0833-1278

# Featured Products:

ISB

### CARFAX VIN Scan

Instant access to verified Canadian vehicle history to streamline validation, reduce risk, and enhance decision-making.

### Social Media

AI-powered social media screening that provides clear, high-level behavioural insights to support risk assessment.

### Truepic

Authenticating visuals, blocking AI manipulation, and providing insights to prevent fraud.

## Defining Tomorrow with Information Today™

**Contact insurance@isbglobalservices.com for more information on these or any other products.**

# The New Reality of Insurance Fraud

**By: Michael Thompson**


Insurance fraud is becoming more sophisticated. In recent years, insurers have faced a growing challenge as digital tools make it easier to alter images, create convincing documents, and submit claims that appear legitimate at first glance.

At the same time, claims teams are expected to work efficiently while ensuring the information they rely on is accurate and trustworthy. As fraud tactics continue to evolve, insurers are looking for practical ways to strengthen investigations and improve confidence in the claims process.

While artificial intelligence is often discussed in broad terms, its greatest value is often found in targeted applications that help solve specific challenges. Three areas where technology is making a meaningful impact are social media screening, VIN scanning, and image verification.

### Social Media Screening: Adding Valuable Context

Publicly available online activity can provide valuable context during a claims investigation. However, manually reviewing large amounts of social media content can be time-consuming and resource intensive.

Technology can help investigators identify relevant information more efficiently, allowing claims teams to focus on content that may warrant closer examination. When used appropriately, social media screening can help uncover inconsistencies, provide additional context, and support fraud reviews. As social media continues to play a larger role in everyday life, it can offer important insights that may not be available through traditional sources alone.

### VIN Scanning: Improving Accuracy and Efficiency

Accurate vehicle information is essential to many claims investigations, yet manual data entry can introduce errors and slow down the process.

VIN scanning technology allows vehicle information to be captured directly from an image rather than entered manually. This helps reduce administrative effort, improve accuracy, and speed up access to vehicle details. It can also help identify discrepancies that may indicate risk, misrepresentation, or the need for further investigation.

By simplifying a routine but important step in the claims process, VIN scanning helps claims professionals spend less time on manual tasks and more time focusing on the claim itself.

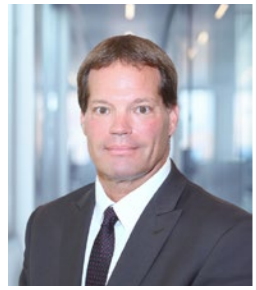
### Image Verification: Building Confidence in Claims

Perhaps one of the biggest challenges facing insurers today is determining whether submitted images accurately reflect a reported loss.

With image-editing software and AI-generated content becoming increasingly accessible, insurers need greater confidence in the photographs being used to support a claim. New technologies are helping address this challenge by requiring images to be captured and submitted through secure processes that verify when and how a photo was taken.

Some solutions can also identify indicators that suggest content may have been altered or artificially generated. As manipulated images become more difficult to detect with the naked eye, image verification tools are becoming an increasingly important part of modern claims investigations.

Insurance fraud continues to evolve, and so do the tools available to insurers. By leveraging technologies that provide additional context, improve accuracy, and strengthen confidence in claim information, insurers can better support fraud detection efforts while maintaining an efficient and reliable claims process.



**Michael Thompson - Chief Commercial Officer**

Michael Thompson is a visionary and performance-focused leader with 25-plus years of experience building profitable businesses. With an exceptional track record in the Canadian technology and corporate marketplace, he is well known for his customer-centric approach, team building talent and ability to create a deep network of senior C-level relationships. Prior to joining ISB Global Services, Mr. Thompson was at the helm of major Canadian companies specializing in screening technology, supply chain management and innovative 1:1 marketing technology solutions. Before that, he had been vice president of a top-tier travel and leisure company, where he drove record growth and created the largest wholly owned consumer travel business in North America with $1B of network sales. In addition to his leadership role with ISB, Mr. Thompson participates on several boards and industry committees.

# When to Mediate Early?

By: Jonathan Cooper, Cooper Mediation Inc.

Escalating litigation costs, procedural friction, and lengthy delays. There are many reasons for insurance claims and disputes to stagnate. One potential solution is to mediate early..

Early mediation is not a one-size-fits-all approach; but, it can offer front-loaded and efficient opportunities for resolution in the right circumstances.

This paper offers a practical guide for claims, insurance professionals and lawyers who are thinking about when and why they might choose to mediate early. It also delves into some anticipated challenges, provides suggestions for overcoming them, and offers a practical decision framework for matching the right mediation process to the facts of a matter or claim.

## 1. What Is Early Mediation And How Does It Differ From Traditional Mediation?

Early mediation is a proactive approach that takes place either before a claim is issued or shortly after litigation begins. Taking part in mediation at this stage of a file requires a shift in mindset.

Instead of waiting for pleadings, discoveries, and expert reports to begin meaningful negotiations, participants focus on what's sufficient, not exhaustive, to make informed risk-management decisions.

To understand the value of early mediation, it's important to understand how its constituent parts differ from the more familiar, traditional model.

| Feature | Early Mediation | Traditional Mediation |
|---|---|---|
| **Timing** | Before or soon after claims are received | Usually after discoveries, once undertakings have been satisfied |
| **Documentation** | Key factual summaries or essential documents | Full affidavits of documents, discovery transcripts, expert reports |
| **Preparation** | Short position statements outlining key issues | Formal mediation briefs, detailed legal arguments |
| **Mediator Role** | Process designer and guide. Facilitator of negotiation. | Facilitator of negotiation |
| **Opening Remarks** | Brief, result-oriented, focused on risk-sharing exercise | Lengthy, positional, often argumentative |
| **Negotiation Style** | Collaborative exploration of realistic ranges (the less offers, the better) | Positional bargaining, polarized offers |
| **Duration** | 2-3 hours | 3–6 hours or more |
| **Negotiation Fatigue** | Low risk | High risk |
| **Tone** | Cooperative and pragmatic | Often adversarial |

This comparison makes one thing clear: early mediation is not simply the same process done sooner; it's a different philosophy. By focusing on what matters most (information, communication, and risk management), effective and appropriate early mediation can resolve files or narrow the issues in others.

## 2. Why Mediate Early?

When mediation happens after the pleadings are closed and discoveries have been completed, the parties' positions can be entrenched. By that point, substantial time and resources have been spent hardening the opposing views which can sometimes make mutually acceptable settlements harder to come by.

Waiting too long may result in missed opportunities. Some benefits of early mediations include:

- **Cost savings.** Legal fees and expert costs escalate rapidly once litigation begins and evolves. Avoiding these costs helps insurers and claims representatives more efficiently manage files and reduce indemnity exposure. Lawyers also benefit by freeing up time that could be spent on other or more complex matters.
- **Earlier certainty.** An early resolution helps insurers close files, release reserves, and give claimants closure sooner, creating operational and financial predictability.
- **Avoiding escalation.** The longer a dispute

lingers, the more entrenched parties tend to become. Early but meaningful dialogue focussed on problem-solving rather than posturing can create an implied buy-in, encouraging parties to engage in genuine settlement discussions before positions harden and costs escalate. Moreover, the longer a file remains unresolved, the more likely it is that claimants will be exposed to comparisons to other claims from family or friends, even though those situations are often not truly comparable.

