

Decisions



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2020 Automobile Insurance Indexation Amounts

Purpose

This guidance publishes amounts related to auto insurance claims that are subject to indexation under the Insurance Act (“the Act”) and its regulations.

Scope

This guidance affects the auto insurance claims that are subject to indexation under the Act and its regulations.

Summary of Decision

The 2020 indexation percentage is 1.9%. This indexation percentage applies to:

- monetary thresholds and deductibles for determining non-pecuniary tort awards under the Insurance Act and O. Reg. 461/96, (Court Proceedings for Automobile Accidents that Occur on or after November 1, 1996)

- amounts that are required to be indexed pursuant to the:
 - Statutory Accident Benefits Schedule – Effective September 1, 2010 (“2010 SABS”);
 - Statutory Accident Benefits Schedule – Accidents on or After November 1, 1996 (“1996 SABS”); and,
 - Statutory Accident Benefits Schedule – Accidents after December 31, 1993 and before November 1, 1996 (“1993 SABS”).

Specific revised amounts based on the indexation percentage are set out in Appendix 1 (monetary thresholds and deductibles for determining non-pecuniary tort awards) and Appendix 2 (1993 SABS) to this decision.

Commentary

Legal Requirements for Publishing Amounts

Subsection 267.5 (8.5) of the Act requires the Chief Executive Officer of the Financial Services Regulatory Authority (“CEO”) to publish revised monetary thresholds for non-pecuniary tort awards in the Ontario Gazette before the 1st day of January of each year. Although there is no specified requirement to publish the revised deductibles, FSRA will also publish the revised deductibles along with the monetary thresholds as a service to stakeholders.

Subsections 268.1 (1) and 268.1 (3) of the Act require the CEO to publish annually in the Ontario Gazette the indexation percentage and revised monetary amounts for the purposes of the 1993 SABS, before the 1st day of January of each year after 1994.

Legal Requirements for Determining Indexation Percentage

Subsection 268.1 (2) of the Act determines the indexation percentage as the percentage change in the Consumer Price Index for Canada (All Items), as published by Statistics Canada under the authority of the Statistics Act (Canada), for the period from September in the year immediately preceding the previous year to September of the previous year.

Additional Information Provided

There is no legislative requirement to publish or post the indexation percentage for the 2010 SABS and 1996 SABS. Historically, the regulator has provided this information as a service to stakeholders and this ensures that all parties are using the appropriate percentage when calculating benefits that are eligible for indexation.

Effective Date and Future Review

This interpretation guidance becomes effective on January 1, 2020 and is reviewed annually.

Appendices and Reference

Appendices

- **Appendix 1:** 2020 Monetary Thresholds and Deductibles for Non-Pecuniary Tort Awards under the Insurance Act and Court Proceedings for Automobile Accidents that Occur on or after November 1, 1996 (O. Reg 461/96)
- **Appendix 2:** 2020 Indexation Percentage, Revised Deductibles and Monetary Amounts for Automobile Insurance under the Insurance Act and the 1993 SABS

References

[Optional Indexation Benefits Guideline](#) - The purpose of the *Optional Indexation Benefit Guideline* is to set out the procedures and formulas for indexation as referred to in section 29 of the 1996 SABS.

About FSRA

The Financial Services Regulatory Authority of Ontario (FSRA) is an independent regulatory agency created to improve consumer and pension plan beneficiary protections in Ontario.

FSRA was established to replace the Financial Services Commission of Ontario (FSCO) and the Deposit Insurance Corporation of Ontario (DICO). The agency is flexible, self-funded and designed to respond rapidly to an evolving commercial and consumer environment.

About this Guidance

This document is consistent with [FSRA's Guidance Approach](#). Regulatory decisions described in Decision guidance are made based on FSRA's legal authority and are not informal responses to specific inquiries.

