



Civil Resolution Tribunal

Date Issued: December 14, 2022

File: VI-2022-000975

Type: Motor Vehicle Injury

Category: Accident Benefits

Civil Resolution Tribunal

Indexed as: *Gill v. ICBC*, 2022 BCCRT 1338

BETWEEN:

AMRITDEEP KAUR CRYSTAL GILL

APPLICANT

AND:

INSURANCE CORPORATION OF BRITISH COLUMBIA

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Andrea Ritchie, Vice Chair

INTRODUCTION

1. This dispute is about entitlement to accident benefits under Part 7 of the *Insurance (Vehicle) Regulation* (IVR). The applicant, Amritdeep Kaur Crystal Gill, was involved in a motor vehicle accident on February 7, 2020 in Surrey, British Columbia. The

applicant says they were injured in the accident and asks for a decision about their entitlement to medical benefits. They say they paid for 5 physiotherapy sessions at \$39 each, 2 chiropractic sessions at \$73 each, \$53 for a chiropractic x-ray, and \$40 for a specialized seat cushion.

2. The respondent, Insurance Corporation of British Columbia, is an insurer that administers accident benefits under Part 7 of the IVR (also known as Part 7 benefits). The respondent says it has funded all recommended treatment that it received receipts for in compliance with section 88.01 of the IVR.
3. The applicant is self-represented. The respondent is represented by an authorized employee.

JURISDICTION AND PROCEDURE

4. These are the formal written reasons of the Civil Resolution Tribunal (CRT). The CRT has jurisdiction over accident claims brought under section 133 of the *Civil Resolution Tribunal Act* (CRTA). Section 133(1)(a) of the CRTA gives the CRT jurisdiction over the determination of entitlement to accident benefits.
5. Section 2 of the CRTA states that the CRT's mandate is to provide dispute resolution services accessibly, quickly, economically, informally, and flexibly. In resolving disputes, the CRT must apply principles of law and fairness, and recognize any relationships between parties to a dispute that will likely continue after the dispute resolution process has ended.
6. Section 39 of the CRTA says that the CRT has discretion to decide the format of the hearing, including by writing, telephone, videoconferencing, email, or a combination of these. Here, I find that I am properly able to assess and weigh the documentary evidence and submissions before me. Further, bearing in mind the CRT's mandate that includes proportionality and a speedy resolution of disputes, I find that an oral hearing is not necessary in the interests of justice.

7. Section 42 of the CRTA says that the CRT may accept as evidence information that it considers relevant, necessary and appropriate, whether or not the information would be admissible in a court of law. The CRT may also ask questions of the parties and witnesses and inform itself in any other way it considers appropriate.

ISSUE

8. The issue in this dispute is to what extent, if any, the applicant is entitled to the claimed medical benefits under Part 7 of the IVR.

BACKGROUND, EVIDENCE AND ANALYSIS

9. In a civil claim such as this, the applicant must prove their claim on a balance of probabilities, meaning “more likely than not”. While I have read all of the parties’ evidence and submissions, I have only addressed the evidence and arguments to the extent necessary to explain my decision. I note the applicant did not provide any evidence or submissions in this dispute outside of the Dispute Notice that started this proceeding, despite the opportunity to do so.
10. As noted, the applicant was involved in a motor vehicle accident on February 7, 2020. It is undisputed the applicant was injured as a result of the accident and underwent various treatment, including physiotherapy and chiropractic sessions.
11. In the Dispute Notice, the applicant says they suffer from significant and chronic pain, most significantly in their tailbone and pelvic area, which has been ongoing for over 2 years. As noted, the applicant claims reimbursement of \$434 for 5 physiotherapy sessions, 2 chiropractic treatments, a chiropractic x-ray, and a specialized seat cushion. The applicant also stated their “condition is difficult to treat” and that they need “further assessments and additional treatments”.
12. As noted, the applicant did not provide any submissions or evidence in support of their claim. This means that although the applicant says they need further assessments and treatments, they did not explain what assessments or treatments

are recommended or required. Similarly, the applicant provided no evidence supporting their claimed expenses for medical treatment or products purchased. Parties are told during the CRT process to submit all relevant evidence and there is no explanation for the applicant's failure to submit any.

13. The respondent says it has already fully funded 28 physiotherapy sessions, 20 chiropractic sessions, 1 acupuncture treatment, and 6 massage therapy sessions. It says it has funded all requested treatment. The respondent further says that under section 88.01 of the IVR, an insured must provide receipts for expenses within 60 days of incurring them, or the respondent is not required to compensate the insured for the expenses.
14. The respondent submitted medical evidence it had on file, which is all from 2020. There are no medical reports or other evidence that indicate any recommendation for the applicant to undergo any further treatment or assessments. Additionally, there are no receipts in evidence, within 60 days, or at all.
15. The applicant has the responsibility of proving their claim for entitlement to Part 7 benefits, and I find they have failed to do so. I dismiss the applicant's claim.

FEES, EXPENSES AND INTEREST

16. Under section 49 of the CRTA, and the CRT rules, a successful party is generally entitled to the recovery of their tribunal fees and dispute-related expenses. The respondent was successful, so I find the applicant must reimburse it \$25 in paid tribunal fees. No dispute-related expenses were claimed.

ORDERS

17. Within 21 days of the date of this decision, I order the applicant to pay the respondent a total of \$25 as reimbursement of tribunal fees.
18. The respondent is also entitled to post-judgment interest under the *Court Order Interest Act*.

19. The applicant's claims are dismissed.

20. Under section 57 and 58 of the CRTA, a validated copy of the CRT's order can be enforced through the Supreme Court of British Columbia or the Provincial Court of British Columbia if it is under \$35,000. Once filed, a CRT order has the same force and effect as an order of the court that it is filed in.

Andrea Ritchie, Vice Chair