- **Preserving negotiating capital.** Once trial preparation begins, flexibility narrows. Early mediation allows creative, interest-based outcomes that are often unavailable later in the litigation cycle.

Many files are more ripe for resolution than they appear and simply require a calibration of the process: identifying what information is truly necessary, agreeing on what can be deferred, and designing a structure that fits the matter or claim. The key question to answer is whether the parties have enough information to settle sensibly and to justify the outcome if the file was later reviewed or audited. No one should be putting their neck on the line. This is not an invitation to wilful blindness. As beneficial as early mediation can be, it is not appropriate for all cases.

### 3. Challenges and Resistance to Early Mediation

Even when the logic of early mediation seems clear, hesitation frequently remains among one or more participants. Typical concerns include:

- **'It's too soon.'** Key facts may still be unknown, experts haven't reported, or disclosure is incomplete.
- **Perceived weakness.** Does proposing mediation early signal concern or desperation?
- **Information imbalance.** One party may hold documents or data the other hasn't yet seen, creating reluctance to negotiate.
- **Counsel hesitation.** If counsel have already been retained, they may prefer to fully understand their case, or ensure their client feels fully prepared and ready before engaging.
- **Cost skepticism.** Participants may question whether early mediation adds unnecessary expense rather than saving it.

- **It's different, we don't like change!**

### 4. Addressing Resistance to Early Mediation

To succeed, early mediation must be approached deliberately from all sides, with transparency about assumptions and agreement on what information will be exchanged. It also requires a common goal and shared understanding that new evidence may require a follow-up session or process adjustment later. When handled this way, early mediation becomes a strategic exercise in managing risk, not a gamble on incomplete information.

For insurance professionals (claims and lawyers) who face internal or external resistance to early mediation, here are some practical ways to address those concerns and keep the process moving forward:

1) **Reframe early mediation as due diligence.** Rather than pitching early mediation as a replacement for litigation, present it as a risk-management exercise. An early session can expose information gaps, clarify liability issues, and set realistic expectations, serving as a stepping stone toward resolution even if settlement does not occur immediately.

2) **Define 'Enough Information' up front.** Agree in advance what both sides need in order to meaningfully participate. This might be a few core documents, such as a police or occurrence report, income tax returns or hospital or medical notes and records. The mediator can help canvas what's essential versus simply helpful.

3) **Use confidentiality to encourage openness.** Mediation discussions are confidential and without prejudice. Reinforcing this protection early reassures participants that exploratory or creative proposals will not weaken their legal position if the matter does not resolve. This point is particularly important at the adjuster-level, where preliminary settlement conversations often occur before defence counsel are assigned.

   Engaging a mediator during preliminary adjuster-level discussions creates a protected environment where realistic numbers and candid assessments can be explored without strategic risk. In that space, a mediator can make a meaningful and worthwhile difference.

4) If you're a claims professional, **maintain**

**counsel engagement and collaboration.** Early mediation looks different depending on whether counsel have been retained. The approach should be calibrated accordingly.

a) Pre-litigation (no counsel retained). At the adjuster-level, discussions may be occurring directly between the claims professional and the claimant. In that setting, there may be no lawyers involved at all. Early mediation can still add structure and protection: the mediator can help define what information will be exchanged, clarify confidentiality expectations, and ensure the claimant understands the process. If either side later retains counsel, the groundwork has been laid without compromising anyone's position.

b) Once counsel is retained. When lawyers are involved, whether pre-litigation or post-filing, it is critical to keep them involved and engaged in the process. Some counsel may worry about being sidelined or losing strategic control. That concern can be addressed by involving them in designing the mediation structure, approving document lists, and defining ground rules. A short process agreement outlining what will be shared, when, and under what confidentiality terms can strengthen trust and alignment.

A mediator's role is to complement, not replace, the advocates.

5) **Plan for flexibility.** Not every issue must be resolved in one sitting. Early mediation can set the stage for phased negotiation or a later follow-up once additional information is produced or emerges.

Early mediation succeeds when it is seen as an opportunity rather than a risk. For example, where the parties have already attempted to resolve the matter through an exchange of settlement proposals at the adjuster level, the involvement of a mediator can introduce neutral reality testing. A mediator's impartial perspective can assist in questioning or challenging the assumptions on which each party relies. When tailored to the circumstances of the file, early mediation becomes a continuation of good-faith resolution efforts, rather than a departure from them.

## 5. Decision Framework — Matching the Process to the File

*Is Early Mediation Possible and Appropriate?*

In addition to asking whether a file is "ready," the key consideration should be whether early engagement will help achieve the objectives for the matter or claim.

### Consider using this simple decision path:

1. **Assess complexity:** Is this likely to be a multi-party file? Are there fundamental questions of law in addition to questions of fact? Are the core issues in dispute identifiable to allow for a productive discussion?
2. **Evaluate information required:** Is sufficient information available to meaningfully discuss the matter in terms of value and risk? If not, is it possible and reasonable to obtain this information before the litigation evolves further?
3. **Understand urgency:** Is there a compelling reason for early mediation? Is there a risk that positions will harden as litigation progresses? Would the claimant benefit from early resolution or prefer to avoid the costs and burdens of litigation where possible? Momentum can be valuable and delay can be costly, and the time value of money should not be overlooked.
4. **Gauge motivation, openness, and flexibility.** Are decision-makers available and willing to engage candidly in a process designed to be confidential and protected? Is counsel pragmatic or more likely to advance unrealistic numbers in hopes of influencing reserves or shifting internal handling? Are the parties receptive to a process that may need to be adapted if new information materially changes the outlook of the file? Early mediation should be seen as structured exploration, not positional entrenchment.

*Acting On Your Assessment*

- **Despite its advantages, early mediation isn't always the right fit.** If you determine the case genuinely requires more information (such as expert evidence or full oral and documentary discovery), more time to gain a fuller understanding of damages or coverage, or that the parties involved may interpret your proposal of an early mediation as a sign of weakness or as an ambush, a traditional or mid-stage mediation can be more effective.

- **If your assessment suggests that early mediation is appropriate and potentially beneficial**, the next step is to consult with a mediator about how to design a process that is calibrated to the matter or claim, including a streamlined exchange of core information and documentation.

  For example, in an early mediation for a personal injury matter when formal mediation briefs are optional, a concise questionnaire or fact sheet can be employed to exchange the core information necessary to negotiate responsibly.

