



**Citation: Thorne v. Sonnet Insurance Company, 2025 ONLAT 24-013055/AABS**

**Licence Appeal Tribunal File Number: 24-013055/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:

**Patrick Thorne**

**Applicant**

And

**Sonnet Insurance Company**

**Respondent**

## **DECISION**

**ADJUDICATOR:** Tami Cogan

### **APPEARANCES:**

For the Applicant: Patrick Thorne, Self-Represented

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

Court Reporter: Rana Encol

**HEARD by videoconference: July 15 and 16, 2025**

## OVERVIEW

- [1] Patrick Thorne, the applicant, was involved in an automobile accident on July 8, 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, Sonnet Insurance Company, and applied to the Licence Appeal Tribunal - Automobile Accident Benefits Service (the “Tribunal”) for resolution of the dispute.
- [2] The applicant was represented by counsel when the application was filed, and during the case conference held on February 27, 2025. A notice of electronic hearing was issued on March 21, 2025, for a hearing scheduled on June 25 and 26, 2025. On March 25, 2025, counsel removed themselves as the representative of record pursuant to Rule 24.4 of the *Licence Appeal Tribunal Rules, 2023* (the “Rules”). The applicant is self-represented in these proceedings.
- [3] On May 5, 2025, the respondent filed an adjournment request. On May 7, 2025 a Notice of Adjournment Hearing was sent to all parties, advising that a Motion hearing in writing was to be held on May 16, 2025. The Tribunal did not receive submissions from the applicant. In an order dated May 22, 2025, the Tribunal granted the respondent’s adjournment request. On May 30, 2025, the Tribunal issued a new notice of electronic hearing for July 15 and 16, 2025.

## ISSUES

- [4] The issues in dispute are:
  - i. Is the applicant entitled to an income replacement benefit in the amount of \$343.01 per week from April 24, 2024, to present?
  - ii. Is the applicant entitled to \$1,056.32 for physiotherapy services, proposed by T.O.P. Rehab Inc., in a treatment plan/OCF-18 submitted April 16, 2024?
  - iii. Is the applicant entitled to \$672.34 for medications, submitted on a claim form (OCF-6) on September 3, 2024?

## RESULT

- [5] The applicant is not entitled to an income replacement benefit.
- [6] The applicant is not entitled to the treatment plan for physiotherapy services.

- [7] The applicant was paid in full for medications submitted on an OCF-6 submitted on September 3, 2024.
- [8] The application is dismissed.

## **PROCEDURAL ISSUES**

### **Applicant's Access to Filed Documentation**

- [9] On March 26, 2025, the applicant requested the Tribunal provide him with an electronic copy of all submissions previously filed by counsel on his behalf, as well as a copy of the case conference report and order ("CCRO"). According to the Tribunal's case management records, the Tribunal provided the applicant with a link to the Tribunal's Secure Content Management ("SCM") system and access to the complete Tribunal file on April 25, 2025.
- [10] The respondent has provided its document brief to the applicant, which contained all documents filed by the applicant's previous counsel, on several occasions.
- [11] Despite this, the applicant maintained throughout the hearing that he has had no access to any of the file documentation. The applicant submits that all documents he has been sent by both the Tribunal and the respondent are corrupted files with viruses that have infected his computer. He submits this system is not secure, preventing him from accessing the Tribunal's documents due to concerns about further contamination on his computer, in the past, accessing similar platforms allowed others to hack his computer and remove files. During the hearing, the applicant requested that the Tribunal and the respondent provide him documents in a non-electronic format. During the hearing, the applicant refused to provide a physical address for delivery of the records however, at the end of the hearing, he provided an address.
- [12] Throughout the hearing, the respondent's counsel used screen-share to provide the applicant with access to documents as they were being referred to.

### **Applicant's non-compliance with production orders**

- [13] On March 25, 2025, the applicant sent email correspondence to the Tribunal and the respondent to request an extension for the production deadlines from March 28, 2025, to May 8, 2025. The Tribunal advised the applicant that a response to the request, received via email, cannot be actioned. The respondent agreed to an extension until April 4, 2025.

