



**Citation: Mansuri v. The Dominion of Canada General Insurance Company, 2025
ONLAT 23-004054/AABS**

Licence Appeal Tribunal File Number: 23-004054/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:

Javid Mansuri

Applicant

and

The Dominion of Canada General Insurance Company

Respondent

DECISION

ADJUDICATOR: Brian Norris

APPEARANCES:

For the Applicant: Ryan Naimark, Counsel

For the Respondent: Kadey B. J. Schultz, Counsel

HEARD: By way of written submissions

OVERVIEW

- [1] Javid Mansuri (“the Applicant”), sustained catastrophic mental and behavioural impairments in an automobile accident on May 4, 2018, and sought benefits from Dominion of Canada General Insurance Company (“the Respondent”) 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 and applied to the Licence Appeal Tribunal - Automobile Accident Benefits Service (the “Tribunal”) for resolution of the dispute.

ISSUES

- [2] The issues to be decided in the hearing are:
1. Is the Applicant entitled to a medical benefit in the amount of \$3,813.72 for chiropractic services proposed by Joint and Muscle in a plan dated October 1, 2019?
 2. Is the Applicant entitled to a medical benefit in the amount of \$9,409.36 (\$10,478.20 less \$1,068.84 approved) for chiropractic services proposed by Injury Management in a plan dated April 8, 2021?
 3. Is the Applicant entitled to a medical benefit in the amount of \$6,673.76 for chiropractic services proposed by Joint and Muscle in a plan dated July 14, 2021?
 4. Is the Applicant entitled to a medical benefit in the amount of \$6,403.04 for chiropractic services proposed by Joint and Muscle in a plan dated October 5, 2021?
 5. Is the Applicant entitled to a medical benefit in the amount of \$4,226.92 for assistive devices proposed by Innovative in a plan submitted October 18, 2021?
 6. Is the Applicant entitled to a medical benefit in the amount of \$24,051.02 for assistive devices proposed by Innovative in a plan dated November 30, 2022?
 7. Is the Applicant entitled to a rehabilitation benefit in the amount of \$1,147,389.57 for home modifications proposed by Accessible in a plan dated September 9, 2021?

8. Is the Applicant entitled to case management services by Critical Trauma in the amount of \$4,226.41 (\$7,386.29 less 3,159.88 approved) proposed in a plan submitted June 23, 2021?
9. Is the Applicant entitled to case management services by Critical Trauma in the amount of \$4,097.34 (\$7,950.12 less 3,852.78 approved), proposed in a plan submitted January 19, 2022?
10. Is the Applicant entitled to attendant care benefits in the amount of \$6,000.00 per month less any amounts paid from April 30, 2021 to present and ongoing?
11. Is the Respondent liable to pay an award under section 10 of Regulation 664 because it unreasonably withheld or delayed payments to the Applicant?
12. Is the Applicant entitled to interest on any overdue payment of benefits?

RESULT

- [3] Prior to the hearing, the Applicant withdrew his claims for several benefits listed in dispute in the case conference report and order. Those claims have been omitted from the list of issues in dispute for this hearing.
- [4] Entitlement to ACBs is not in dispute but is addressed in the Applicant's claim for an award.
- [5] On the issues in dispute for this hearing, I find that most plans are partly reasonable and necessary, they are as follows:
 - i. For the plan dated October 1, 2019, \$781.90 of the \$3,813.72 sought is reasonable and necessary;
 - ii. For the plan dated April 8, 2021, \$4,735.60 of the \$10,478.20 sought is reasonable and necessary;
 - iii. For the plan dated July 14, 2021, \$2,000.00 of the \$6,673.76 sought is reasonable and necessary;
 - iv. For the plan dated October 5, 2022, \$2,000.00 of the \$6,403.04 sought is reasonable and necessary;
 - v. For the plan dated October 18, 2021, \$1,318.80 of the \$4,266.92 sought is reasonable and necessary;

