

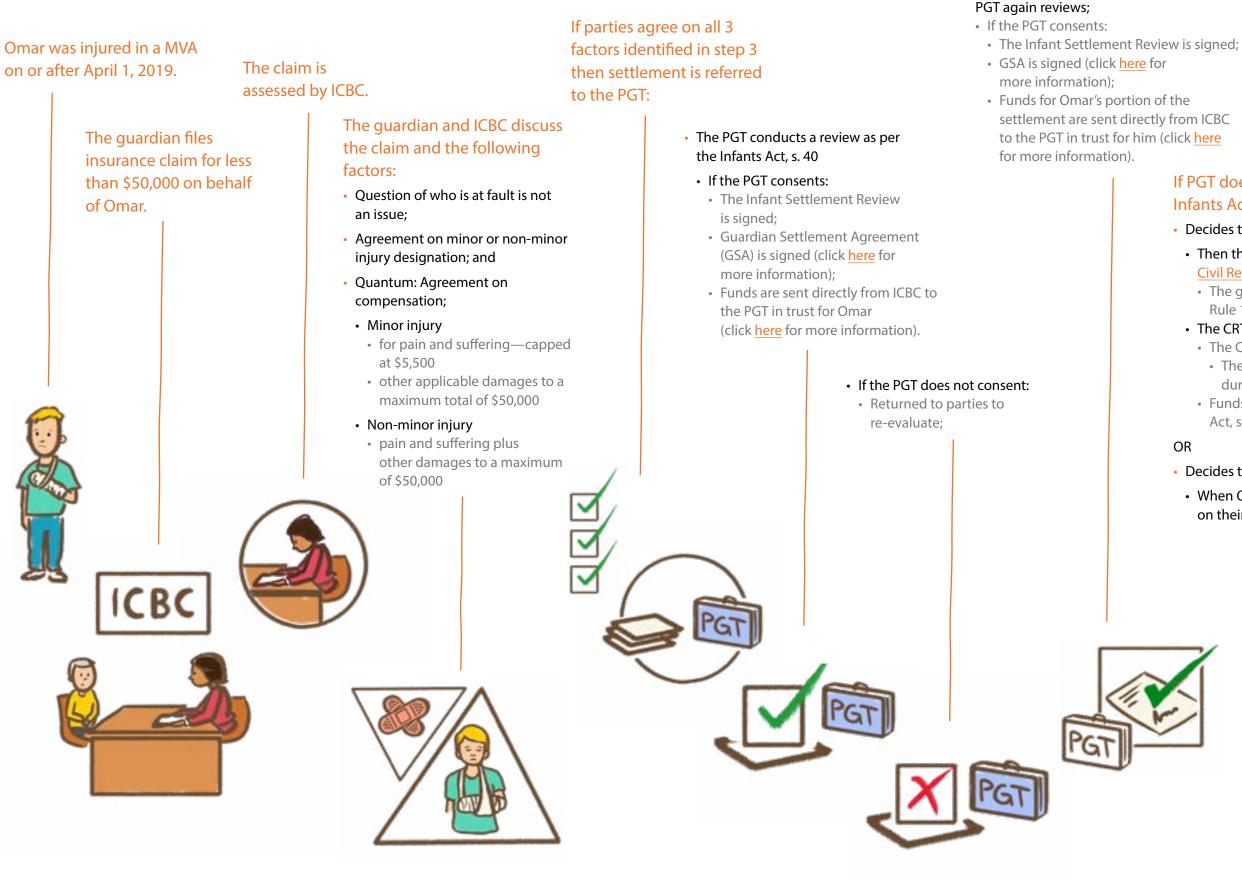
When a minor is injured in a motor vehicle accident the minor may be eligible for compensation from a variety of sources. When a compensation offer is made, the Public Guardian and Trustee (PGT) is required to review the proposed settlement to see that it appropriately compensates the minor. This document describes the process for three specific scenarios reviewing settlements for motor vehicle accidents that took place between April 1, 2019 and April 30, 2021. As of May 1, 2021 ICBC moved to the <u>Enhanced Care Model</u>.

For information on motor vehicle accidents prior to April 1st 2019, please click <u>here</u>.

For more information, contact the Public Guardian and Trustee by telephone at 604.775.3480 or email cys@trustee.bc.ca.