- [14] Subsequently, the Tribunal's Order dated May 22, 2025, adjourned the June hearing dates and re-scheduled the hearing to July, which afforded the applicant additional time to produce documents before the hearing.
- [15] The respondent submits that the OHIP summary and employment records, along with other documents, have not been produced to date. The respondent objected to any late filed documents being admitted into evidence.
- [16] During the hearing on July 15 and 16, 2025, the applicant sent documents to the Tribunal via email. It does not appear that any of these documents were served on the respondent nor did the applicant refer to them during the hearing. The applicant submitted that he wanted the documents as part of the public record, for his safety.
- [17] Throughout this hearing, the applicant referred to documents that were not before the Tribunal. He stated that he had the documents and "would get them" to me. The applicant acknowledged that he had the OHIP summary that was subject to a production order but has not provided it to the respondent because he needs to redact its contents due to his concerns about potential fraud.
- [18] I advised the applicant during the hearing that any document being relied on must be provided to the respondent, and the Tribunal must be directed to the document. Further, the respondent must have an opportunity to cross-examine on the content.

**Applicant's request to add a witness is denied**

- [19] At the start of the hearing, the applicant requested to call a witness who had not been previously identified. The CCRO specifies the applicant may call two lay witnesses, however by the start of the hearing, they were yet to be identified.
- [20] The respondent objected to the witness being called on the basis that it had not been informed of who the witness was nor the content of their anticipated testimony. The respondent submitted that it had attempted to communicate with the applicant about a schedule for witness testimony and did not receive a response.
- [21] The applicant advised that the witness would be Jake Peterson, a childhood friend, who would testify to the applicant's pre-accident abilities. The applicant also advised that the witness has been included on several email correspondences between the applicant, respondent, and the Tribunal, without informing the other parties.

- [22] The CCRO and Rules 9.4.2 and 9.4.3 require the proposed witness list to be exchanged 45 days before the hearing, and the final witness list to be filed with the Tribunal 21 days before the hearing. I find the applicant is not in compliance with these requirements. I note that the CCRO was sent directly to the applicant, at his confirmed email address.
- [23] I considered that the applicant is currently self-represented but find that even if I set aside the timeline requirements, the applicant has not provided prior notice to the respondent of his intention to call a witness or what that witness would speak to. I also considered, if provided a short recess, whether the respondent would be able to prepare and cross-examine the witness.
- [24] Ultimately, I did not allow the applicant's witness because the witness's anticipated evidence of the applicant's pre-accident functional abilities is not relevant because neither catastrophic impairment nor Non-Earner Benefits are in dispute. Indeed, both IRB and rehabilitation benefits require medical evidence to substantiate entitlement, so the testimony of a lay witness would not be assistive in meeting the applicant's burden.

### **Applicant's oral submissions**

- [25] Throughout the hearing the applicant repeated and expounded on his submissions that the denial of his benefits is due to expansive collusion and fraud in the insurance industry, involving adjusters, treatment providers, doctors, nurses, lawyers, and the police. I frequently reminded the applicant of the issues in dispute before this Tribunal, and requested he re-focus his submissions and evidence to the substantive issues.

## **ANALYSIS**

### ***Income Replacement Benefit ("IRB")***

- [26] For the reasons that follow, I find the applicant is not entitled to IRB in the amount of \$343.01 per week from April 24, 2024, to present.
- [27] Section 5(1)1 of the *Schedule* provides that an insurer shall pay an IRB to an insured person who sustains an impairment as a result of an accident if they were employed at the time of the accident and, as a result of and within 104 weeks after the accident, suffers a substantial inability to perform the essential tasks of that employment. To receive payment for a post 104-week IRB under s. 6 of the *Schedule*, the applicant must demonstrate on a balance of probabilities that they suffer from a complete inability to engage in any employment or self-

employment for which they are reasonably suited by education, training or experience. The applicant bears the burden of proving, on a balance of probabilities, that they meet the test.

