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A Hammerberg Lawyers LLP service

civil resolution tribunal (CRT)

Q & A

PERSONAL INJURY | ESTATE LITIGATION | PRODUCT LIABILITY | INSURANCE DENIALS

Introduction

We have prepared this Q & A to help claimants navigate the recent changes at ICBC. We are committed to providing guidance for our clients and we will continue to offer free consultations to determine whether we can add value to your claim. If you have any further questions, we invite you to get in touch.

Is the CRT the same as court?

The CRT is an administrative tribunal, not a court. As of April 1, 2019, the CRT has jurisdiction over many motor vehicle injury disputes, and can make decisions relating to your claim.

Does the CRT have jurisdiction over my claim?

If you have been in a motor vehicle accident after April 1, 2019, and you have “minor” injuries, the CRT has exclusive jurisdiction to hear your claims.

Do I need a lawyer to represent me at the CRT?

No, but you do have a right to representation. The CRT can be navigated alone, as this is an entirely online-based tribunal, and is intended to be user friendly. If you have questions about your claim, or would like representation, please contact us for a free consultation.

How long do I have to start my claim?

2 years from the date of the accident. It is best practice to consult with a lawyer well in advance of this date.

What is a “minor” injury?

“Minor injury” is not a medical definition, it is a legal definition. It means injuries that resolve within 12 months, and that do not affect your activities of daily living or work. Some of these injuries include concussion, pain syndromes and whiplash. For a more specific analysis of whether your injuries are “minor”, please consult with one of our lawyers.

Who determines if my injuries are “minor”?

The CRT has exclusive jurisdiction to make minor injury determinations.

How much is the “cap” on minor injuries?

The cap on the award for pain and suffering is \$5,500. There are other heads of damage not subject to the cap, such as lost wages. If you have missed significant time off work, please get in touch with us to evaluate your claim.

Do I need to follow my doctor’s treatment recommendations?

Yes. If you do not follow these recommendations (ex. a referral to massage therapy) your injury may be deemed “minor” even if it is not. If you are unable to complete the recommended treatment, return to your doctor and ask for an alternative. It is also important to see your doctor as soon as possible after your accident, to assess your injuries and start a treatment program.

Am I pre-approved for any medical treatments?

Yes, you are automatically entitled to the following treatments:

Treatment	Number of Pre-Authorized Treatments
Acupuncture	12
Chiropractic	25
Chiropractic	12
Kinesiology	12
Massage Therapy	12
Physiotherapy	25
Psychology	12

How much will ICBC pay for my medical treatments?

ICBC will pay the following amounts, per treatment:

Treatment	Fee Limit for Standard Treatment
Acupuncture	\$88
Chiropractic	\$53
Chiropractic	\$120
Kinesiology	\$78
Massage Therapy	\$80
Physiotherapy	\$79
Psychology	\$195

If your treatment costs more than the above-noted fee limit, this “user fee” will not be paid by ICBC, nor will it be recoverable at trial as a special damage.

Do I need to use my private medical insurance?

If you do not use your private medical insurance to cover treatment costs, this potential amount will be subtracted from the amount you receive from ICBC. You will not benefit from avoiding use of your private insurance.

How long do I have to submit my receipts to ICBC?

You have 60 days to submit the receipts, but earlier is best.

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