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Implementing Bill 59: 'Protected defendant' undertaking to Ontario by out-of-province insurers



Bulletin

No. A-09/96
– Auto
Property & Casualty

FSRA is actively reviewing all FSCO regulatory direction, including but not limited to forms, guidelines and FAQs.

Until FSRA issues new regulatory direction, all existing regulatory direction remains in force.

[bulletinToTheAttentionOf]

To the attention of all insurance companies licensed to transact automobile insurance in Ontario

The Ontario Insurance Commission (OIC) is introducing a new form for out-of-province insurers that are not licensed to undertake automobile insurance in Ontario. This form, code numbered UF-2, is attached and will be used by out-of province insurers if they want to file an undertaking to gain the "protected defendant" status set out in *Bill 59, the Automobile Insurance Rate Stability Act, 1996*. The relevant provisions are sections 226.1 and 267.5 of the Ontario *Insurance Act*.

Should an out-of-province insurance company file the Ontario protected defendant undertaking with the OIC, the owner/occupants of an automobile that is insured with that company will be entitled to certain protections, in the event of an incident in Ontario, from liability for income loss and loss of earning capacity, health care expenses, and non-pecuniary loss.

The undertaking is effective on receipt of the executed document by the OIC. **November 1, 1996** is the proclamation date of *Bill 59*. To accommodate the transition to *Bill 59*, the OIC will consider undertakings executed after November 1, 1996 to have an effective date of November 1, 1996 **if the OIC receives the undertaking on or before December 31, 1996.**

Out-of-province insurers should note that the protected defendant undertaking with Ontario is in addition to the "Power of Attorney and Undertaking" (PAU) that they may have filed with the British Columbia Superintendent of Insurance who accepts it on behalf of the Canadian jurisdictions.

There is also an undertaking form, code numbered UF-1, under section 263 of the Ontario *Insurance Act* dealing with the Direct Compensation - Property Damage Coverage. That form was released with OIC

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Bulletin No. 27/93, and is also attached for your information.

Out-of-province insurers are urged to file these undertakings immediately.

Out-of-province insurance companies wishing to file an undertaking with the Province of Ontario should send a signed form to:

Ontario Insurance Commission
Licensing and Examinations Branch
5160 Yonge Street, Box 85
North York, Ontario
CANADA M2N 6L9

If additional copies of the forms are required, please fax your request to the Administrative Officer, Public Affairs, Corporate Operations, OIC, at (416) 590-7070. The forms can also be obtained from the Ontario Insurance Commission Home Page after November 1, 1996 at: www.gov.on.ca

Insurers interested in the PAU, which relates to all Canadian jurisdictions including Ontario, should contact the Financial Institutions Commission, Ministry of Finance and Corporate Relations, 1900-1050 West Pender Street, Vancouver, British Columbia, Canada V6E 3S7. The phone number is (604) 660-2947; fax (604) 660-3170.

The OIC urges Ontario's licensed insurers to inform their affiliates in other Canadian jurisdictions and the United States of America of the contents of this Bulletin.

D. Blair Tully
Commissioner
October 18, 1996

Attachments (PDF):

- [Direct Compensation - Property Damage Undertaking](#)
- [Protected Defendant Undertaking](#)

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