- [28] The applicant is seeking a post 104-week IRB, for the period from April 24, 2024, to present.
- [29] I find that since the accident occurred on July 8, 2021, the post 104-week IRB period begins on July 6, 2023. Pursuant to the Divisional Court's decision in *Paesano v. Coseco Insurance Co.*, 2025 ONSC 3245, an applicant must apply for benefits and establish that he suffered a substantial inability within the first 104-week period to qualify for post 104-weeks IRBs.
- [30] Therefore, in order to determine if the applicant is entitled to post 104-week IRBs, I will first consider his entitlement to pre-104-week IRB.

#### **Pre-104-week IRB**

- [31] The applicant submits that he was in receipt of IRBs during the pre-104-week period, but his claim was later denied. The respondent requested additional documentation which the applicant submits he provided, however, the respondent continued to request information. The applicant stressed that his claim was denied due to fraud because the associated doctors and treatment providers are colluding. He submits that his medical records have been altered and no longer reflect the injuries he sustained in the accident.
- [32] The respondent submits that the applicant has been working since the accident, whereas he was on social assistance before the accident. The respondent submits that documentation was requested from the applicant, which was necessary for the calculation of ongoing pre-104-week IRB, however it was not received and therefore the continuing benefit was denied after July 18, 2022.
- [33] The applicant testified that he worked for RTJ Property Services Inc. in 2020 to 2021 and was doing snow removal. He did not continue into the summer season of landscaping. I find the Record of Employment (ROE) which indicates the applicant started on November 16, 2020, and his last day was April 11, 2021, supports his testimony that he was working before the accident.
- [34] I find that the letter of explanation of benefits dated May 30, 2023, supports that the applicant was approved for pre-104-week IRB and paid a total of \$615.28 from the date of the accident to July 18, 2022. Further, I find the correspondence between the respondent and the applicant's counsel (on record at the time),

supports that the applicant did not provide the requested documentation, which was required for the IRB calculation beyond July 18, 2022.

- [35] I heard a substantial amount of evidence regarding the applicant's employment and ability to work after the accident.
- [36] The applicant testified that he worked one day at Throne Crete but was dismissed for lack of performance. He submits that this unsuccessful work attempt is proof of his inability to work. He did not testify to when this work attempt took place, and I was not directed to any documentation in support of the work attempt. I also did not hear evidence regarding the essential tasks of this employment, or why he was unable to perform the duties.
- [37] The clinical notes and records of Ritson North Medical Centre indicate that the applicant sought medical treatment on September 18, 2021, with complaints of a bad migraine and reported he had a diagnosis of a concussion after the July 2021 accident. The applicant was prescribed gabapentin. I note that this attendance at the doctor is during a period of time when he was between employment. I have not been directed to evidence of a medical opinion that the applicant was substantially unable to work.
- [38] The applicant testified that he worked at Laskey Contracting driving a front-end loader. I find the ROE supports that the applicant started on November 14, 2021, with his last day being March 17, 2022, due to a shortage of work at the end of the season. The applicant did not testify as to the essential tasks of his employment, nor did I hear that he was substantially unable to perform his duties.
- [39] The applicant testified that he did not seek treatment at Oshawa Physiotherapy while working at Laskey Contracting. He stated that he was in pain but chose to deal with it on his own.
- [40] The clinical notes and records of Ritson North Medical Centre from July 23, 2022, indicate the applicant reported sharp neck and back pain and migraine since the July 2021 accident. He again received a prescription for gabapentin. Again, I note that this doctor's visit is during a period of time when the applicant was between employment, and I am not persuaded that the symptoms being experienced by the applicant equate to a substantial inability to perform the essential tasks of employment because I did not hear evidence as to how these symptoms affect his functional ability in the workplace for performing his duties.
- [41] The applicant testified and the ROE supports that he worked for Nuroad Construction Limited from August 15, 2022 to December 2, 2022. The applicant

testified that he was offered a permanent fulltime position at Nuroad Construction but did not take it. The ROE indicates the applicant was laid off due to shortage of work or end of season. The applicant's paystubs and ROE support that the applicant was working over 40 hours per week. The applicant then applied for EI and received payment from December 4, 2022 until March 18, 2023. I am not persuaded that these accident-related injuries are the reason he was not working because the ROEs indicate his employment ended due to the end of season or shortage of work, and not due to an inability to perform his assigned duties as a result of the subject accident. I also note that I have not heard evidence as to the nature of the work, or essential tasks of his employment, or why he was unable perform his duties.

