

## MOTOR VEHICLE ACCIDENTS (MVA) - FREQUENTLY ASKED QUESTIONS

### DAMAGE TO AUTOMOBILES

#### Scenario 1

Motor Vehicle Accidents involving a licensed Board owned automobile and another licensed automobile that is not owned by the Board (third party):

Q1 Who pays for the repairs?

A1 *Regardless whether the accident occurs on a public street or road or on private property such as a parking lot the Ontario Regulations mandates that each automobile owner/operator must deal with their own automobile insurer regardless of who is at fault for the accident.*

*Except in limited situations (loss transfer) there is no recovery from the at fault party's automobile insurer for amounts paid by the non at fault insurer.*

#### Scenario 2

An accident involving a Board owned vehicle that is not licensed for use on a public road such as tractors, riding lawn mowers that cause damage to another automobile that is not owned by the Board (third party):

Q1 Who pays for repairs?

A1 *The owner of the third party automobile should report the accident to their own automobile insurer to co-ordinate the repairs. If the third party insurance company feels that the Board is responsible they may attempt to recover the amount paid for repairs (subrogation) from the Board/OSBIE.*

*For damages to the Board owned vehicle the property policy would respond subject to the applicable property deductible.*

#### Scenario 3

An accident involving damage to an automobile not owned by the Board such as automobiles owned by school staff, visitors, parents and neighbours (third parties) caused by various student activities such as errant baseballs and other play equipment, the throwing of stones or rocks, collision with objects such as curb stones or protruding rebar and pot holes:

Q1 Who pays for repairs?

A1 *The owner of the third party automobile should report the accident to their own automobile insurer to co-ordinate the repairs. If the third party insurance company feels that the Board is responsible they may attempt to recover the amount paid for repairs (subrogation) from the Board/OSBIE.*

*OSBIE will investigate the circumstances of the incident to determine whether there was negligence. If so OSBIE will pay the claim. This situation is handled on a case by case basis.*

## **INJURIES TO STUDENTS CAUSED BY MOTOR VEHICLE ACCIDENTS**

### **Scenario**

Students may be exposed to an injury and subsequent medical expenses whilst:

- A passenger on a Board owned bus;
  - A passenger on a contracted bus (not owned or operated by the Board);
  - A passenger in a privately owned automobile travelling to and or from a school related event or activity;
- Being struck by an automobile when walking or cycling.

Q1 Who pays the student's medical expenses that are not covered by OHIP?

A1 *In accordance with Ontario Regulations any medical expenses not covered by OHIP must be claimed on the following basis of priority:*

- 1 *The personal automobile policy under which the student or the student's parents or the person on whom the student is financially dependent is insured.  
The parent/guardian of the injured student should report the accident to their own automobile insurer.*
- 2 *If the student does not have access to an automobile insurance policy through a parent/guardian or another person to whom they are financially dependent than the claim is made to the automobile insurer of the vehicle in which they were an occupant.*
- 3 *If there is no insurance available in the two preceding circumstances the student may claim their expenses from any of the automobile insurers of the automobiles involved in the accident regardless of fault.*
- 4 *If there is no insurance available in the three preceding circumstances than the student may claim benefits from the Motor Vehicle Accident Fund.*