- This may include:
  - **Incident overview:** date of loss, type of claim (MVA, slip and fall, property, other), and whether a Statement of Claim or Defence has been filed
  - **Claimant details:** name, date of birth, legal representation, and contact information
  - **Parties involved:** including the relevant insurer
  - **Liability summary:** whether liability is in issue, a brief description of what occurred (20 words or less), and whether there are witnesses or credibility concerns
  - **Post-incident care:** ambulance attendance, hospital involvement, and first medical visit
  - **Injuries:** condition immediately after the loss and current status
  - **Income loss:** employment details and available benefits (IRBs, STD, LTD, or other collateral coverage)
  - **Treatment:** nature of treatment, funding source (work benefits or accident benefits), and outstanding needs
  - **Out-of-pocket expenses:** prescriptions, physiotherapy, transportation, and similar losses
  - **Causation considerations:** any relevant pre-existing injuries or conditions
  - **Supporting materials:** key documents, photos, or videos

## Conclusion

Early mediation does not reject the traditional model. It simply moves the conversation to a point where meaningful dialogue can occur sooner, often at lower cost and with greater flexibility. It is not about rushing the process; it is about right-sizing it.

Traditional mediation remains invaluable for complex or highly contested cases. But many files, particularly in the insurance and personal-injury realm, are well suited to early engagement. The challenge is recognizing those opportunities and approaching them with intention.

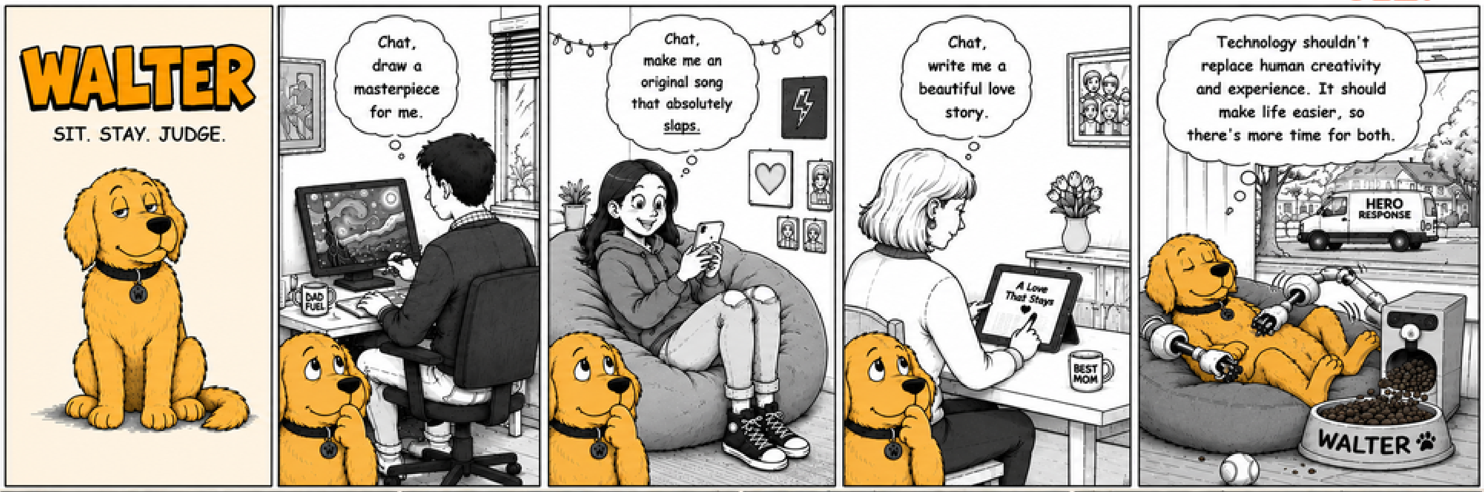
At Cooper Mediation, we will work with counsel and insurance professionals to assess whether early mediation is appropriate for a particular file. We are always happy to discuss whether the process may assist in moving a matter forward.

**Jon Cooper**

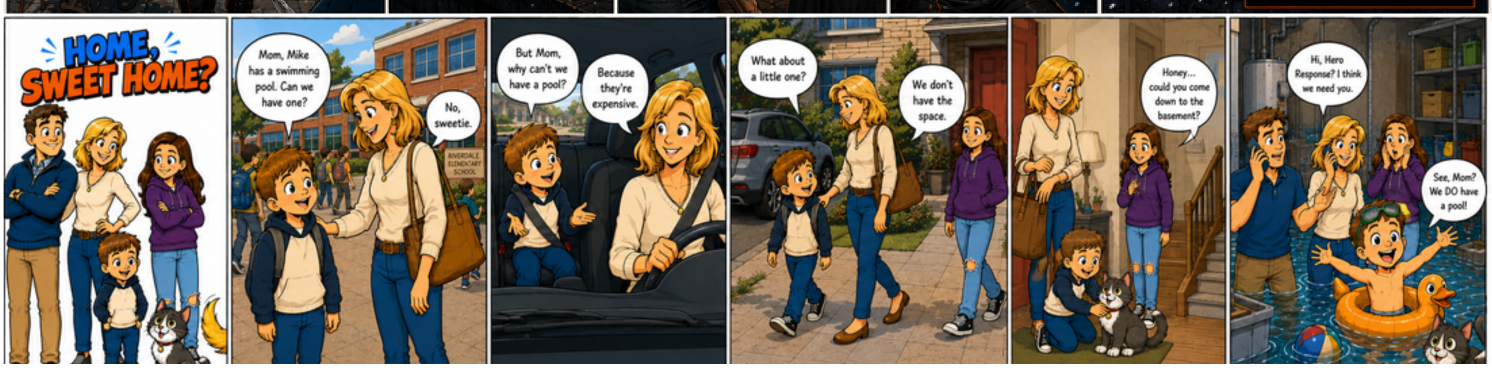
Jonathan Cooper is a Toronto-based mediator with over a decade of experience, having conducted more than 1,800 civil mediations.
Jon devotes 100% of his professional time to mediating primarily, but not exclusively, in the areas of personal injury and insurance. He has extensive experience in mediating claims relating to Motor Vehicle Accidents (Tort & Accident Benefits), Occupiers' Liability, Long Term Disability, Life Insurance and Critical Illness, Subrogation, Professional Negligence and Product Liability.
Jon is recognized for his practical, candid, and experience-driven insights into negotiation dynamics, decision-making barriers, and real-world mediation strategy.
Jon is a Distinguished Fellow of the International Academy of Mediators and a member of the Canadian Academy of Distinguished Neutrals (Ontario Chapter), invitation-only organizations reflecting peer-recognized excellence in mediation practice.

# A LITTLE BREAK FROM CLAIMS

COMIC STRIPS COURTESY OF HERO RESPONSE







# Event Data Recorders:

## The Silent Witness in Collision Analysis

By Dr. Essam Dabbour, Ph.D., RSP1, F.ITE, P. Eng.
President – EDA Forensics

After the chaos, shock, and grief following a serious traffic collision, a fundamental question usually arises: "what truly happened in the moments leading up to the collision?" Conflicting driver accounts, limited eyewitness testimony, and ambiguous physical evidence often leave room for interpretation. The answer usually lies within a small but powerful device — the Event Data Recorder (EDR).

