

# Appeal Options

*"We'll  
listen"*

- Independent review
- Small claims court
- Appraisal
- Rates appeal



**Manitoba  
Public Insurance**

## What you can expect from Manitoba Public Insurance...

We strive to treat all our customers fairly.

It's important to understand that your Autopac coverage has rules that go with it. Applying these rules helps ensure everyone is treated fairly and consistently.

Of course, not all situations are clear-cut, so sometimes we have to make judgement calls. You have a variety of appeal alternatives if you think the judgement call we've made isn't right.

### Appealing fault

The first line of appeal is informal and goes through your adjuster. You can ask your adjuster to reconsider your case. And, you're entitled to an explanation of why they assessed you at fault. Also, if necessary, you can ask the service centre supervisor/manager to review your case.

If you're still unsatisfied with a liability assessment, you can speak with one of our customer relations officers about it (you can reach them by calling the Autopac Line).

Finally, there are two formal, external appeal options: **independent review** and **small claims court**. Here's how they work:

#### **Independent review**

For \$25, you can apply for independent review by a retired Manitoba judge.

You have to apply for the review within 30 days of receiving your adjuster's assessment of who was at fault. Your adjuster will give you the application form.

On the application, you get to give your version of events and to explain why you think our assessment was wrong.

Once you've sent in your application and payment, we'll submit all the facts of your case to the independent reviewer. The reviewer looks at all the evidence and gives a written opinion that either upholds or changes your adjuster's assessment. Either way, you'll get a copy of the reviewer's opinion.

You get your \$25 back if the reviewer holds you less at fault than your adjuster did. For example, if we assessed you 100% responsible but the reviewer changes that to 75%, you get your \$25 back.

**Independent review is not available for:**

- **Single vehicle accidents. *The Highway Traffic Act* says that drivers are automatically at fault for single vehicle accidents unless they can prove otherwise.**
- **Accidents involving motorists who have no Basic Autopac Coverage or who have breached their Basic Autopac Coverage.**
- **Accidents involving motorists insured outside Manitoba.**

## **Small claims court**

The courts have the final say over who was at fault. Even if you've had the retired judge review your case, you can still go through the courts for a final decision.

Small claims court is sometimes called “the people’s court” because it’s more informal than higher courts. You don’t need a lawyer to make your case. Here are a few things you need to know about the process:

- You have two years from the collision date to take your case to court.
- You can sue for your out-of-pocket expenses, such as your deductible, up to \$10,000. Or, you can ask the court just to decide who was at fault, without even suing for an amount.
- If you’re suing for \$5,000 or less, the fee to file your claim is \$50. If you’re suing for more than \$5,000, the fee to file your claim is \$75. Small claims court hearings are available throughout the province. Call the number listed below for more information.
- You sue whomever you believe caused the collision—you’re the plaintiff and the other party is the defendant.
- You have to accurately identify the party you’re suing. That means you have to make sure you have the other party’s name and address exactly right. Then, you have to “serve” the other party with a copy of the statement of claim form—handing it to the other party probably is best.
- Try to put together your case logically and clearly—it may help you convince the judge.
- We’ll accept the court’s decision, but either side can appeal the decision within 30 days.
- Call 204-945-3138 for more information.

## **Disagreements over repairs or settlement amounts**

If you think we haven't allowed enough repairs, or the right repairs, or if you think we've undervalued your vehicle, you have two options.

The first step is talking things over with one of the service centre supervisors—either the estimating supervisor for disagreements over repairs or your adjuster's supervisor for disagreements over vehicle value.

If we can't work out the problem, you can put your case in the hands of an independent representative and we'll do the same. Then, the two representatives decide what the repairs or the settlement should be. This is called appraisal.

Please remember, appraisal is for a disagreement over something your insurance covers—not to claim something your insurance doesn't cover. For example, you can't use appraisal to have your insurance pay for rust, because your insurance doesn't cover rust.

Or, if we refused your claim because you broke the terms and conditions of your insurance, you can't use appraisal to dispute it. To dispute it, you must go to court.

## **The steps for appraisal:**

- 1) You must indicate the amount you want to settle for on a proof of loss form, provided to you by your adjuster.
- 2) If Manitoba Public Insurance rejects your offer of settlement, you can then choose an independent vehicle appraiser. Send your appraiser's name, address and phone number to your adjuster by registered mail. We will send our appraiser's name to you by registered mail within five days of receiving your letter. You're best off choosing someone experienced in estimating repairs or valuing vehicles (such as a professional vehicle appraiser) as your appraiser. Your adjuster can give you a list of reputable independent appraisers if you don't know anyone who can act for you.
- 3) The appraisers then try to agree on your vehicle's value or the repairs that are needed. If they agree, both you and Manitoba Public Insurance must accept the decision.
- 4) If the appraisers don't agree, they select a third independent appraiser, known as an umpire, whose decision is final and binding on both parties. If the appraisers can't agree on the choice of an umpire, the courts will name one.