- vi. For the plan dated November 30, 2022, \$605.87 of the \$24,051.02 sought is reasonable and necessary;
 - vii. For the plan dated June 23, 2021, \$6,541.97 of the \$7,386.29 sought is reasonable and necessary;
 - viii. For the plan dated January 19, 2022, \$7,245.57 of the \$7,950.12 sought is reasonable and necessary;
- [6] The Applicant is not entitled to the rehabilitation benefit in the amount of \$1,147,389.57 for home modifications proposed by Accessible in a plan dated September 9, 2021.
- [7] The Applicant is entitled to interest pursuant to section 51 of the *Schedule*.
- [8] No award is payable.

BACKGROUND

- [9] The Applicant was the driver of a vehicle which was struck on the driver's side by another vehicle while traversing a suburban intersection. From a physical perspective, he sustained dental fractures and soft tissue injuries in the accident. From a mental and behavioural perspective, he developed a Major Depressive Disorder, severe with psychotic features, Somatic Symptom Disorder, with predominant pain, persistent, Post Traumatic Stress Disorder, and Functional Neurological Disorder superimposed on pre-existing ataxia.
- [10] Additionally, the Applicant's pre-existing ataxia-related balance issues reemerged and worsened post-accident. The issues appear to be related to a Functional Neurological Disorder. The parties differ on whether the Applicant's current balance issues are as a result of the accident.
- [11] Despite the differing opinions on whether the Applicant's balance issues are as a result of the accident, the Applicant was deemed to have sustained a catastrophic impairment as defined in the *Schedule*. The primary basis for the determination is the Applicant's mental and behavioural impairments from the accident.

ANALYSIS

- [12] The Applicant bears the onus in demonstrating that the plans in dispute are reasonable and necessary as a result of the accident.

Treatment plans, dated October 1, 2019, and April 8, July 20, and October 5, 2021

- [13] I find these treatment plans to be partly reasonable and necessary as a result of the accident. Specifically, I find the physiotherapy and exercise components to be reasonable and necessary. I find the chiropractic, acupuncture, and massage therapy components to be not reasonable and necessary.
- [14] Although his accident-related injuries are predominantly mental and behavioural, I nevertheless find that the Applicant benefits from active therapies such as exercise and physiotherapy. Central to my finding is the recommendations in the February 22, 2021 insurer's examination ("IE") report by Dr. S Ali, neuropsychiatrist. In that report, it was noted that the Applicant's post-accident care should be multidisciplinary in nature and include an occupational therapist ("OT") and physiotherapist in addition to a psychologist, psychiatrist, and neurologist.
- [15] Dr. Ali's recommendation is consistent with prior recommendations for ongoing physical therapy. Dr. M. Yaseen, chronic pain specialist, in the May 15, 2019 report, recommended nerve block injections, and stretching and strengthening of the neck and shoulder muscles. Further, Dr. Yaseen recommended physical therapy, yoga, pilates, cognitive behaviour therapy ("CBT"), and home exercise. Dr. Yaseen felt these therapies would improve the Applicant's overall functional capacity and reduce his pain.
- [16] The Applicant's case manager observed a decrease in the Applicant's function when he doesn't engage in active therapies. The case management report dated October 24, 2022, notes that the Applicant experienced increased dizziness, pain, fatigue, and overall mobility challenges when not participating in physiotherapy.
- [17] Considering the comments and opinions from the assessors and those involved in the Applicant's ongoing care, I find that the Applicant benefits from participating in physiotherapy and exercise programs because it increases his overall function and reduces his pain.
- [18] I find chiropractic treatment, acupuncture, and massage therapy components to be not reasonable and necessary because no independent healthcare provider has recommended it for the Applicant. The Applicant has not directed me to evidence that he was prescribed massage therapy for ongoing issues related to the accident. I reviewed his evidence and have not found such a recommendation. Additionally, the Applicant reported that massage therapy is

unhelpful. In the case manager report, dated January 12, 2022, it notes that the Applicant finds massage therapy to be unhelpful due to increased dizziness while laying on his stomach.