### The Rise of the Silent Witness

Most light-duty vehicles produced after 2011 include an Event Data Recorder (EDR), often integrated within the Airbag Control Module (ACM) and commonly referred to as "black box". An EDR typically records up to approximately five seconds of pre-impact data. These data records typically include vehicle speed, braking, throttle application, steering input, seatbelt usage, and the change in velocity (delta-v), which correlates strongly with impact severity and occupant injury risk. Unlike subjective testimony, EDR data provides objective, time-stamped information that can significantly enhance the reconstruction of traffic collisions.

### Objective Evidence in Practice

Consider a scenario where a driver alleges that the improper design of a roadway curve caused his vehicle to go into the ditch while he was driving in a 'prudent and careful manner'. EDR data may reveal excessive speed, delayed application of brakes, and aggressive steering inputs, contradicting his claim of careful driving. In another scenario, drivers involved in a two-vehicle collision often provide conflicting accounts on how the collision occurred. EDR data may confirm that one driver maintained a steady speed and stable trajectory, supporting their version of the events. In both scenarios, EDR data can provide objective evidence to validate or refute competing narratives.

## Technical Considerations

EDR systems typically record approximately five seconds of pre-impact data. While this window is limited, it provides high-resolution insight into the most critical phase of a collision. Parameters such as delta-v are particularly valuable, as they correlate strongly with injury severity and are widely used in biomechanical assessments. Other parameters related to driver's braking and steering input provide insights into the driver's behaviour prior to the collision, which can be critical in liability assessment.

However, variability exists across vehicle brands and models. Not all vehicles record the same parameters, and speed is often derived from wheel sensors rather than GPS, which may introduce errors if the tire sizes used were different from manufacturer specifications. These factors must be considered during analysis.

## The Missing Piece of the Puzzle

Traditional collision reconstruction relies on physical evidence such as skid marks, vehicle damage, and final rest positions. While these remain essential, they can sometimes be incomplete or subject to interpretation. EDR data complements these elements by providing precise numerical inputs that reduce, or eliminate, uncertainty.

Nevertheless, the use of EDR data does not replace engineering analysis. It must be integrated with proper engineering assessment of roadway design, traffic control devices, vehicle dynamics, biomechanics, and environmental conditions. This approach results in a comprehensive understanding of the collision that will greatly help legal and insurance professionals when assessing liability.

## Limitations and Risks

Despite its advantages, EDR data may have limitations. The recording window is short, and data is only captured when specific triggering thresholds are met. Events recorded without the deployment of airbags (non-deployment events) may be overwritten, particularly if data retrieval is delayed. In heavy vehicles, data retention can be even more limited and challenging.

It is not possible to rely solely on EDR data to determine liability. Proper interpretation of EDR data requires specialized expertise and must be undertaken in conjunction with other evidence, such as road design, traffic control devices, vehicle dynamics, biomechanics, and environmental conditions. Moreover, failure to maintain proper chain-of-custody can compromise both the integrity of the data and its admissibility in legal proceedings.

## Balancing Technology and Practice

The integration of EDR data into collision analysis represents a shift toward more evidence-based decision-making. However, its effectiveness depends on awareness, timely retrieval, and proper interpretation. Much like other tools in traffic safety and litigation, EDR data cannot be considered as a standalone solution. It must be used in conjunction with engineering judgment, legal strategy, and comprehensive evidence evaluation. Therefore, timely EDR data preservation and integration with engineering analysis should become standard practice in serious collision investigations.

**Dr. Essam Dabbour, Ph.D., RSP1, F.ITE, P. Eng.**

Dr. Essam Dabbour is registered as a professional engineer (P. Eng.) in Ontario, Alberta, and British Columbia. He is also a Fellow of the Institute of Transportation Engineers (ITE) and a certified Road Safety Professional - Level 1 (RSP1) and Road Safety Auditor. With a Ph.D. in Transportation Engineering and over 35 years of combined academic and practical experience, Dr. Dabbour is widely recognized as a leading expert in road safety. Dr. Dabbour is also the instructor of three courses for municipal staff across Ontario, focused on managing municipal liability and enhancing safety for all road users. Dr. Dabbour has authored more than 65 articles in leading academic journals and professional publications on topics related to road design and traffic safety. He is currently the president of EDA Forensics, specializing in the engineering investigation of traffic collisions and other incidents to help the legal and insurance communities determine liability..

# Modern Property Claims:
## The Evolution of Decision-Making

**By: Frano Sain**

Every property claim begins with urgency. A burst pipe, a fire, or a severe weather event immediately sets multiple processes in motion. Emergency crews are dispatched, adjusters begin gathering information, property managers focus on business continuity, and policyholders want to understand what happens next.

For decades, response time has been one of the defining measures of success in property restoration. How quickly did the crew arrive? How fast was mitigation underway? In an environment where limiting physical damage is a primary objective, speed became one of the industry's most valuable currencies.

It still is. But it is no longer enough.

The environment surrounding today's property claims has changed significantly. Buildings and losses can be more complex, business interruption carries significant financial consequences, policyholders expect greater transparency, and major losses can involve multiple stakeholders making critical decisions simultaneously. The challenge is therefore no longer simply getting to the site quickly. It is getting accurate information from the site to the people who need it just as quickly, so that everyone responsible for moving the claim forward is working from the same understanding of the loss.

That may be one of the most important evolutions taking place in modern property claims: **response time still determines how quickly mitigation begins, but information visibility increasingly determines how quickly good decisions can follow.**

### The Real Challenge Isn't Response Time

Faster response can significantly influence the outcome of a property loss. But speed alone cannot resolve one of the industry's most persistent sources of friction: the people involved in a claim rarely approach it with the same priorities.

An insurer may be focused on claim severity and indemnity. An adjuster needs reliable information to establish scope and reserves. A property manager is trying to restore normal operations while responding to tenants and occupants. A policyholder wants to understand what is happening, what comes next, and when life or business might return to normal. Meanwhile, the restoration contractor must stabilize the loss, often before its full extent is visible.

Each stakeholder may be acting appropriately, yet each is looking at the same claim through a different lens. The problem is not necessarily a lack of urgency or expertise. Decisions are simply being made at different moments, for different purposes, and sometimes with different information.

This is where shared context becomes critical. When the people responsible for a claim can see the same conditions, understand how those conditions are changing, and access reliable information as work progresses, their priorities do not suddenly become identical. But the decisions surrounding those priorities can become easier to align.

**The greatest challenge in a modern property claim isn't a lack of urgency. It's a lack of shared context.**

## When Information Becomes Part of the Work

For many years, much of the information generated during restoration primarily documented what had already happened. Photos supported reports, moisture readings validated progress, and project updates explained completed work. Information often followed restoration.

That relationship is changing.

Digital site documentation, remote monitoring, 3D property imaging, moisture mapping, and continuous project visibility can allow information to move alongside the physical work. An adjuster may gain insight into changing site conditions without relying solely on periodic reports. Property managers can have greater visibility into progress and potential timelines. Restoration teams can document conditions and communicate meaningful changes as they occur.