Appendix 1: 2020 Monetary Thresholds and Deductibles for Non-Pecuniary Tort Awards under the Insurance Act and Court Proceedings for Automobile Accidents that Occur on or after November 1, 1996 (O. Reg. 461/96)

Monetary Thresholds in the case of damages for non-pecuniary loss from January 1, 2020 until December 31, 2020

Section reference in the Insurance Act	Description	Amount 2019	Amount 2020
267.5 (8.3)	Non-pecuniary loss	\$129,395.49	\$131,854.01
267.5 (8.4)	Actions under the Family Law Act	\$64,697.21	\$65,926.46

Deductible Amounts in the case of damages from January 1, 2020 until December 31, 2020

Section reference in Court Proceedings for Automobile Accidents That Occur on or after November 1, 1996 (O. Reg. 461/96)	Description	Amount 2019	Amount 2020
5.1 (1)	Non-pecuniary loss deductible	\$38,818.97	\$39,556.53
5.1 (2)	Family Law Act deductible	\$19,409.49	\$19,778.27

Appendix 2: Revised Deductibles and Monetary Amounts for Automobile Insurance under the Insurance Act and the Statutory Accident Benefits Schedule - Accidents after December 31, 1993 and before November 1, 1996 (1993 SABS)

Deductible Amounts

Section reference in the Insurance Act	Description	Amount 2019	Amount 2020
267.1 (8) 3	Non-pecuniary loss deductible	\$15,617.10	\$15,913.83
	Family Law Act deductible	\$7,808.57	\$7,956.94

Monetary Amounts

Section reference in the 1993 SABS	Description	Amount 2019	Amount 2020
10 (9)	maximum weekly income replacement benefit **	\$1,575.93	\$1,605.87
15 (5)	average Weekly Earnings for Ontario	\$1,017.96	\$1,038.39
16 (1) (a)	lump sum benefit for each year of elementary school	\$3,151.78	\$3,211.67
16 (1) (b)	lump sum benefit for each year of secondary school**	\$6,303.59	\$6,423.35
	lump sum benefit for each semester of secondary school**	\$3,151.78	\$3,211.67
16 (1) (c)	lump sum benefit for each year of post-secondary school**	\$12,607.19	\$12,846.73

	lump sum benefit for each semester of post-secondary school**	\$6,303.69	\$6,423.35
18 (5)	weekly caregiver benefit for first person	\$393.96	\$401.45
	weekly caregiver benefit for each additional person	\$78.74	\$80.23
28 (4)	maximum weekly loss of earning capacity benefit	\$1,575.93	\$1,605.87
32 (5)	maximum sum of weekly loss of earning capacity benefit and weekly supplement	\$1,575.93	\$1,605.87
46 (1)	maximum limit on supplementary medical benefits and rehabilitation	\$1,575,896.20	\$1,605,838.23
47 (4)	maximum monthly attendant care benefit (all insureds)	\$4,727.69	\$4,817.52

47 (5)	maximum monthly attendant care benefit (catastrophic injuries)	\$9,455.38	\$9,635.03
47 (6)	maximum monthly attendant care benefit (multiple, catastrophic injuries)	\$15,758.95	\$16,058.37
47 (7)	maximum monthly attendant care benefit (severe brain injuries with violent behaviour)	\$15,758.95	\$16,058.37
50 (6)	hourly rate for personal attendant care (when using Form 1)	\$13.79	\$14.05
	hourly rate for skilled attendant care (when using Form 1)	\$22.05	\$22.47
51 (1) (b)	death benefit to spouse where insured would not have qualified for income replacement benefits	\$78,794.79	\$80,291.89
51 (4) (a)	death benefit to dependant	\$15,758.95	\$16,058.37

51 (4) (b)	death benefit to former spouse	\$15,758.95	\$16,058.37
51 (5)	death benefit where insured was a dependent	\$15,758.95	\$16,058.37
51 (8)	minimum death benefit to spouse	\$78,794.79	\$80,291.89
	maximum death benefit to spouse	\$315,179.24	\$321,167.64
52 (2)	funeral benefit	\$9,455.38	\$9,635.03
54 (4)	weekly dependant care expenses for first dependant	\$118.19	\$120.43
	weekly dependant care expenses for each additional dependant	\$39.42	\$40.16
54 (5)	maximum for weekly dependant care expenses	\$236.38	\$240.87

**The CEO continues to index these amounts as required by law but some indexed amounts, as specified by a double asterisk in the chart, may no longer be relevant in certain cases. Please refer to the specific provisions in the 1993 SABS to determine if these indexed amounts apply to your situation.

December 20, 2019