What does all this cost? You'll need to pay your representative's fee. Typically, this fee is about \$200, but it may be more, depending on whom you hire. Ask how much the fee is before hiring someone.

Also, if your case goes to an umpire, you have to share the cost of the umpire with us equally.

Sometimes appraisal takes a while to finish. If your vehicle is a total loss, we realize you may need money quickly to buy another one. To help out, your adjuster can give you a settlement advance while your claim is in appraisal (provided your vehicle is un-drivable and it's in our possession). The advance will equal how much we believe your vehicle is worth. Then, if appraisal awards you a higher amount, we'll pay you the balance.

## **Injury claims**

If you were injured on or after March 1, 1994, a two-step appeal process is available: **review by Manitoba Public Insurance** and **review by a third-party organization**. (You can appeal a disagreement over your injury claim to the Court of Appeal, but only if the disagreement is with respect to a question of jurisdiction or of law, and only with leave obtained from a judge of the Court of Appeal). The first step of the appeal process is review by Manitoba Public Insurance.

### **Review by Manitoba Public Insurance**

Manitoba Public Insurance, has several review officers, separate from the claims department, to make sure you're being treated properly. They can change your case manager's decision if they believe it was incorrect.

One way or another, an internal review officer will write you to explain the reasons for his or her decision.

## **Review by a third-party organization**

If you disagree with the internal review officer's decision, you can then appeal to a review body outside Manitoba Public Insurance. It's called the Automobile Injury Compensation Appeal Commission (AICAC) and it operates completely separately from Manitoba Public Insurance. The Commission makes a final decision on your case.

Your case manager will give you the forms you need to file an appeal.

## **The Claimant Adviser Office**

If you're appealing to the Commission from an internal review officer's decision, the Claimant Adviser Office can help you. It operates independently of both Manitoba Public Insurance and AICAC, and its services are free.

Here's how to reach them:

### **Claimant Adviser Office**

#200-330 Portage Avenue

Winnipeg MB R3C 0C4

Phone: 204-945-7413

1-800-282-8069, ext. 7413 (Toll-Free)

1-800-855-0511 (Deaf Access Line TTY/TDD)

Fax: 204-948-3157

E-mail: [cao@gov.mb.ca](mailto:cao@gov.mb.ca)

Hours: 8:30 a.m. to 4:30 p.m. Monday to Friday

## **Appealing additional premiums on your driver's licence**

Your driver's licence fees include an insurance premium. But you'll pay additional driver premiums on your driver's licence for:

- at-fault accidents; and
- traffic convictions.

You can appeal additional driver premiums from demerit points through the Rates Appeal Board (RAB). The RAB operates independently from Manitoba Public Insurance.

You can appeal if you think the additional driver premium is too harsh or if you think we've got the facts wrong. You must receive the notice of additional driver premium *before* you can appeal. Also, the RAB decides only if the additional driver premium should stand. It has no say over your position on the Driver Safety Rating (DSR) scale. To appeal your position on the DSR scale, you have to appeal the at-fault accident or conviction that resulted in demerits. To appeal an at-fault accident, you should consider an independent review or small claims court.

You can appeal convictions *from outside Manitoba only*. Your only grounds for appeal are that demerit points were put on your licence incorrectly.

To appeal through the RAB, call 985-7071. You pay \$10 to start your appeal. If your appeal is successful, you get your \$10 back. But if it's not, you'll have to pay another \$25 for making the appeal.

### **Who else can give you answers?**

Our Call Centre staff can answer most questions about your Autopac insurance or even claims issues. If your question is more complex, they can put you in touch with one of our customer relations officers who can research it in more detail.

An important outside agency to know about is the **Manitoba Ombudsman**. The Ombudsman can investigate complaints about any Manitoba government department or agency, including Manitoba Public Insurance. You can reach the Ombudsman at 204-982-9130.

## Where can I go for more information?

For more information on appeals, ask your adjuster.

### Or call us:

- In Winnipeg: 985-7000
- Outside Winnipeg: 1-800-665-2410
- Deaf Access   
TTY/TDD: 985-8832

### Hours to call:

- Monday to Friday:  
7:00 am - 9:00 pm
- Saturday:  
8:30 am - 4:00 pm

**You can  
also write:**

**Manitoba Public  
Insurance  
P.O. Box 6300  
234 Donald Street  
Winnipeg MB  
R3C 4A4**

This publication is also available in large print, audio tape or braille on request.

The information contained in this brochure is of a broad, general nature. *The Manitoba Public Insurance Corporation Act, The Highway Traffic Act, The Drivers and Vehicles Act* and their accompanying Regulations should be consulted for interpretation and application of the law.



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