This creates an important distinction. **The restoration site is not only where recovery happens. It is also where some of the claim's most valuable information is being created.**

Restoration teams occupy a unique position in the claims process because they are simultaneously responding to the loss and observing it as it evolves. Conditions discovered behind a wall, changes in moisture levels, drying progression, affected materials, visual documentation and changes in scope all originate at the property before they become information elsewhere in the claim.

The opportunity for modern claims is therefore not simply to generate more data. Claims already generate enormous amounts of it. The opportunity is to shorten the distance between what is being observed at the property and the people who need that information to make decisions.

For policyholders, that same visibility serves a different purpose. They may not need every technical detail generated by a claim, but understanding what stage the process has reached, what is happening at their property, and what comes next can replace some of the uncertainty that otherwise leads to repeated questions and frustration.

For decision-makers, information creates context. For policyholders, it creates clarity and reassurance. **The same visibility can serve two very different needs.**

## Better Information, Better Decisions

Consider a commercial water loss affecting multiple tenants. Emergency crews arrive quickly and begin mitigation, but the initial scope is developed with incomplete visibility into some affected areas. A reopening date is communicated based on what is known at the time, while initial reserves are established using information from the first assessment.

Several days later, additional moisture is identified in an area that was not initially visible. The scope changes, the expected timeline moves, and the implications extend beyond additional drying or repairs. Business interruption may increase, expectations have to be reset, reserves may need to change, and conversations that appeared settled have to begin again.

The physical response was fast. The information available to support the early decisions was incomplete.

Now consider the same loss with greater visibility from the beginning: comprehensive digital documentation, moisture mapping, accessible site imagery and ongoing monitoring. None of these tools eliminates uncertainty. Nor do they replace professional judgement or the need for experienced people on site.

What they can do is narrow the information gap between what is happening at the property and what the people responsible for the claim understand about it.

That distinction matters because the consequences of incomplete information rarely remain confined to the restoration scope. They can influence indemnity, business continuity, decisions about what can be restored rather than replaced, stakeholder confidence and, ultimately, the policyholder's experience of the claim.

For an adjuster, better information can provide stronger context for a decision. For an insurer, it can improve visibility into how the loss is developing. For a property manager, it can support planning around continuity and reopening. And for a policyholder, it can provide something much more fundamental: reassurance that progress is happening and clarity about what comes next.

## A Shift in Perspective

Perhaps the most significant evolution in modern property claims isn't technological. It's operational.

Property restoration has traditionally been viewed primarily as the process of stabilizing and repairing physical damage. That remains its foundation. But if restoration teams are among the first to observe how a loss is developing, the information generated through their work has the potential to support decisions far beyond the job site.

This creates a broader role for restoration within the claims ecosystem. **The restoration partner is not only executing decisions made elsewhere in the claim; increasingly, the information generated through restoration can help inform those decisions.**

Technology makes that information easier to capture, organize, visualize and share. But technology alone is not the evolution. **The evolution is what the industry can do with that visibility.**

Better visibility can create greater transparency. Greater transparency can improve alignment. And better alignment can help insurers, adjusters, property managers, restoration professionals and policyholders make more informed decisions while there is still time for those decisions to influence the outcome.

That doesn't redefine restoration. It expands the value it can bring to the claim.

## Seeing Sooner, Deciding Better

Speed, technical expertise and quality execution will always matter in property restoration. They remain fundamental to successful outcomes. But modern claims increasingly demand something alongside them: the ability to turn what is happening at the property into information that the people responsible for the claim can see, understand and act upon.

The evolution of decision-making in property claims is therefore not about choosing technology over expertise, or information over action. It is about connecting them.

When physical response and information flow move together, decisions can happen earlier, expectations can be better aligned, and uncertainty can be reduced while there is still an opportunity to influence the outcome.

**Perhaps that's the real evolution of modern property claims: not simply responding faster, but seeing sooner, understanding sooner, and making better decisions because of it.**



**Frano Sain**

Frano Sain is CEO of Hero Response and a property restoration professional with more than 17 years of experience in the industry. Having built his career from the field up, he focuses on how insurtech can transform property restoration and the insurance claims ecosystem. Frano advocates for simplifying complex claims processes and using technology to improve collaboration, transparency, and more sustainable outcomes for insurers and policyholders.

# SAVE THE DATE

## SEPTEMBER 2026

**September 11** ............ **OIAA Georgian Bay - Golf Tournament @ Settlers Ghost Golf Club, 3421 McNutt Rd, Barrie, ON**

**September 17** ............ **OIAA Kick off event @ Stella Borealis, 176 Cherry Street, Toronto, ON**

**September 17** ............ **TIAA - Golf Tournament @ Colonade Golf Club, 2789 Woodburn Road, Joyceville, ON**

**September 18** ............ **OIAA Niagara - Golf Tournament Whisky Run Golf Course**

**September 23** ............ **OIAA Kawartha Durham - "It Takes a Village" Presentation - a virtual meeting from 10:00 am to 11:00 am**

**September 24** ............ **OIAA KW - Kick off event @ Schwaben Club, 50 Scheifele Place, Woolwich, ON**

## OCTOBER 2026

**October 7** ............ **OIAA Kawartha Durham - Turkey Bowl for TAGS @ NEB's FUN WORLD Networking @ 5:30 pm, 1300 Wilson Road North, Oshawa, ON**

## NOVEMBER 2026

**November 14** ............ **OIAA Kawartha Durham - Sock it to Santa: Santa Paws Edition From 1:00 – 3:30 p.m. @ Sheridan Nurseries 410 Taunton Road, Whitby, ON**

**November 19** ............ **OIAA Hamilton - Holiday Party**

## DECEMBER 2026

**December 3** ............ **OIAA Provincial - Holiday Party @ Liberty Grand Toronto**

Niagara South Insurance Brokers Association

IAA NIAGARA

Your Best Insurance is an Insurance Broker
www.insuranceniagara.com
Check us out on Facebook, InstagramNiagarasouthiba
& Twitter @niagarasouthiba

# Annual Golf Tournament @ Whisky Run Golf Course

(631 Lorraine Rd, Port Colborne, ON L3K 5V3)

**Friday, September 18, 2026**

**COST**:
Golf: $175.00 PER PERSON -includes 18 Holes with cart Lunch and Dinner
Dinner only: $65.00 Lunch only: $25.00
Event Sponsorship: Tee Sponsorships $150.00, Tent sponsorships $250.00
(*Please note lunch/dinner is not included with sponsorships*)
**Payment required in advance of event to reserve your spot**

**EVENT SCHEDULE**
Registration: 11:00AM – 12:00PM
BBQ lunch: 11:00AM to 12:00PM
Shotgun start: 12:30PM
Dinner & prizes – 5:30PM

**WE ARE LIMITED TO 144 GOLFERS**
NOTE ALL BROKERS ATTENDING MUST BE IBAO MEMBERS
*Contributions to the gift table are always appreciated!*