Motor Vehicle Accident (MVA) on or After April 1, 2019 Involving Injured Infant with Damages Less than \$50,000 and All Parties in Agreement

# **Omar's Story**



### • Once issues have been re-evaluated, the

### If PGT does not provide consent as per the Infants Act, s. 42 and the Guardian:

#### • Decides to pursue a settlement:

- Then the guardian must request a Civil Resolution Tribunal (CRT) hearing;
- The guardian must obtain legal representation as per CRT Rule 1.13(3); Civil Resolution Tribunal Act, s. 20(4).
- The CRT will make a decision and issue a ruling;
- The CRT has limited jurisdiction regarding legal fees. • The PGT's consent as per the Infants Act, s. 42 is required during the overall settlement approval process
- Funds are sent to the PGT as per the Insurance (Vehicle) Act, s. 92 (click here for more information).

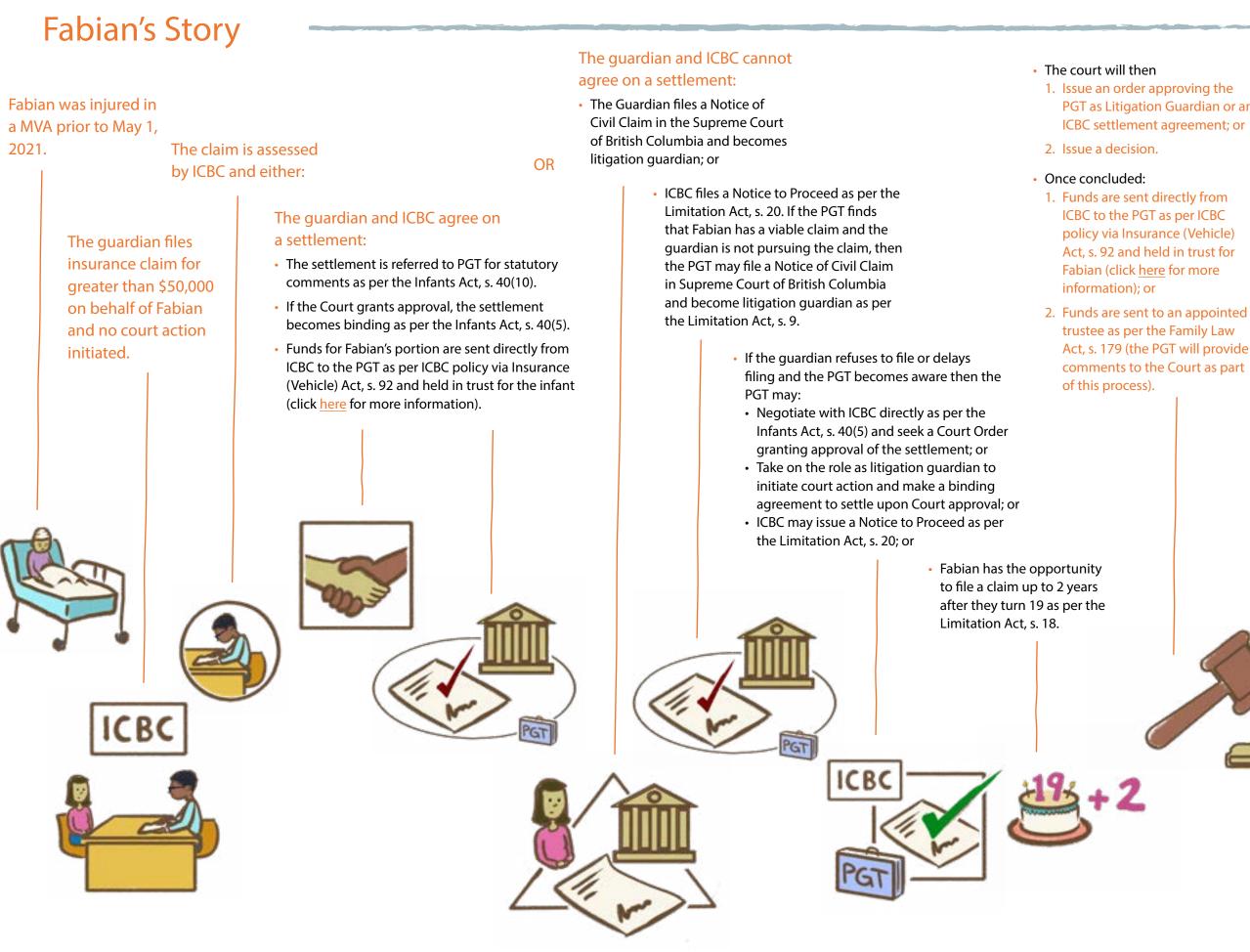
#### OR

#### Decides to hold off on the settlement:

• When Omar is 19, they can the settle the matter on their own.



