

**LICENCE APPEAL
TRIBUNAL**

**TRIBUNAL D'APPEL EN MATIÈRE
DE PERMIS**



**Safety, Licensing Appeals and
Standards Tribunals Ontario**

**Tribunaux de la sécurité, des appels en
matière de permis et des normes Ontario**

Tribunal File Number: 18-004786/AABS

In the matter of an Application pursuant to subsection 280(2) of the Insurance Act, RSO 1990, c. I.8, in relation to statutory accident benefits

Between:

Philip Zuchelkowski

Applicant

and

Unifund Claims Inc.

Respondent

ORDER

Order Made By:

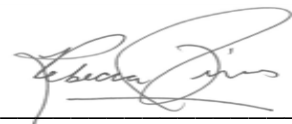
Rebecca Hines, Adjudicator

Date of Order:

February 25, 2019

- [1] On January 21, 2019, I issued an order requesting that the parties file written submissions with respect to whether the respondent should be allowed to submit the supporting documentation it referred to in its submissions on its motion for production of the applicant's pre-accident clinical notes and records (CNRs). I attached to my order the link for the LAT Reconsideration of Linda Lamoureux (16-003921/AABS) where the Executive Chair highlighted the obligation of the Tribunal to ask for the parties to submit information that it believes a party meant to rely upon as evidence.
- [2] On the consent of the applicant and for the reasons that follow, I order the respondent to submit to the applicant and the Tribunal the following by **March 11, 2019**:
- (i) Mental Health Consultation Report of Dr. Bami dated January 21, 2015;
 - (ii) The medical records the respondent relied upon in support of its motion.
- [3] In its submissions on its motion for production dated November 5, 2018, the respondent also referred to newspaper articles and file materials relating to the applicant's criminal history. However, the respondent did not submit these records with its submissions.
- [4] I agree with the applicant that the newspaper articles have little value as the authors are not medical experts, the information is second hand and does not relate to the issue before me. I also find that the records noted above will provide me with enough information to determine the issue before me. In addition, the respondent did not specify in its motion materials what specific "file material" it was relying on. I find it would be procedurally unfair for the applicant to allow the submission of these records at this time as the applicant did not have the opportunity to address it in his response.
- [5] Following the respondent's submission of the above records a decision will be rendered on the parties' motions for productions.

Released: February 26, 2019



**Rebecca Hines
Adjudicator**