For sponsorships, please send requests/inquiries to Bob McCord - bob@leadingedgecs.ca
For Golf/Meals please send the completed registration form to Andy Rak -andy@niagarainsurance.ca
**please* *ensure to provide the names of golfers and dinner attendees with your registration*

**All payments made to: Niagara South Insurance Brokers Association Inc. (NSIBA)**

**Mail all Payments to:** **NSIBA c/o Niagara Ins Brokers**
**164 Division St.**
**Welland On. L3B 4A2**

SAVE THE DATE

# OIAA ANNUAL CLAIMS CONFERENCE

# APRIL 22, 2027

## WHERE:

**METRO TORONTO CONVENTION CENTRE NORTH BUILDING**

DELEGATE BLOCK BOOKING LINK: HTTPS://BOOK.PASSKEY.COM/GO/OIAA2027

# OIAA 2027
## CLAIMS CONFERENCE
## SPONSORSHIP OPPORTUNITIES

### DIAMOND SPONSOR $10,000 1 AVAILABLE

- Company name scrolling on the OIAA website as a Diamond sponsor
- Logo on all name badges
- Lanyards with logo provided to all guests
- Full page ad[1] in the printed May WP provided to all attendees
- Feature article[1] in the printed May WP provided to all attendees
- Standalone acknowledgement with company logos on signage at the event
- Acknowledgement with logos and links in the WP[2]
- Premier Social Media Package, may include:
  - Live shout out to visit your booth at the event posted to social media platforms
  - Company Logo on Social Media Platforms
  - Recognition as a Diamond Sponsor on platforms once formally a sponsor
  - Company profile linked in posts when acknowledging your contributions
  - Standalone recognition post on social media platforms monthly from date of purchase - January 2027
  - Standalone recognition posts on social media platforms 3 times a month starting February 2027[3]
  - Recognition posts the day of the event

### WIFI SPONSOR $7,000 1 AVAILABLE

- Company name scrolling on the OIAA website as the WIFI sponsor
- Full page ad[1] in the printed May WP provided to all attendees
- Acknowledgement with company logos on signage at the event
- Ability to set a custom password for the WIFI
- Acknowledgement with logos and links in the WP[2]
- Social Media Package, may include:
  - Company Logo on Social Media Platforms Recognition as a Wifi Sponsor on platforms once formally a sponsor
  - Company profile linked in posts when acknowledging your contributions
  - Standalone recognition post on social media platforms monthly from date of purchase- January 2027
  - Standalone recognition posts on social media platforms 2 times a month February-April 2027
  - Recognition posts the day of the event

### PLATINUM SPONSORS $5,000 4 AVAILABLE

- Company name scrolling on the OIAA website as a Platinum sponsors
- 1/2 page ad[1] in the printed May WP provided to all attendees
- Acknowledgement with company logos on signage at the event
- Acknowledgement with logos and links in the WP[2]
- 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
  - Standalone recognition post on social media platforms monthly from date of purchase- January 2027
  - Standalone recognition posts on social media platforms 2 times a month February-April 2027
  - Recognition posts the day of the event

### GOLD SPONSORS $2,500 8 AVAILABLE

- Company name scrolling on the OIAA website as a Gold sponsors
- 1/4 page ad[1] in the printed May WP provided to all attendees
- Acknowledgement on signage at the event
- Acknowledgement with logos and links in the WP[2]
- Social Media Package, may include:
  - Company Logo on Social Media Platforms Recognition as a Platinum 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 February-April 2027
  - Group recognition posts the day of the event

### SILVER SPONSORS $1,000 UNLIMITED

- Group Acknowledgement on signage at the event
- Acknowledgement in the WP[2]
- Social Media Package, may include:
  - Company Logo on Social Media Platforms Recognition as a Silver Sponsor on platforms once formally a sponsor
  - Group recognition posts on social media platforms 2 times a month February-April 2027
  - Group recognition posts the day of the event

[1] Ad to be provided by the sponsor

[2] Monthly acknowledgements in WP will start the month after purchase and run until May 2026

[3] Monthly social media acknowledgements will start the month after purchase and run until March 2026 unless otherwise noted


SAVE THE DATE!
OIAA Kawartha Durham's
TURKEY
BOWL
2026
WEDNESDAY,
OCTOBER 7, 2026
NEB'S FUN WORLD
1300 Wilson Road North
Oshawa, Ontario
Join colleagues, industry partners, and friends for an evening of fun, networking, and friendly competition!
SUPPORTING TWO GREAT CAUSES
Feed the need in Durham
TAGS
(The Animal Guardian Society)
More Details Coming Soon!
Registration information, sponsorship opportunities, and donation initiatives coming soon.
FOR SPONSORSHIP OPPORTUNITIES
please contact
Nadine Dionne
nadine.dionne@claimspro.ca
HOSTED BY
OIAA
Kawartha/Durham
BOWL.
NETWORK.
GIVE BACK.
Supporting our community, one strike at a time!


Sock it to
Santa
SANTA PAWS EDITION
Bring new socks. Share the love. Make a difference.
SATURDAY, NOVEMBER 14TH
1:00 PM to 3:30 PM
LOCATION:
SHERIDAN NURSERIES, WHITBY
ADMISSION:
5+ PAIRS OF NEW SOCKS
FOR CHARITY!
TAGS DOGS WILL ATTEND
HOLIDAY PET PICS
AVAILABLE
BLOOM ESPRESSO BAR
(WITH PASTRIES) TO ATTEND
MORE DETAILS TO COME!
WARM FEET
WARM HEARTS
WAGGING TAILS
Holiday Pet Pics
with Santa!*
*Santa attendance TBC
PROUDLY PRESENTED BY
IAA
Kawartha/Durham
BENEFITING
TAGS
The Animal
Guardian Society
THANK YOU TO OUR FRIENDS AT
Sheridan
Nurseries
IN WHITBY
BLOOM
ESPRESSO BAR
Thank you for supporting local charities and making a difference!

# OIAA BURSARY 2026

## DO YOU HAVE A CHILD OR GRANDCHILD ENROLLING OR ENROLLED IN POST-SECONDARY EDUCATION FOR 2026/2027?

The OIAA Student bursary offers financial assistance in the form of 3 awards in the amount of $1,000.00 each. The applicant must be pursuing full time post-secondary studies at a College or University.

Selection is based on financial need, contribution to school, community life and/or other meaningful pursuits, major accomplishments and strong indication of academic promise. Eligible applicants will be a child or grandchild of an active OIAA member, who has been a member in good standing for a year and is a current member in good standing for 2026-2027.

Previously successful award recipients are welcome to apply again with a new Essay.

The deadline to apply is Friday, October 9, 2026 @ 5:00pm.

**Visit our website www.oiaa.com for further details.**

# Appraisal, Arbitration, and the Need for Clear Boundaries

## in Ontario's Property Claims Process

By: George R. Milnes

Statutory Condition 11 continues to trigger appraisal under s. 128 of the Insurance Act whenever there is a disagreement "as to the value of the property insured, the property saved or the amount of loss."

