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July 15, 2021

Acquired Brain Injury Survivor Solutions (ABISS)
PO Box 1650
Wingham ON N0G 2W0

Dear Members of ABISS,

Thank you for your letter dated June 26, 2021 regarding your difficult experiences with Ontario's auto insurance system. I am responding on behalf of Mark White and including colleagues from the Ministry of Finance.

Ensuring financial fairness, safety and choice for consumers are the foundation of FSRA's work¹. FSRA is grateful to have met with ABISS early in our mandate to help us understand some of the potential issues in the current auto insurance system and how it can be improved.

FSRA seeks out consumer and claimant voices to inform our work, especially relating to how insurer misconduct can be better identified, curbed, and sanctioned to protect the public interest. Some of these initiatives include:

- forming a Consumer Office,
- launching a Consumer Advisory Panel,
- issuing guidance on Fair Treatment of Consumers, and
- convening a Resident Reference Panel on Automotive Insurance in Ontario.

The panel's recommendations echo your observations that confidence in the system is low and that a more transparent, consumer-friendly system focused on timely recovery is needed.

¹ FSRA's use of the term consumer includes claimants unless noted otherwise.

FSRA has also undertaken work on a new rule defining unfair or deceptive acts or practices (UDAP). A section of the proposed UDAP rule deals with unfair claim handling practices by insurers. FSRA has the authority to take action against an insurer that commits a UDAP or does not comply with the law or our guidance. Claimants who believe they are treated unfairly in the claim process can report incidents to FSRA for investigation. The FSRA complaints portal is available for this purpose at the following URL: <https://www.fsrao.ca/consumers/auto-insurance/how-resolve-auto-insurance-complaint>.

The Ministry of Finance and FSRA recently concluded a joint consultation on Fraud & Abuse in auto insurance. Public input was requested on ways to sustainably reduce fraud and improve public confidence and safety. The consultation focuses on objective quantifications, consumer outcomes and managing fraud in a way that protects and advances consumers' interests.

Legislation or regulation changes to the auto insurance product or to rules of conduct in civil litigation are not within FSRA's purview. For those matters, we are forwarding your letter to our colleagues at the Ministry of Finance.

I hope that this letter answers your question about FSRA's ongoing work to understand and support consumer outcomes in the auto insurance sector.

Sincerely,

A handwritten signature in black ink, appearing to be 'Tim Bzowey', written in a cursive style.

Tim Bzowey
Executive Vice President
Auto/Insurance Products
M: 416-402-6671

Copy: Mark White, CEO, FSRA
Francisco Chinchon, Assistant Deputy Minister, Ministry of Finance