- [19] Accordingly, I find that the Applicant is entitled to the plans as follows:
- i. For the plan dated October 1, 2019, \$781.90 of the \$3,813.72 sought is reasonable and necessary;
 - ii. For the plan dated April 8, 2021, \$4,735.60 of the \$10,478.20 sought is reasonable and necessary;
 - iii. For the plan dated July 14, 2021, \$2,000.00 of the \$6,673.76 sought is reasonable and necessary; and
 - iv. For the plan dated October 5, 2022, \$2,000.00 of the \$6,403.04 sought is reasonable and necessary.

Plan for a Nespresso machine, Laptop computer and accessories, and over the bed and couch tables, dated October 18, 2021

- [20] The onus is on the Applicant to demonstrate that the rehabilitation benefits claimed are reasonable and necessary for the purpose of reducing or eliminating the effects of any disability related from the impairment, or to facilitate reintegration into his or her family, the rest of society, and the labour market.
- [21] I find that the Nespresso machine and over the bed and couch tables to be reasonable and necessary. I find that the Applicant has not demonstrated that the laptop computer and accessories are reasonable and necessary as a result of the accident.
- [22] I find the Nespresso machine to be reasonable and necessary to aide the Applicant in his re-integration into his pre-accident activities of daily living. The Applicant has demonstrated impaired grip and reaching that make it difficult for him to prepare snacks and meals. He reports that he relies on his personal support worker ("PSW") to prepare food. I find the comments by the Applicant's treating OT, J. Copeland, to be persuasive. In the letter of support dated November 2, 2022, OT Copeland notes that the Nespresso machine will improve the Applicant's independence and permit him to make coffee on an as-needed basis, instead of waiting for a PSW or someone else to make it for him. It was also noted that the Nespresso machine is easier to clean than typical coffee makers.

- [23] Regarding the Nespresso machine, I find the recommendation of OT T. Shaw, in the May 9, 2023 IE report to be unpersuasive. OT Shaw assessed the Applicant and found that the Nespresso machine was not reasonable and necessary because the Applicant has a coffee brewing system in the home. I found this unpersuasive because OT Shaw does not provide sufficient information on the coffee brewing system and whether it is independently accessible by the Applicant, whereas the Nespresso machine can be independently operated by the Applicant. It is likely that the Applicant will receive a positive benefit from increasing his independence and functionality, even if it is with respect to a humble task such as making coffee.
- [24] I find that the Applicant has not demonstrated that the laptop computer is reasonable and necessary as a result of the accident. The Applicant's primary reason for needing a laptop computer is that his desktop computer is not comfortable or adjustable. He states that he is interested in engaging in digital drawing and the laptop, which includes a special pen for drawing on the screen, will permit him to participate in this leisure activity. The Applicant also submits that, in accordance with the recommendation from OT Copeland, the laptop will permit him to participate in leisure and social communication through the device.
- [25] I find that the reasons offered by the Applicant are insufficient to determine that a laptop and accessories are necessary as a result of the accident. The Applicant has a desktop computer and smart phone for which he can access online services to reintegrate into society. The ergonomic complaints regarding the Applicant's current desktop computer hold little weight because the issues can be addressed mostly through improvements to the Applicant's workstation, not by replacing the computer. Further, improving the ergonomics of the Applicant's workstation should also have a positive affect on the Applicant's ability to engage in digital drawing, and other therapeutic activities, on his desktop computer.
- [26] In keeping with the subject of ergonomics, I find the over the bed and over the couch tables to be reasonable and necessary as a result of the accident. Though the tables are primarily recommended for use of the proposed laptop computer, I find that the Applicant will benefit from having them in his home in order to facilitate his reintegration into his family and society for two main reasons. First, as opined by OT Copeland, the tables can be used to help with sit and stand transfers from the Applicant's couch and bed. Increasing the Applicant's independence by permitting him to perform sit and stand transfers independently ought to have a positive impact on his recovery and is in keeping with Dr. Ali's recommendation for OT intervention. Further, over the bed and over the couch tables can be used for other tasks such as feeding, drawing, or using a smart

phone to communicate with family, friends, or healthcare providers. Thus, I find the tables to be reasonable and necessary as a result of the accident.