Across the industry, however, insurers, independent adjusters, and public adjusters continue to face the same practical challenge: What exactly does "the amount of loss., include - ond who has the authority to determine it?

This question is not academic. It affects file handling, cycle times, indemnity accuracy, and the expectations placed on appraisers and umpires.

### Where the Process Breaks Down

In many appraisals, the panel is asked to determine not only the value of the loss but also the scope of the loss - the extent of damage and the method of repair or replacement.

Yet Canadian case law has consistently held that appraisal Is a valuation mechanism, not a fact-finding process. Courts in Saskatchewan, British Columbia, and Ontario have all affirmed that factual disputes must be resolved before valuation occurs.

When the parties disagree on the scope of loss, two lawful options exist:

- Reach an agreed statement of fact, or
- Proceed with a bifurcated award, leaving factual disputes to the courts.

Despite this, umpires are often placed in the position of making factual determinations - a role that falls outside the statutory authority of appraisal.

## Why This Matters to Insurers and Adjusters

The lack of structural clarity affects every stakeholder:

- Insurers face inconsistent outcomes and increased litigation risk.
- Independent adjusters are often appointed as appraisers without clear guidance on jurisdictional limits.
- Public adjusters encounter uncertainty about what issues can properly be resolved
- within appraisal.
- Umpires are routinely asked to decide matters they are not legislatively empowered to determine.

The result is a process that varies widely from file to file, creating operational inefficiencies and undermining confidence in the mechanism.

## Arbitration as a Practical Tool

Where the parties disagree on the scope of loss, arbitration remains the appropriate forum. It allows:

- factual determinations.
- expert evidence,
- procedural safeguards. and
- a clear record for judicial review.

Appraisal then becomes what it was intended to be: a valuation process based on established facts, not a substitute for fact-finding,

## A Shared Interest in Modernization

Ontario's appraisal framework was drafted for a different era - one of simpler construction, narrower policy forms, and fewer technical disputes. Today's claims environment is far more complex, and the statutory language has not kept pace.

Insurers, adjusters, public adjusters, and regulators all share a common interest in:

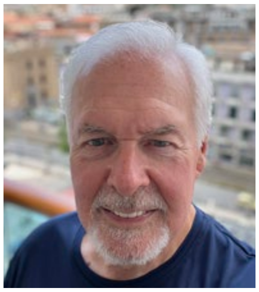
- predictable outcomes.
- clear jurisdictional boundaries,
- reduced procedural disputes, and
- a process aligned with contemporary claims practice.

My recent work proposes a structural model that reinforces jurisdictional discipline, procedural fairness, and valuation completeness -without altering the core purpose of appraisal.

## Continuing the Conversation

As the industry continues to navigate increasingly complex property claims, now is the right time to revisit how appraisal and arbitration interact within the statutory framework.

For those interested in a deeper analysis, including a proposed reform model and a review of relevant case law, further information will be available at:
**www.grmconsult1ng.ca**



**George R. Milnes**

George R. Milnes has been appointed by the Ontario Superior Court as both an Appraiser and an Umpire in accordance with Statutory Condition 11 of Property Ins1m;mce Policies and Section 128 of the Ontario Insurance Act.
A native of Toronto, George is a former licensed adjuster who has handled high-end residential, commercial, and industrial property losses throughout Ontario for both insurers and insureds.
He has also been a claims consultant to in11urers, a claims manager for The Ontario New Home Warranty Program. now known a11Tarion, conducting property claims audits and consumer fraud audits throughout Ontario and across Canada. He is a founding member of the Toronto Home Builders' Renovation Council, a past member of the Canadian Construction Association and past member of the International Cleaning and Restoration Association {CRAJ, in addition to insurance related Ofganizalions such as the Ontario Insurance Adjusters Association (OIM) and the Canadian Claims Managers' Association (CMA).
He was certified as a Fire Investigator (CCFI-C) and as Fraud Examiner (CFE). His memberships included The Property Loss Appraisal Network (P.l.AN.). a U S organizaUon for insurance professionals acting as appraisers and umpires.
He has both an insurance claims and building damage restoration background, an experience he finds very helpful when determining the extent of damage and methodology of repair or replacement in accordance with policy coverages.
He is a strong advocate for change and has shared a thesis on the subject with the Ministry of Finance, FSRA and the Superior Court of Ontario that oversees the Divisional Court that address Judicial Reviews.


THANKS TO OUR KICK OFF EVENT SPONSORS
GET READY FOR A GOOD TIME
CAPTAIN
LARREK
YOUR INVESTIGATION EXPERTS
HERO RESPONSE
TECH-DRIVEN RESTORATION EXPERTS
FIRST MATE
PRONTO CLEANERS LTD.
ECO friendly
SAB
Lawyers LLP
CIRCLE RIDGE
CONSTRUCTION & RESTORATION
STRUCTURED
WATER • FIRE • WIND • MOULD
Stella Borealis
SAILING FROM TORONTO
TOURIST THEME
GOOD TIMES
GREAT PEOPLE
UNFORGETTABLE
MEMORIES
DESTINATION

Ontario Insurance Adjusters Association

# GET IN TOUCH

**We would love to hear from you! If you have any inquiries or comments, please contact us.**

Inquiries ........ info@oiaa.com
President........ president@oiaa.com
Website........ website@oiaa.com
Membership ........ membership@oiaa.com
WP Magazine........ wp@oiaa.com
Events ........ events@oiaa.com
Bursary ........ bursary@oiaa.com