- [42] The applicant accessed the University Health Network (UHN) Altum Health Oshawa, and was prescribed 10 mg Cyclobenzaprine on May 20, 2023, by Dr. Kevin Green and was referred to physiotherapy. Four days later on May 24, 2023, the applicant returned to Ritson North Medical Centre. The clinical notes and records indicate the applicant reported chronic back pain and headaches which he attributed to the 2021 accident. He also reported psychological issues. The applicant was referred for MRIs of his brain and lumbar spine.
- [43] On July 3, 2023, clinical notes and records of Ritson North Medical Centre indicate the applicant reported migraines and back pain. On physical exam the doctor noted "nil acute on back exam", "CNS [Central Nervous System] 'grossly normal'", and rehab was recommended. A medical imaging report from the Whitby Clinic X-Ray and Ultrasound dated July 5, 2023, indicates all findings were normal. I note again that these medical visits are during a period of time when he was not working.
- [44] I was directed to the MRI results of the applicant's lumbar spine and brain dated August 25, 2023. The results for the lumbar spine MRI identified no abnormalities in the spine T12 through L5. The MRI did reveal L5-S1 degenerative disc disease with moderate left and mild to moderate right neuroforaminal narrowing was noted. No severe spinal canal stenosis or neuroforaminal narrowing, and no evidence of nerve root impingement was reported. The results for the brain MRI were normal. The applicant returned to the referring physician on September 1, 2023, and was referred to physiotherapy and massage for 12 weeks. The applicant has not made submissions to explain how these age-related conditions were as a result of the accident or were exacerbated by the accident.
- [45] I find that the applicant does not suffer a substantial inability to perform the essential tasks of his pre-accident employment because I have not been directed



to evidence that supports a medical recommendation for the applicant to be off work, be on modified duties, or reduce his activity as a result of the subject accident. I find that the preponderance of evidence supports that the applicant was working between the time of the accident and the end of the pre-104-week period on July 6, 2023, and that he was not substantially unable to perform the essential tasks of his various employment during this period.

### **Post 104-week**

- [46] I find that the applicant is not entitled to post 104-week IRBs for the following reasons.
- [47] The applicant must prove that by July 6, 2023, he suffered from a complete inability to engage in any employment or self-employment for which he is reasonably suited by education, training or experience.
- [48] The applicant testified that before the accident he had achieved his High School equivalency and had completed Real Estate courses online. He worked as a forklift operator at multiple warehouses. He has worked as a stone mason, worked in construction and renovations, worked in a factory, worked in the concrete trade, and scaffolding. He has done computer work as well as online trading and investment. He has worked in sales, including Heating Ventilation Air Conditioning (HVAC), selling newspaper subscriptions, and retail management at a cannabis dispensary located in Roseneath. I have not heard evidence as to the duties and responsibilities for each of the positions held by the applicant, nor the length of time he held the positions.
- [49] The applicant testified that he saw a neurologist and a bone specialist who confirmed he was not able to return to work and told him not to go for any more MRIs. I place little weight on the applicant's testimony because he could not provide a timeframe for these events or direct me to evidence that corroborates his testimony.
- [50] The applicant testified, and the ROE supports, that the applicant worked for WSP E&I Canada Limited from November 24, 2023 to December 8, 2023. The reason indicated for the end of employment on the ROE is illness or injury. I note that this is more than four months past the 104-weeks post accident timeline. I did not hear evidence as to the nature of the applicant's duties or tasks. The ROE does not provide any details as to the nature of the illness or injury that prevented the applicant from fulfilling his duties. Further, I have not been directed to medical evidence that explains the nature of the illness or injury. I cannot presume that

the illness or injury is related to the accident, as required for entitlement to an IRB.

