



Citation: De Melo v. Unifund Assurance Company, 2022 ONLAT 18-006888/AABS

Licence Appeal Tribunal File Number: 18-006888/AABS

In the matter of an Application pursuant to subsection 280(2) of the *Insurance Act*, RSO 1990, c I.8., in relation to statutory accident benefits.

Between:

Nelia De Melo

Applicant

and

Unifund Assurance Company

Respondent

DECISION AND ORDER

ADJUDICATOR: Anita John

APPEARANCES:

For the Applicant: Nelia De Melo, Applicant
Ryan St. Aubin, Counsel

For the Respondent: Irene Rizzo, Adjuster
Geoffrey Keating, Counsel

Court Reporter: Prashan Thambipillai

HEARD: by Videoconference: July 25, 2022

REASONS FOR DECISION AND ORDER

BACKGROUND

- [1] The applicant was involved in an automobile accident on **September 30, 2012**, and sought benefits pursuant to the Statutory Accident Benefits Schedule - *Effective September 1, 2010*. The applicant was denied certain benefits by the respondent and submitted an application to the Licence Appeal Tribunal - Automobile Accident Benefits Service (“Tribunal”).

ISSUES IN DISPUTE

- [2] The issues in dispute were identified and agreed to as follows:

Income Replacement

- i. In the amount of \$270.78 weekly for Income Replacement Benefits from January 20, 2014 to present date and ongoing, submitted October 15, 2013, denied January 20, 2014.

Medical Rehabilitation

- ii. In the amount of \$4,035.28 for psychological services provided by Dr. Dan Dalton Psychology submitted February 12, 2014, denied February 25, 2014.
- iii. In the amount of \$1,055.60 for psychological services provided by Dr. Dan Dalton Psychology, submitted June 17, 2013, denied August 20, 2013.
- iv. In the amount of \$1,482.80 for psychological services provided by Dr. Dan Dalton Psychology, submitted October 21, 2013, denied October 31, 2013.
- v. In the amount of \$2,703.04 for chiropractic services provided by Multi Rehabilitation Services from February 26, 2015 to present date and ongoing, submitted February 26, 2015, denied April 30, 2015.
- vi. In the amount of \$5,618.00 for dental services provided by Dr. Kassabian, submitted March 23, 2015, denied April 2, 2015.
- vii. In the amount of \$74.57 for orthotics provided by Costco, submitted March 24, 2015, denied April 2, 2015.
- viii. In the amount of \$4,613.75 for psychological treatment recommended by Leanne Wagner submitted on October 21, 2018 and denied on November 13, 2018?

Housekeeping and Home Maintenance

- viii. In the amount of \$100.00 for housekeeping and home maintenance services provided by Cynthia Crawford and Alex MacInnis from September 30, 2012 to present date and ongoing, submitted October 15, 2015, denied October 31, 2015.

This issue was withdrawn at the videoconference hearing.

Other

- ix. In the amount of \$50.00 for a York University Transcript Expense, submitted March 23, 2015, denied May 2, 2015.
- x. In the amount of \$163.50 for cab fare and Metro pass, submitted October 15, 2013, denied October 15, 2013.
- xi. In the amount of \$70.00 for taxi expenses, submitted January 27, 2015, denied February 25, 2015.
- xii. In the amount of \$24.00 for TTC expenses, submitted January 27, 2015, denied February 25, 2015.
- xiii. In the amount of \$335.00 for fuel expenses, submitted January 27, 2015, denied February 25, 2015.
- xiv. In the amount of \$12.80 for parking expenses, submitted March 24, 2015, denied April 2, 2015.
- xv. In the amount of \$375.50 for TTC expenses, submitted March 24, 2015, denied April 2, 2015.
- xvi. In the amount of \$153.03 for fuel expenses, submitted March 24, 2015, denied April 2, 2015.
- xvii. Is the applicant entitled to interest on any overdue payment of benefits?

CONCLUSION

- [3] The parties have settled the issues in dispute on a full and final basis, the file is now closed.

ORDER

- [4] If the settlement falls through, either party may bring a motion or request a case conference to have the file re-opened.

Released: August 18, 2022

**Anita John
Adjudicator**