# ADVERTISERS' INDEX

# OIAA 2026-2027 ONTARIO CHAPTER EXECUTIVE OFFICERS

| CHAPTER NAME & POSITION | NAME | COMPANY |
|---|---|---|
| **GEORGIAN BAY (BARRIE)** | | |
| President | KAYLA GUY | The Co-operators, Barrie |
| Vice-President: | MARY CHARMAN | Crawford & Company (Canada) Inc., Barrie |
| Treasurer: | KIM BARKER | Aviva |
| Secretary: | SHANNON WOLOCHATIUK | Wawanesa Mutual Insurance |
| Director: | PATTI O'LEARY, CIP | The Co-operators, Barrie |
| Director: | CARRIE MACPHEE | Wawanesa Mutual Insurance |
| Director: | GREG DOERR | Doerr Claims Services |
| Director: | BEN THOMSON | Thompson Insurance Adjusters, Orangeville |
| Past President: | JOE CUMMING, FCIP, CRM | The Co-operators, Barrie |
| Chapter Delegate: | SHERI TURNER | West Wawanosh Mutual Insurance Co. |
| Website: | www.oiaagb.com | |
| **HAMILTON** | | |
| President | NICOLE MITCHELL | Norfolk County |
| Past-President: | CHRISTINE ANDREWS | Sage Claims Solutions Inc., Hamilton |
| Treasurer: | GIL JOHNSTONE | ClaimsPro |
| Secretary: | CONNOR PIERCE | Sedgwick |
| Director: | ALEX BERIC | Sedgwick |
| Director: | SIMOL MEHTA | Sedgwick |
| Chapter Delegate: | RHU SHERRARD | ClaimsPro |
| Website: | www.oiaahamilton.com | |
| **KAWARTHA/DURHAM** | | |
| President | NADINE DIONNE, BA, CIP | ClaimsPro |
| Vice-President: | ALICIA HUGHES | QBE Canada \| European Operations |
| Treasurer: | ALICIA HUGHES | QBE Canada \| European Operations |
| Secretary: | ALEXANDRIA PORTER, CIP | IPG Canada |
| Director: | ANA BATISTA, CIP | ClaimsPro |
| Director: | MARGARET MARTINSON | Co-operators General Insurance Company |
| Director: | JENNIFER ARNOLD | AIG Insurance Company of Canada |
| Director: | PAIGE MOOY, BSC (HONS), CIP, CRM | Tokio Marine Canada |
| Director/Chapter Delegate: | SHAWNA GILLEN, CIP | ClaimsPro |
| Social Director: | JESSICA RYZYNSKI | Mitch Insurance |
| Website: | www.oiaakawarthadurham.com | |
| **KITCHENER-WATERLOO** | | |
| President | NATHAN BENTLEY | Heartland Mutual Insurance |
| Vice-President: | KYLE BERGERON | Curo Claims Services Waterloo |
| Treasurer: | LAURA KELLY | Heartland Mutual Insurance |
| Secretary: | ALEXA STRUB | Heartland Mutual Insurance |
| Past President: | LISA DOBSON | Co-operators General Insurance Company |
| Chapter Delegate: | TBD | |
| Website: | www.kw-oiaa.ca | |
| **LONDON** | | |
| President | GEOFF EDGAR-STUBGEN, BA, CIP | Octagon Insurance Services |
| Past-President | KELLY PECK-MCDONNELL, CIP | Kent & Essex Mutual |
| Vice-President: | KYLE CASE, FCIP, CRM | Co-operators |
| Treasurer: | LINDA PEREIRA | Lambton Mutual Insurance Co. Watford |
| Secretary: | KATE BOYLE, BA (HONS), CIP | MutualONE Insurance Company |
| Website Manager: | CORY BOYLE | Definity Financial |
| Director: | AMANDA LYNN STUBLEY, BA, MA, CIP | Sedgwick |
| Director: | BRIAN SAMWAYS, CIP | Aviva |
| Director: | GAUTAM GANDOTRA, BE, CIP | Kernaghan Adjusters |
| Director: | JAMAAL CORNWALL | Co-operators |
| Director: | JAMES GAGNON, BA, MA | Sedgwick |
| Director: | SHUCHI DOSHI | Co-operators |
| Director: | SIVA (MOE) MARURI, B.ENG, MBA | Crawford & Company (Canada) Inc. |
| Chapter Delegate: | SIVA (MOE) MARURI, B.ENG, MBA | Crawford & Company (Canada) Inc. |
| Website: | www.londonclaimsassociation.com | |

| CHAPTER NAME & POSITION | NAME | COMPANY |
|---|---|---|
| **NIAGARA** | | |
| President: | CHRIS JOLLIFFE, B.Sc.,CIP,CFEI | Leading Edge Claims Services Fonthill |
| Past-President | BOB MCCORD, FCIP, CFEI, CRM | Leading Edge Claims Services Fonthill |
| Vice-President: | CHAUSSIE LAWSON | Portage Mutual Insurance |
| Treasurer: | BRIAN HORNYAK | Portage Mutual Insurance |
| Secretary: | AVERY EDGE | Leading Edge Claims Services |
| Director: | JEFF EDGE, CIP, CFEI | Leading Edge Claims Services Fonthill |
| Director: | MIKE RAGONA | Sedgwick |
| Chapter Delegate: | ROB FIORIDO, CIPm | Portage Mutual Insurance |
| Website: | www.oiaaniagara.com | |
| **NORTHERN** | | |
| President | BLAIR BOILARD, CIP, CFEI | Crawford & Company Canada Inc. Elliot Lake |
| Vice-President: | IAN JOHNSON | Claims Pro Inc. |
| Treasurer: | GREG MCAULEY | The Co-operators Sault Ste. Marie |
| Secretary: | TBD | |
| Director: | DAVID K. MARSHALL | Crawford & Company Canada Inc. Sault Ste. Marie |
| Director: | JESSE VERMETTE | Crawford and Company: Kapuskasing |
| Director: | AMI LOWE | Claims Pro Inc. Sudbury |
| Director | BOB PALANGIO B.ED. B.SC. | Optimum Insurance Company- North Bay |
| Chapter Delegate: | DAN ROSS | Northern Ontario Adjusters |
| **OTTAWA** | | |
| President | PABLO BALDIZON | ClaimsPro |
| Vice-President: | MICHELLE RANDALL | ClaimsPro |
| Treasurer: | RYAN PETRIE | McLarens Canada |
| Director: | CONOR MARCOUX | Crawford |
| Past-President: | MARGARET MACKENZIE | Definity |
| Chapter Delegate: | RITESH MAHAJAN | Sedgwick Claims |
| Website: | www.ovaa.ca | |
| **THOUSAND ISLANDS** | | |
| President | DUNCAN SOUTHALL | PCA Adjusters |
| Vice-President: | TERRY DOHERTY | Aviva |
| Treasurer: | ALEX ROBINSON | L&A Mutual |
| Secretary: | SARAH TRENTADUE | Crawford & Co. |
| Director: | MATT GROVES | Bay of Quinte Mutual |
| Past President: | SHARI HAMILTON | PCA Adjusters |
| Chapter Delegate: | ERIN SHEARD | ClaimsPro |
| Website: | www.wearetiaa.com | |
| **THUNDER BAY** | | |
| President | ALISA HAINRICH, CIP | Wawanesa Mutual Ins. Co. |
| Vice-President: | FRANK CASTALDO | Intact |
| Treasurer: | LINDSEY JAWORSKI | ClaimsPro |
| Secretary: | LINDSEY JAWORSKI | ClaimsPro |
| Director: | DAVID KIRYCHUK, BA,CFEI | Crawford & Company (Canada) Inc. |
| Chapter Delegate: | CLAIRE RICHARDSON, BA, CIP | Sedgwick |
| Website: | www.oiaatbay.ca | |
| **WINDSOR** | | |
| President | WILLIAM HUMPHREY, BA, FCIP, CRM | Echelon Insurance |
| Vice-President: | PETER RIEDIGER, CIP | ClaimsPro Inc. |
| Treasurer: | ERNEST MASHINGADZIE MBA, CIP, ACS | ClaimsPro Inc. |
| Secretary: | TBD | |
| Director: | TBD | |
| Chapter Delegate: | PETER RIEDIGER, CIP | ClaimsPro Inc. |
| Website: | www.oiaawindsor.ca | |