

▼ LAW

# Don't count on insurer to 'do right thing'

You've never caused a crash, nor been ticketed for speeding. You're a "road star". You've paid insurance on a vehicle for over 15 years.

Not only that, but you go all out when you buy insurance. You go way beyond the basic policy. Your liability insurance is \$3 million. You have replacement cost insurance on your vehicle along with all the bells and whistles.

If ICBC sells it, you've got it. Let's say you are stopped at a red light and some idiot smokes into the back of your vehicle. The next morning you wake up hardly able to move.

You see your doctor who tells you to stay away from work for at least a month. You are referred to physiotherapy and chiropractic care that will cost you \$200 per week.

A month without pay? \$800 per month of treat-



ACHIEVING JUSTICE

Paul Hergott

ment? Thank goodness you are so well insured!

Hold onto your sense of security.

All that expensive insurance won't do you a hint of good.

Pretty much anyone who has been injured in a crash in British Columbia, at fault or not at fault, is entitled to a minimal level of insurance benefits, regardless of whether or not that person has spent any money on insurance. Those benefits are often called "Part 7" benefits because the entitlement comes from Part 7 of the Insurance (Motor Vehicle) Act.

The income loss portion maxes out at \$300 per week. Reimburse-

ment for the cost of treatment does not include the "user fee," which can be approximately 50 per cent of the cost of a treatment.

It doesn't matter how much auto insurance you've paid for, that's all you are entitled to based on your own insurance.

Oh, and the insurance company has its arbitrary little rules, like they stop providing any funding for massage therapy after eight weeks.

What about the difference between your actual losses and the minimal ones that the insurance company is required to pay you up front?

The legal responsibility to compensate you for those losses lies with the offending driver. That driver's liability insurance transfers the responsibility to the insurance company.

The thing is, the responsibility to actually pay you any actual dollars is not triggered until you settle your claim, which

might be two to three years from now.

What do you do in the meantime?

“

OH, AND THE INSURANCE COMPANY HAS ITS ARBITRARY LITTLE RULES, LIKE THEY STOP PROVIDING ANY FUNDING FOR MASSAGE THERAPY AFTER EIGHT WEEKS.

In my view, you shouldn't have to scramble. The decent thing for the insurance company to do would be to pay your full income loss and treatment expenses as you incur them. It is only in the rarest of occasions that they do the decent thing, though.

How do you protect yourself? How do you af-

ford your medically recommended treatments while making your mortgage payments and putting food on the table?

Talk to an insurance agent. Purchase a good disability insurance policy that will pay your income losses during those two to three years until a settlement is reached.

Obtain a good extended medical plan that will cover your medical expenses. Sorry, you cannot rely on the decency of the auto insurance company.

*This column is intended to provide general information about injury claims. It is not a substitute for retaining a lawyer to provide legal advice specifically pertaining to your case. Paul Hergott is a lawyer at Hergott Law in West Kelowna.*

paul@hlaw.ca

## Rose Valley Veterinary Hospital



NEW PATIENTS WELCOME

Own A New Pet? Come in for a FREE EXAM

Proudly offering:

- 🐾 Vaccinations, Examinations
- 🐾 Full Veterinary Medical & Surgical Service
- 🐾 On-Site Ultrasound, Lab & X-rays
- 🐾 Dentistry
- 🐾 Deluxe Cat only boarding facility

112 - 2476 WESTLAKE ROAD

**250.769.9109**

www.kelownavet.ca

▼ PHOTO CONTEST

# Photos must reflect West Kelowna

PHOTOS FROM C3

graphs they can use. Jones said the district is looking specifically for photos taken in West Kelowna. WFN wants photos taken on its lands and Tourism Westside wants photographs that show the tourism benefits of the whole area.

The joint contest offers some unique prizes, including packages at The Spa at The Cove, Shannon Lake Golf Course and Crystal Mountain.

Entries will be received in three categories: My favourite view, The perfect Westside vacation and People in Action. All

photos submitted must be digital and high resolution.

Photos entered will become the property of the three organizations to be used in future publica-

tions, according to Jones.

The Best of the West photo contest runs from now until September 19. Winners will be announced on Friday, Sept. 24. Full contest rules are

available at www.districtofwestkelowna.com. Photos can be submitted online via the website or on a disc at the District of West Kelowna office or Tourism Westside.



EDITOR'S NOTE

Barry Gerding

SUNDAYS IN THE CAPITAL NEWS



Refreshments provided.

# MOVE & MINGLE FOR OLDER ADULTS

### What is it?

Customized physical activity with professionals done at your own pace for 45 minutes. Socialization and Education concerning health and well-being.

### Why participate?

Meet new people • Maintain a sense of well-being • Sleep better  
Have more energy • Build stronger muscles and bones  
Stay connected to your community

### Who's it for?

- Anyone over 65
- Anyone who likes to have fun
- Anyone who wants to stay active
- Anyone who would like to participate in social activities

### Where and When?

Westbank Lions Community Hall - Starting Monday, Sept. 13th from 9-11 am and Thursdays from 1:30 - 3:30 for 25 weeks. Refreshments provided.  
REGISTER WITH THE WESTSIDE HEALTH NETWORK AT 250-768-3305 OR WHNS@TELUS.NET

Program partially funded by Interior Health Integrated Health Network Community Capacity Fund

*Come join us!*

## Worried about rising interest rates?

Call me today for a pre-approval.

- 120 day rate guarantee
- innovative products
- competitive rates
- any day, anytime service



**TD Canada Trust**

Laura Brown  
Mobile Mortgage Specialist  
Tel: 250-869-6180 | Fax: 250-768-1351  
email: laura.brown@td.com