



**Citation: Wudom v. Pembridge Insurance Company, 2024 ONLAT 22-004495/AABS**

**Licence Appeal Tribunal File Number: 22-004495/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:

**Diana Wudom**

**Applicant**

and

**Pembridge Insurance Company**

**Respondent**

**DECISION**

**VICE-CHAIR:**

**Craig Mazerolle**

**APPEARANCES:**

For the Applicant:

No submissions

For the Respondent:

Kamil Podleszanski, Counsel

**HEARD:**

**In Writing**

## OVERVIEW

- [1] Diana Wudom, the applicant, was involved in an automobile accident on August 20, 2021, and sought benefits pursuant to the *Statutory Accident Benefits Schedule – Effective September 1, 2010 (including amendments effective June 1, 2016)* (the “Schedule”). The applicant was denied benefits by the respondent, Pembridge Insurance Company, and applied to the Licence Appeal Tribunal - Automobile Accident Benefits Service (the “Tribunal”) for resolution of the dispute.
- [2] In a case conference report and order released on April 17, 2023, the Tribunal ordered the dispute to proceed to a written hearing. The Tribunal scheduled a written hearing for January 19, 2024, with the notice of written hearing e-mailed to the parties on May 10, 2023.
- [3] The applicant’s initial submissions were due on December 20, 2023. The applicant has not provided any written submissions to the Tribunal. There has been no Notice of Motion filed by the applicant seeking to extend the initial submissions deadline.
- [4] The respondent filed submissions with the Tribunal, seeking a dismissal of the application.

## ISSUES

- [5] As listed in the case conference report and order, the issues in dispute are:
  - i. Are the applicant’s injuries predominantly minor as defined in s. 3 of the Schedule and therefore subject to treatment within the \$3,500.00 Minor Injury Guideline (“MIG”) limit?
  - ii. Is the applicant entitled to \$2,200.00 for a Psychological Assessment, proposed by Princeton Hill Medical Assessments Inc. in a treatment plan submitted March 11, 2023 and denied April 13, 2013?
  - iii. Is the applicant entitled to \$2,260.00 for a Medical Assessment, proposed by Princeton Hill Medical Assessments Inc. in a treatment plan submitted April 4, 2023 and denied April 13, 2013?
  - iv. Is the respondent liable to pay an award under s. 10 of O. Reg. 664 because it unreasonably withheld or delayed payments to the applicant?
  - v. Is the applicant entitled to interest on any overdue payment of benefits?

## ANALYSIS

- [6] Section 7(2) of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22 states that, if notice of a written hearing has been given to a party who does not then participate in the hearing in accordance with the notice, the Tribunal may proceed with the hearing in the absence of that party's participation. I am satisfied that the parties received notice of the written hearing, so I shall proceed in the applicant's absence.
- [7] The applicant has the onus of demonstrating removal from the MIG, as well as entitlement to the treatment plans, award, and interest in dispute. By not filing any submissions or evidence with the Tribunal, I find that the applicant has failed to meet her burden.
- [8] I further find that the applicant did not file a Notice of Motion requesting an extension of the initial submissions deadline.

## ORDER

- [9] As the applicant has made no submissions and tendered no evidence in support of her claims before the Tribunal, she has not demonstrated removal from the MIG, nor has she demonstrated entitlement to the disputed treatment plans, award, and interest.
- [10] The application is dismissed.

**Released:** August 13, 2024

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**Craig Mazerolle**  
**Vice-Chair**