- [27] Accordingly, I find that \$1,318.80 of the \$4,266.92 proposed is reasonable and necessary as a result of the accident. This amount represents the costs of the Nespresso machine, tables, HST, and OT service fees.

Accessible apartment 12-month lease, audiobook subscription, slip on shoes with cleats, and a reclining chair

- [28] I find that the Applicant has not demonstrated on a balance of probabilities that the 12-month lease of an accessible apartment, a 12-month subscription to Audible, and a reclining chair are reasonable and necessary as a result of the accident.
- [29] I find that the Applicant has demonstrated that the slip-on shoes and ice cleats are reasonable and necessary as a result of the accident.
- [30] The Applicant claims that a 12-month lease of an accessible apartment is reasonable and necessary for his rehabilitation. He submits that his current apartment is unsafe because he is required to traverse 11 stairs at the entrance of the building each time he enters and exits the building. He notes that there is no safe, accessible secondary exit, the elevator is small, and the lighting in the common areas of the building are inadequate.
- [31] According to OT Copeland, in the December 13, 2022 recommendation letter, the inaccessibility of the Applicant's apartment significantly impacts his ability to leave his apartment regularly, independently, and in a safe manner, and that this leads to severe isolation and worsening of his mood. In the letter, OT Copeland also notes that the main entrance to the apartment includes 11 stairs, and the apartment has narrow spaces that do not allow for the use and storage of a mobility scooter or walker.
- [32] To the Respondent, the Applicant is overall physically functional and does not require an accessible unit. It submits that the Applicant's physical limitations are not as a result of the accident, according to the IE report of Dr. Yee, orthopaedic surgeon, dated June 17, 2022, and Dr. Dost, neurologist, dated October 14, 2022. It submits that the Applicant's gait disorder is pre-existing and unchanged and that the surveillance evidence demonstrates that he can traverse stairs using a quad cane, enters and exits vehicles independently, and walks in parking lots and other public spaces.

- [33] I find the accessible apartment rental to be not reasonable and necessary because the Applicant has not demonstrated that his current apartment is unsafe, or that an accessible apartment is reasonable and necessary to reduce or eliminate the effects of his accident-related impairments, or to reintegrate him into his family or society. I acknowledge the re-emergence of the Applicant's ataxia and balance issues and see a causal connection between his current presentation and the accident, despite his pre-accident health concerns. This is because there is a general consensus among the Applicant's healthcare providers that his balance issues were controlled to a point where they were not impacting his day-to-day function, as is the case currently. Nevertheless, I also acknowledge that the Applicant reports functionality that is at a level that makes an accessible apartment unnecessary.
- [34] The accessible apartment proposed for the Applicant is primarily based on his use of a walker or a mobility scooter, as outlined in the report by J. Groe, accessibility consultant, dated July 17, 2021 ("the Groe Report"). While I appreciate that the Applicant may, in the future, require such devices, it does not appear that he requires the devices currently because no healthcare provider has opined that they are necessary following the accident. This is critical when assessing whether an accessible apartment is a reasonable and necessary rehabilitation expense because the Respondent is not liable for rehabilitation expenses based on speculation but, instead, on the Applicant's needs at the time of the request. Thus, it would not be reasonable to fund an accessible apartment to facilitate the use of a scooter or a walker unless the Applicant reasonably requires those devices. Here, the Applicant has not directed me to evidence that he requires those devices, and, upon review of the evidence, I find no compelling evidence that a qualified healthcare professional has opined that he requires those devices. Thus, it would not be reasonable and necessary to fund an accessible apartment on these grounds.
- [35] I find that the Groe report unnecessarily discounts the third access point to the Applicant's apartment building, further undermining the overall persuasiveness of the report. Key to the Groe report is that the Applicant's apartment building has 11 stairs leading up to both the main and the rear entrances to the building, and that these stairs are a barrier to the Applicant because of his balance issues and a reported inability to traverse stairs. Yet, this reasoning does not consider the third access point, which is accessible from the existing parking lot, that has a one stair landing. This is a remarkably different access point than the main and rear entrances that does not seem to be considered simply because the transition is not uniform, and the walkway is cracked.