Motor Vehicle Accident (MVA) Involving Injured Infant with Damages Greater than \$50,000 and No Initial Court Action



PGT as Litigation Guardian or an

OR

Act, s. 179 (the PGT will provide comments to the Court as part

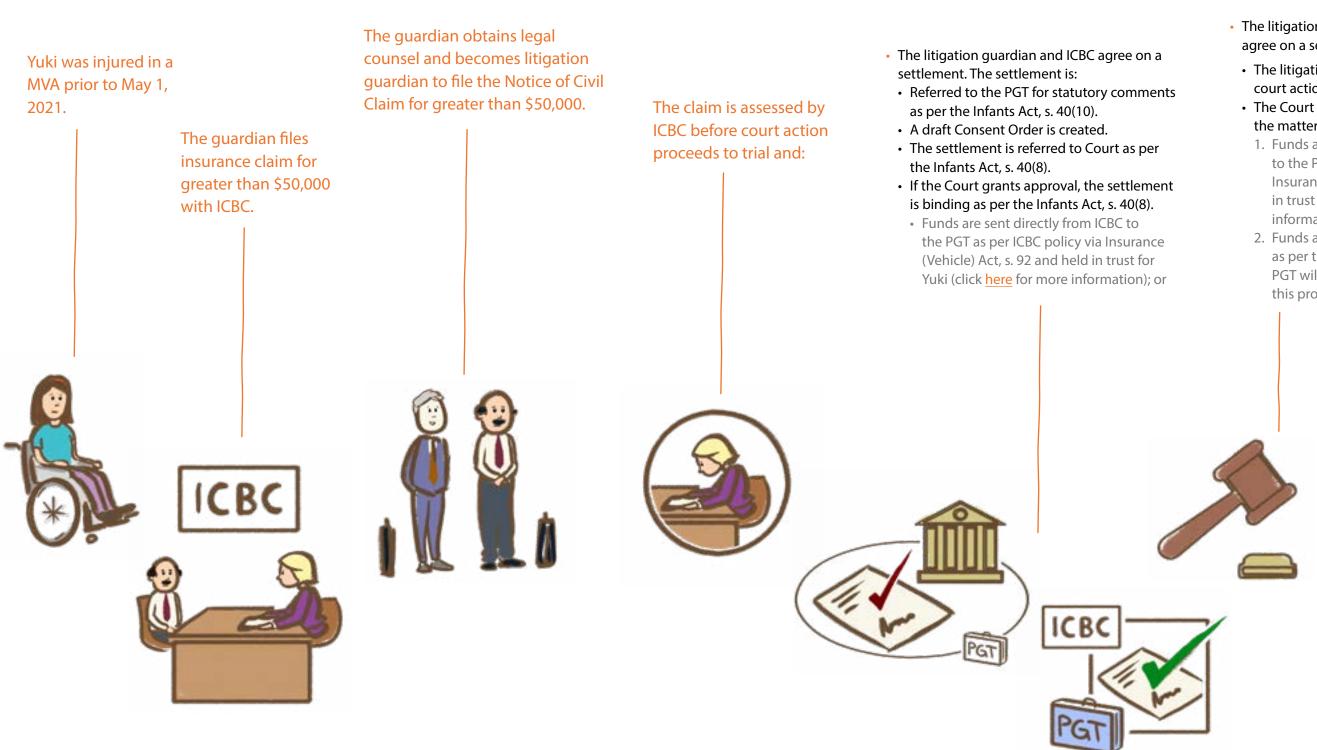
If proceedings have been commenced in the CRT and the guardian and ICBC consent to a Court process as per the Civil Resolution Tribunal Act, s. 16.4 (2)(b), then:

- The guardian becomes litigation guardian and initiates the Notice of Civil Claim in the Supreme Court of British Columbia;
- When the Court issues its decision on the matter:
- 1. Funds are sent directly from ICBC to the PGT as per ICBC policy via Insurance (Vehicle) Act, s. 92 and held in trust for Fabian (click here for more information); or
- 2. Funds are sent to an appointed trustee as per the Family Law Act, s. 179 (the PGT will provide comments to the Court as part of this process).



Motor Vehicle Accident (MVA) Involving Injured Infant with Damages Greater than \$50,000 and Court Action Initiated

## Yuki's Story



- The litigation guardian and ICBC cannot agree on a settlement.
- The litigation guardian proceeds with court action.
- The Court issues its decision on the matter:
- 1. Funds are sent directly from ICBC to the PGT as per ICBC policy via Insurance (Vehicle) Act, s. 92 and held in trust for Yuki (click here for more information); or
- 2. Funds are sent to an appointed trustee as per the Family Law Act, s. 179 (the PGT will provide comments as part of this process).

