



FSCO A13-014423

BETWEEN:

VICENTE UMANA

Applicant

and

ROYAL & SUNALLIANCE INSURANCE COMPANY OF CANADA

Insurer

REASONS FOR DECISION

Before: Arbitrator Jeffrey Rogers

Heard: January 30, 2015, at the offices of the Financial Services Commission of Ontario in Toronto.

Appearances: Ms. Gina Nardella, solicitor for Royal & SunAlliance Insurance Company of Canada;
Clifford Singh, solicitor, seeking removal from the record;
No one appearing for Mr. Umana

Issues:

The issues in this hearing are:

1. Should this arbitration be dismissed because Mr. Umana has failed to participate?
2. Should an order be made removing Taylor, Steinberg & Barber Professional Corporation from the record as solicitors for Mr. Umana?

Result:

1. This arbitration is dismissed.
2. Taylor, Steinberg & Barber Professional Corporation's request for an order for removal from the record as solicitors for Mr. Umana is denied.

EVIDENCE AND ANALYSIS:

The Applicant, Vicente Umana, was injured in a motor vehicle accident on July 16, 2011. He applied for and received statutory accident benefits from Royal & SunAlliance Insurance Company of Canada ("Royal"), payable under the *Schedule*.¹ Royal disputed his entitlement to further claimed benefits. The parties were unable to resolve their disputes through mediation, and Mr. Umana applied for arbitration at the Financial Services Commission of Ontario under the *Insurance Act*, R.S.O. 1990, c.I.8, as amended.

A pre-hearing discussion was held on October 7, 2014. Mr. Umana did not attend. Mr. Clifford Singh from Taylor, Steinberg & Barber Professional Corporation, attended as Mr. Umana's solicitor of record. Mr. Singh advised that he had lost contact with his client. He confirmed that Mr. Umana's last known address was as indicated in the records of the Commission, and he indicated that he would be bringing a motion for an order for removal of his firm from the record.

I was satisfied that Mr. Umana was given proper notice of the pre-hearing. I proceeded with the pre-hearing and set this date for the hearing. In my pre-hearing report, I informed counsel that I would consider a motion for removal from the record today, if Mr. Umana was given notice at least 15 days in advance.

Mr. Singh attended today seeking removal from the record. Mr. Umana did not attend. The letter informing Mr. Umana of the request for removal was sent to Mr. Umana yesterday, by ordinary

¹ *The Statutory Accident Benefits Schedule - Effective September 1, 2010, Ontario Regulation 34/10, as amended.*

mail. I am not satisfied that Mr. Umana was given proper notice of the request. The request for removal is therefore denied.

I am satisfied that Mr. Umana was given proper notice of the hearing. He bears the onus of proving entitlement to the benefits claimed. No evidence having been tendered in support of his claims, this application is dismissed.

EXPENSES:

Royal did not seek its expenses of the arbitration.

Jeffrey Rogers
Arbitrator

February 23, 2015
Date



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and

ROYAL & SUNALLIANCE INSURANCE COMPANY OF CANADA

Insurer

ARBITRATION ORDER

Under section 282 of the *Insurance Act*, R.S.O. 1990, c.I.8, as amended, it is ordered that:

1. This arbitration is dismissed.
2. Taylor, Steinberg & Barber Professional Corporation's request for an order for removal from the record as solicitors for Mr. Umana is denied.

Jeffrey Rogers
Arbitrator

February 23, 2015

Date