



Civil Resolution Tribunal

Date Issued: September 23, 2025

File: AB-2024-002550

Type: Accident Claims

Category: Accident Benefits

Civil Resolution Tribunal

Indexed as: *Liu v. ICBC*, 2025 BCCRT 1336

BETWEEN:

LAN LIU

APPLICANT

AND:

INSURANCE CORPORATION OF BRITISH COLUMBIA

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Amanda Binnie

INTRODUCTION

1. This dispute is about entitlement to healthcare and rehabilitation benefits.
2. On March 13, 2023, the applicant, Lan Liu, was in a motor vehicle accident. Ms. Liu says she was injured in the accident, and those injuries cause ongoing restrictions

to her work and household tasks. Ms. Liu says the respondent insurer, Insurance Corporation of British Columbia (ICBC), paid for initial treatment, but has refused to fund further, still necessary treatment. Ms. Liu claims an unspecified number of further massage therapy and acupuncture treatments.

3. ICBC says it has funded 266 treatments for Ms. Liu. ICBC says it has met its requirements to fund treatment under the *Insurance (Vehicle) Act* (IVA). It argues Ms. Liu has not proven that further treatment is necessary under *Enhanced Accident Benefits Regulation* (EABR) section 19. ICBC asks that I dismiss Ms. Liu's claims.
4. Ms. Liu is self-represented. ICBC is represented by an authorized employee.

JURISDICTION AND PROCEDURE

5. These are the formal written reasons of the Civil Resolution Tribunal (CRT). The CRT has jurisdiction over accident claims brought under *Civil Resolution Tribunal Act* (CRTA) section 133. CRTA section 133(1)(a) gives the CRT jurisdiction over the determination of entitlement to accident benefits.
6. CRTA section 2 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.
7. CRTA section 39 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.

8. CRTA section 42 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 court. The CRT may also ask questions of the parties and witnesses and inform itself in any other way it considers appropriate.

ICBC's conduct and the legislation

9. Ms. Liu makes comments in her submissions about ICBC's conduct throughout her claim. However, my jurisdiction under the CRT's accident benefit jurisdiction is narrow, and I can only address Ms. Liu's entitlement to accident benefits. See: *Oloumi v. ICBC*, 2022 BCCRT 1342. So, I do not address these complaints further in my decision.

Ms. Liu's evidence

10. Initially, I was unable to open any of Ms. Liu's evidence. Through CRT staff, I asked Ms. Liu to resubmit her evidence and to give ICBC time to comment on it. However, despite being given the opportunity, ICBC did not provide any further submissions. As ICBC was given the opportunity to make submissions, I find it is procedurally fair for me to consider Ms. Liu's evidence and have done so in making my decision.

ISSUE

11. The issue in this dispute is what, if any, is Ms. Liu's entitlement to further healthcare and rehabilitation benefits?

BACKGROUND, EVIDENCE AND ANALYSIS

12. In a civil claim such as this, Ms. Liu, as the applicant, must prove her claims 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.

13. At the time of the accident, Ms. Liu was employed as a registered massage therapist.
14. The parties agree that Ms. Liu was injured in the accident. Ms. Liu's general practitioner, Dr. Edward Lum, diagnosed Ms. Liu with neck and back muscular strains. Ms. Liu says she suffered reduced range of motion in her neck, shoulders, and lower back.
15. Ms. Liu also complained of numbness and weakness in her right hand, as well as brain fog and memory loss. The diagnoses of the injuries causing these symptoms are unclear on the evidence. However, I find the more recent medical evidence, including treatment records, show Ms. Liu's main ongoing issues are lower back pain and right shoulder pain. As these are the injuries she is seeking treatment for, I find it unnecessary to precisely determine Ms. Liu's diagnoses for her other symptoms.
16. It is undisputed that ICBC has funded significant treatment for Ms. Liu. ICBC has funded 266 treatments, which is 34 acupuncture session, 54 counselling sessions, 68 kinesiology sessions, 40 massage therapy sessions, 8 occupational therapy sessions, 43 physiotherapy sessions, and 11 doctor's visits.
17. Ms. Liu relies on notes from Dr. Lum, from June 2023 to March 2025, as well as letters from her treatment providers recommending further massage therapy and acupuncture. Relying on those letters, which I return to below, Ms. Liu argues she is entitled to further acupuncture and massage therapy.
18. ICBC relies on the December 12, 2023 comprehensive medical assessment of Dr. Graham Struthers and physiotherapist Bobby Sidhu. In that report, Dr. Struthers does not recommend further passive treatments, except for some time-limited massage treatment. As ICBC undisputedly funded the 8 weeks of treatment Dr. Struthers recommended, it argues that Ms. Liu is not entitled to further massage therapy or acupuncture.