- [36] Despite the fact that the Applicant has access to the building through the third access point, I find that the Applicant can traverse stairs and that living in an apartment is not a burden that needs to be eliminated to promote the Applicant's recovery and reintegration into society and his family. The Applicant was subject to surveillance over the course of many days, generating reports dated October 30, 2019, November 18, 2020, November 30, 2021, and June 7, 2023. The surveillance evidence depicts the Applicant independently traversing the 11 stairs to the main entrance of the building on several occasions. This is in direct contrast to the functionality, or lack thereof, considered in the Groe report that forms the basis for the request.
- [37] I find that the Applicant has demonstrated on a balance of probabilities that a one-year subscription to an audiobook service is a reasonable and necessary rehabilitation expense. According to the Applicant's treating OT, Copeland, he has severely disengaged from productive leisure and social activities, such as playing in a music band with his brothers. The subscription, according to the OT, will permit the Applicant to explore positive leisure activities while resting in bed or on the couch. This opinion is uncontested, and I see no reason to interfere with the recommendation from OT Copeland with respect to the Applicant's claim for an audiobook subscription.
- [38] I find that the Applicant has demonstrated on a balance of probabilities that the slip-on shoes and attachable cleats are reasonable and necessary as a result of the accident. The shoes and cleats were recommended by OT Copeland to increase the Applicant's safety, improve traction, and reduce the risk of falls. It is noted that the Applicant has a wide gait, experiences pain and weakness in both legs, and requires the use of a quad cane for mobility. In several reports, it is noted that the Applicant has restricted ROM in his back, which in turn impacts his ability to correctly don and doff shoes. Slip-on shoes will help eliminate the barrier before the Applicant so that he can regain independence with the activity. Likewise, detachable cleats will provide the Applicant with additional stability when walking on slippery surfaces. The Respondent has not led any evidence to discount OT Copeland's recommendation for slip-on shoes and cleats. Instead, its corresponding IE report by OT Shaw, dated May 9, 2023, finds the expense to be not reasonable and necessary due to insufficient clinical rationale in support of it. I find OT Shaw's opinion unpersuasive because it ignores the recommendation from OT Copeland and understates the changes in the Applicant's physical function prior to the accident, versus after the accident.
- [39] I find that the Applicant has not demonstrated that the lift/reclining chair is reasonable and necessary as a result of the accident. The lift/reclining chair is

recommended by OT Copeland to reduce the Applicant's pain, and risk of falls and secondary musculoskeletal injuries. OT Copeland noted in the December 13, 2022 recommendation letter that the Applicant's pain increases with prolonged sitting and that this chair will help him move from a sitting to standing position.

- [40] I find OT Copeland's recommendation to be unpersuasive in light of the other evidence. Primarily, I disagree that the Applicant requires assistance when moving from a sitting to a standing position. There are numerous medical reports before me confirming that, during assessments, the Applicant frequently and independently, with the use of his cane, stands up from a sitting position due to pain from prolonged positions. This level of function, being able to repeatedly stand up from a sitting position, even when considering it is done with the use of a cane or over the couch or bed tables, is inconsistent with the impairment reported by OT Copeland, rendering the item to be not reasonable and necessary to eliminate the effects of his accident-related disability, or to reintegrate him into his family or society.
- [41] Accordingly, I find the charges in this plan for an audiobook subscription and slip-on shoes and cleats, in the amount of \$605.87, to be reasonable and necessary. The remaining claims are not reasonable and necessary as a result of the accident.

