

**INSTRUCTOR:**

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Senior Paralegal



**Here is what you will learn:**

- What are Part 7 benefits and who is eligible
- How to take a Part 7 claim out of ICBC's Low Velocity/Minimum Damage policy
- What invoices you can submit immediately and what are special damages
- How to get ICBC to pay for treatment
- What is the purpose and the limitations of an Independent Medical Examination
- Tricks for organizing the special damage file
- Everything you need to know about TTD benefits including what ICBC wants to know

**DESK REFERENCE MANUAL ON MANAGING PERSONAL INJURY FILES**

Drawing on the author's practical experience, this compact Desk Reference Manual provides a quick and convenient resource for handling all stages of a personal injury file. A valuable companion disk included in the Desk Reference Manual contains the digital version of the forms and checklists.

**LOCATION**

Law Courts Center  
150 - 840 Howe Street, Vancouver BC

**FOR MORE INFORMATION**

604.685.2727 or email: dom@lawcourtscenter.com

**COURSE REPORTING**

*This course in an elective in the Canadian Paralegal Institute Qualified Paralegal Program in Civil Litigation.*

*For your CPD, this course is 7.0 hours long with 1.0 hours devoted to ethics, professional responsibility, ethics, client care and relations. If you meet 70% of the course expectations, a Certificate of Completion is issued to you.*

**ON-LINE REGISTRATION ONLY**

- lawcourtscenter.com (for lawyers)
- canadianparalegalinstitute (for support staff)

**REGISTRATION FEES (HST INCLUDED)**

- Single Seat rate of \$548.80.
- Multi Seat rate of \$521.36 each (registered at the same time)
- Send me the Part 7 Benefits Desk Reference Manual \$252.00

**RESERVATIONS**

Please complete and return the form with a cheque.  
**Please make cheques payable to Law Courts Center.**  
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**MONEY BACK GUARANTEE IF NOT COMPLETELY SATISFIED!**



Law Courts Center  
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# PART 7 BENEFITS 101

This course will provide you with an understanding and a hands on practice in identifying the difference between Part 7 benefits and special damages and in calculating Total Temporary Disability (TTD) benefits.



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# PART 7 BENEFITS: A PRIMER

Administering Part 7 Benefits is often one of the key roles of support staff in a personal injury law firm. One of the keys to being able to interpret Part 7 is having an understanding of the terms and words used in Part 7.

## Eligibility for Part 7 Benefits

It is easier to identify the two main categories of persons who may not be eligible for Part 7 benefits than it is to identify those who may be eligible. These two categories are:

- someone who lives alone, does not own a vehicle, does not have a valid BC driver's licence and is struck by an out-of-province vehicle (all of these must be present), and;

- someone who is covered by the *Worker's Compensation Act* and is performing their occupation at the time of the accident (please note this is slightly more complicated in that both parties [the drivers of both vehicles] must be performing their employment at the time of the accident).

## Eligibility for TTD Benefits

A person is eligible to apply for TTD benefits if, on the day of the accident, they are either an "employed" person or a "homemaker".

1. An "employed" person is someone who:
  - is actively employed or actively engaged in an occupation for profit at the time of the accident, or;
  - has been employed or actively engaged in an occupation for profit in any 6 months during the 12 months immediately prior to the date of the accident.

2. A "homemaker" is any member of a household who does the majority of the housekeeping without receiving payment for same. TTD benefits for homemakers are a maximum of \$145.00 per week and are paid only for reasonable expenses incurred to hire a

person to perform the homemaker's chores. The person hired must not be a member of the homemaker's family.

## Total Disability

Total disability does not mean that the client is in Intensive Care at the hospital. It means that the client is substantially unable to do the acts or duties required in their employment or occupation. In the case of a homemaker, they must be unable to substantially do the housekeeping customarily done by the client.

## Rehabilitation

Rehabilitation is "the restoration, in the shortest practical time, of an injured person to the highest level of gainful employment or self-sufficiency that, allowing for the permanent effects of his injury is, with medical and vocational assistance, reasonably achievable by him." (Regs. S. 78).

## Mandatory Payments:

ICBC must pay all reasonable expenses in the following categories:

- Medical
- Surgical
- Dental
- Hospital
- Ambulance
- Professional nursing services
- Physical therapy (to a maximum of 12 visits without specific medical recommendation for extension)
- Chiropractic treatment
- Occupational therapy
- Speech therapy
- Prosthesis
- Orthosis

## Permissive Payments

ICBC may pay for other treatments or items not listed above on the recommendation of a medical advisor retained by ICBC to provide an opinion. The recommendation of the medical advisor must state that the provision of such a benefit is likely to promote the rehabilitation of the claimant. Often the recommendation of a treating specialist is sufficient. Some permissive

benefits may be:

- The purchase of one motor vehicle equipped as necessary. ICBC will allow one vehicle in the lifetime of the client.
- Construction costs to alter the residence of the client. Again once only.
- Attendant care is usually authorized for a specific, short time frame and limited to the lesser of either attendant care or the monthly cost of a group home.
- A wheelchair
- Medical bed
- Bowel and bladder equipment
- Aids for communication, such as a computer
- Other aids for dressing, eating, grooming and hygiene
- Transfer equipment
- A ventilator
- Vocational training

Most "permissive" benefits are designed for very seriously injured persons. These benefits are approved and paid on a case by case basis.

Remember, if your client's physician recommends extending physiotherapy or adding massage therapy or a psychological counsellor to their treatment plan, that request must come from the physician in writing. At any time during the rehabilitation process ICBC has the right to require your client to attend an "Independent Medical Examination" (IME) for the purpose of providing ICBC with an opinion on the rehabilitation requirements of the client. The parameters of an IME in the tort action are very different from those in the Part 7 claim. †

Reprinted from **Briefly!**

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“For many claimants, the receipt of Part 7 benefits is one of the most important aspects of their file. Learn to do it the right way by understanding the fundamentals!”