19. ICBC continued to fund physiotherapy and kinesiology until at least March 2025, and counseling until June 2025. It is unclear to me whether Ms. Liu attended treatment after this point or is currently attending treatment.

Is Ms. Liu entitled to further healthcare and rehabilitation benefits?

20. IVA section 123 and EABR section 19 together say that an insured is entitled to the payment or reimbursement of reasonable expenses incurred for health care services that are provided to facilitate the insured's recovery from bodily injury or to address a decline in the insured's physical or mental function because of their bodily injury.

21. As I note above, Ms. Liu seeks further acupuncture and massage therapy. She relies on Dr. Lum's notes and letters from the following treatment providers:

- a. kinesiologist Cheryl Yip, undated,
- b. occupational therapist Joe Tse, April 11, 2024,
- c. registered massage therapist Joe Tse, undated,
- d. physiotherapist Binita Agarwal, April 3, 2025,
- e. counsellor Jill Sweetable, April 6, 2025, and
- f. acupuncturist Luke Cao, March 25, 2025.

22. ICBC argues that Ms. Liu has not proven that further massage therapy or acupuncture will facilitate a recovery or address a functional decline, as required by EABR section 19.

23. More specifically, ICBC argues Dr. Lum's notes do not explain how further acupuncture and massage therapy treatments will facilitate Ms. Liu's recovery. However, ICBC does not address Ms. Liu's letters from her treatment providers. Instead, ICBC argues that Dr. Struthers has not recommended further passive

treatment. So, on that basis, Ms. Liu is not entitled to further massage therapy or acupuncture.

24. I accept Dr. Struther's report says that massage therapy and acupuncture are "passive treatments". However, I do not accept ICBC's overall interpretation of Dr. Struthers' report. Dr. Struthers stated a preference for massage therapy, and found acupuncture would not have any additional benefit for Ms. Liu.
25. However, Dr. Struthers did not say that Ms. Liu only required 8 weeks of sessions, he said it "should suffice". Further, I find Dr. Struthers' report acknowledged that passive treatments *could* have a limited role for symptom management. Finally, Dr. Struthers' report is dated, and does not reflect the reality that Ms. Liu continues to have ongoing symptoms from her accident injuries. I find the medical evidence shows Ms. Liu has ongoing symptoms into 2025, beyond Dr. Struthers' expected recovery.
26. I agree with ICBC that Dr. Lum's notes do not say how further acupuncture and massage therapy would assist with Ms. Liu's recovery. However, I find that, taken together, Ms. Liu's letters from her treatment providers show that massage therapy addresses lower back spasms and right shoulder symptoms.
27. Ms. Liu's lower back symptoms affect her ability to stand, which is required for her work, and to do household chores. Similarly, her treatment records show her right shoulder symptoms affect her ability to do certain types of massage, and result in overuse of her left side to compensate. Given the physical nature of Ms. Liu's job, I find these are both functional declines that massage therapy addresses.
28. So, I find Ms. Liu is entitled to further massage therapy treatment. Based on her massage therapist's previous treatment plans, I find it appropriate to order ICBC to fund a further 12 treatments.
29. To be clear, this is not all the treatment I find Ms. Liu is entitled to. Once Ms. Liu has finished the treatment I have ordered, ICBC will be required to consider Ms. Liu's entitlement to further treatment.

30. However, I find Ms. Liu's treatment providers' recommendation for acupuncture is not similarly supported. Ms. Liu does not say, separate from massage therapy, which functional decline acupuncture addresses. Dr. Struthers does not recommend further acupuncture. So, I find Ms. Liu has not proven entitlement to further acupuncture and I dismiss this part of her claim.

FEES AND EXPENSES

31. Under CRTA section 49, and the CRT rules, a successful party is generally entitled to the recovery of their tribunal fees and dispute-related expenses. As the parties were each partially successful, I find they are entitled to reimbursement of half their paid CRT fees. So, I find Ms. Liu is entitled to a net reimbursement of \$50 in paid CRT fees.
32. Ms. Liu claims \$250 for a letter from counsellor Jill Sweetable. However, while Jill Sweetable's letter mentions the stress caused by ICBC's refusal to fund treatment, I do not find it relevant in determining whether Ms. Liu is entitled to further treatment. In any event, I find that as a counsellor, Jill Sweetable would likely not be qualified to provide such a recommendation. So, I dismiss Ms. Liu's claim for reimbursement of \$250.

ORDERS

33. I order ICBC to fund a further 12 massage therapy treatments.
34. Within 30 days of the date of this decision, I order ICBC to pay Ms. Liu \$50 in CRT fees.
35. Ms. Liu is also entitled to post-judgment interest under the *Court Order Interest Act*.
36. I dismiss Ms. Liu's remaining claims.
37. This is a validated decision and order. Under CRTA sections 57 and 58, 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.

Amanda Binnie, Tribunal Member