New home purchase and renovation

- [42] I find that the Applicant has not demonstrated that the new home purchase is reasonable and necessary as a result of the accident.
- [43] Like with his claim for a 12-month lease of an accessible apartment, the Applicant relies on an adopts the reasoning outlined in the Groe report, and the June 30, 2021 report by OT A. Jain, to support his claim that a new home purchase is reasonable and necessary as a result of the accident. As I found, the Groe report is rooted in a belief that the Applicant requires a mobility device such as a walker, when there is no medical basis for it. Likewise, the Groe report discounts the third access point to the building and assumes that the Applicant requires assistance when ascending and descending stairs. However, surveillance evidence shows him traversing stairs independently.
- [44] I maintain that new living arrangements are not reasonable and necessary because the Applicant has not demonstrated that his current apartment is unsafe, or that new, accessible, living arrangements are reasonable and necessary to reduce or eliminate the effects of his accident-related impairments, or to reintegrate him into his family or society. I reiterate my findings with respect

to an accessible apartment – the Applicant demonstrates functionality that is at a level that makes accessible living arrangements unnecessary. Thus, I find the plan for home modifications plan, in the amount of \$1,147.389.57, dated September 9, 2021, to be not reasonable and necessary as a result of the accident.

Planning & service charges in case management plans, dated June 23, 2021 and January 19, 2022

- [45] There is no dispute that the Applicant is entitled to case management services. At issue here is whether all the fees proposed in the plans comply with the *The Professional Services Guideline – Superintendent’s Guideline no.03/14* (“the PSG”). For the following reasons, I find that the Applicant has demonstrated that the “planning, service” and “preparation, service lines” in the case management treatment plans are reasonable and necessary as a result of the accident.

- [46] I find that the “planning, service” and “preparation, service” lines in the plans are reasonable and necessary to administer case management and are not for the purpose of bolstering the hourly rate. Case management services are inherently administrative and involves coordinating with the Applicant’s service providers to facilitate referrals to various medial practitioners, and ensuring a collaborative multidisciplinary approach is being implemented across all treatment modalities. The fees proposed directly relate to those services.

- [47] Further, I find that the “planning, service” and “preparation, service” proposed in the case management plans do not artificially increase the service providers hourly rate, as suggested by the Respondent. As noted, the fees are for tasks such as the coordination of services and referrals, which takes time for the case manager to complete, and for which the case manager should be compensated for. The *PSG* describes the administration or other costs that the Respondent is not liable to pay for, such as charges or surcharges that effectively increase the hourly rate. The “planning, service” and “preparation, service” are for case management services provided on behalf of the Applicant and are not charges or surcharges that effectively increase the hourly rate.

- [48] I find that the Applicant has not demonstrated that personal protective equipment (“PPE”) fees and the unapproved time for the completion of a progress report are reasonable and necessary. The Applicant made no submissions regarding whether PPE falls under the administrative and overhead fees discussed previously. It is unsettled law as to whether PPE is an administrative cost, and I am unable to find in favour of the Applicant absent any submissions on the issue. Likewise, the Applicant never addressed why the unapproved time for the

progress report is reasonable and necessary. I am unable to find in favour of the Applicant on this issue, absent submissions on it.

- [49] Thus, with respect to the plan, dated June 23, 2021, I find that \$6,541.97 of the \$7,386.29 sought is reasonable and necessary. With respect to the plan, dated January 19, 2022, I find that \$7,245.57 of the \$7,950.12 is reasonable and necessary.

Interest

- [50] Interest applies on the payment of any overdue benefits pursuant to section 51 of the *Schedule*. Having found that the Applicant is entitled to some of the benefits payable, it follows that he is also entitled to interest on the overdue payment of those benefits, pursuant to section 51 of the *Schedule*.

Award

- [51] The Applicant sought an award under section 10 of Regulation 664. Under section 10, the Tribunal may grant an award of up to 50 per cent of the total benefits payable if it finds that an insurer unreasonably withheld or delayed the payment of benefits.
- [52] The Applicant claims entitlement to an award of 50% of all benefits found payable in this hearing, as well as 50% of the attendant care benefits (“ACBs”) claimed during the period from April 30, 2021 to present. He submits that the Respondent breached his privacy and confidentiality when investigating his entitlement to ACBs, failed to conduct a proper and timely investigation into his claim for ACBs, and treated him as an adversary during the claims process. Specifically, the Applicant submits that the Respondent’s request for information regarding the overlap of services provided to him and his brother, in the same residence, is evidence of the Respondent sharing information improperly and invading his privacy.
- [53] The Respondent submits that this issue was addressed at a motion hearing, and subsequent Reconsideration Request, and Judicial Review. It submits that it conducted a reasonable and explicitly permitted investigation into the overleaping ACBs claimed by persons living in the same apartment, and that it paid all outstanding benefits following the investigation and any mistakes were corrected within a reasonable time of being discovered.
- [54] I find that the Applicant has not demonstrated that the Respondent unreasonably withheld or delayed the payment of benefits.

- [55] On the allegations of improperly sharing information, I agree with the findings in the Motion Order of Vice-Chair McGee, dated September 28, 2022. Specifically, I agree that it was reasonable to investigate the claims for expenses that, on their face, appeared to be potentially duplicative. I further agree that the Respondent complied with its confidentiality obligations, and that the Applicant, and his brothers who were also party to the Motion Order, dated September 28, 2022, consented to the information sharing that took place.
- [56] The Respondent's conduct never resulted in the unreasonable withholding or delayed payment of benefits. As outlined by Vice-Chair McGee in the Motion Order, dated September 28, 2022, the investigation was reasonable. At most, it delayed the payment of ACBs for the period from May 10 to August 31, 2021 – which was reconciled on November 22, 2021 – which was determined to be reasonable in the circumstances where services appeared to overlap between claimants living in the same apartment.
- [57] With respect to the Applicant's claims for an award related to any benefits found payable, I conclude that no award is payable. The Applicant has not demonstrated that the Respondent's behaviour in adjusting his claims in dispute for this hearing is unreasonable, imprudent, inflexible, or immoderate, or that it led to the unnecessary delay in administering benefits. As outlined above, all the decisions made by the Respondent were based on the medical opinions available to it. There is no indication that the Respondent closed its mind to the Applicant's concerns or evidence. It is trite law that insurers are not held to a standard of perfection. Accordingly, I find no award payable.

CONCLUSION AND ORDER

- [58] The following plans are partly reasonable and necessary:
- i. For the plan dated October 1, 2019, \$781.90 of the \$3,813.72 sought is reasonable and necessary;
 - ii. For the plan dated April 8, 2021, \$4,735.60 of the \$10,478.20 sought is reasonable and necessary;
 - iii. For the plan dated July 14, 2021, \$2,000.00 of the \$6,673.76 sought is reasonable and necessary;
 - iv. For the plan dated October 5, 2022, \$2,000.00 of the \$6,403.04 sought is reasonable and necessary;

- v. For the plan dated October 18, 2021, \$1,318.80 of the \$4,266.92 sought is reasonable and necessary;
- vi. For the plan dated November 30, 2022, \$605.87 of the \$24,051.02 sought is reasonable and necessary;
- vii. For the plan dated June 23, 2021, \$6,541.97 of the \$7,386.29 sought is reasonable and necessary;
- viii. For the plan dated January 19, 2022, \$7,245.57 of the \$7,950.12 sought is reasonable and necessary;

[59] The Applicant is not entitled to the rehabilitation benefit in the amount of \$1,147,389.57 for home modifications proposed by Accessible in a plan dated September 9, 2021.

[60] The Applicant is entitled to interest pursuant to section 51 of the *Schedule*.

[61] No award is payable.

Released: May 23, 2025

Brian Norris
Adjudicator