- [51] I note the clinical notes and records of Ritson North Medical Centre on November 15, 2023, includes a medical note with the recommendation for physical therapy and massage therapy for a period of twelve weeks due to low back pain. However, I find the medical notes do not support the applicant should be off work or that this pain is as a result of the accident.
- [52] The applicant directed me to a lumbar spine MRI report dated January 13, 2024. The applicant testified that the MRIs confirm diagnoses of concussion, nerve impingement, and a growth in his spinal canal, as well as seven tears in his shoulder. The applicant testified that most of the pain is coming from his shoulder. Further, the applicant testified that the MRI showed inflammation, and the doctor told him he was being too active and has exacerbated the injury. The applicant stated that he only gets two hours of sleep at night and has been diagnosed with insomnia and has neurological injuries to his leg.
- [53] I have reviewed the MRI reports dated January 13, 2024. The spinal MRI report indicated changes to the applicant's spine. Specifically, at L5-S1, there is moderate degenerative disc disease with intervertebral disc height loss and mild Modic changes in the opposing endplates. There is posterior disc protrusion with mild central annular fissuring noted. The remainder of the lumbar spine was normal. I place little weight on this report because I have not been directed to a medical opinion of the cause of the change in the applicant's condition, or that the condition prevents him from working.
- [54] The applicant submits that he received a medical note on January 9, 2024, taking him off work for medical reasons. I have reviewed the medical note of Dr. Shazia Nabi of the Ritson North Medical Centre, which states "He is unfit and unable to attend work from 9-22/1/2023 due to medical reasons." It is unclear to me if the intended time period stated in the note is to be the period of the 9<sup>th</sup> through 22<sup>nd</sup> of January 2023, which is one year previous, or if the intention was the following two-week period in 2024. Either way, I place little weight on the medical note because I have not been directed to corroborating medical evidence that support the applicant was unable to work in January of 2023, or an explanation from Dr. Nabi as to why the applicant was unable to work; and January 2024 is six months after the July 6, 2023 date upon which the applicant must prove he was unable to work.
- [55] The applicant directed me to two MRI reports. The MRI of the left shoulder dated April 14, 2024, identified seven partial-thickness tears and tendinitis; A spinal

MRI date April 17, 2024, in which a Syring, a fluid filled cyst, measuring 17.2 mm in length and 4.5 x 4.5 in diameter was identified in the posterior T3-T4 disc space. The report further indicates there is dilation of the central canal posterior to T2 measuring 2mm in diameter. No expansion of the cord, no edema, and no cord compression was identified. Mild degenerative changes were identified between C3-4, C4-5, and C5-6. I acknowledge that the applicant complained of pain in his shoulder after the accident, and the MRI confirms an injury to his shoulder. However, the records support that the applicant was working after the accident, and I have not heard evidence as to how his shoulder injury prevented him from working. Also, the syring in the applicant's spine was discovered in April 2024, but I have not heard evidence as to how this condition is related to the accident, or how it has prevented him from working.

- [56] The respondent submits the applicant was sent for Insurer's Examination assessment to determine his eligibility for post 104-week IRBs, and relies on the Insurer's Examination assessment reports as follows: Physician Assessment Report by Dr. Charanjit Sandhu, dated September 11, 2023; Functional Abilities Evaluation Report by Danny Monck, dated September 11, 2023; Vocational Assessment, including Transferable Skills Analysis Report by Bruno Rositano, dated September 11, 2023; Neurological Assessment Report by Dr. Brandon Kucher, Neurologist, dated April 15, 2024; and Psychological Addendum Report by Dr. Marjan Saghatoleslami, Psychologist, dated April 15, 2024, all of which opined that the applicant has not suffered an injury, as a result of the accident, that would prevent him from engaging in any employment or self-employment for which he is reasonably suited by education, training, or experience.
- [57] Due to a lack of medical evidence, I am not persuaded that the applicant suffered an accident-related injury that resulted in an inability to engage in any employment or self-employment for which he is reasonably suited by education, training or experience, before the post 104-week period which began July 6, 2023.
- [58] I find the applicant has not proven on a balance of probabilities that he is entitled to post 104-week IRB.

#### ***Treatment Plan for Physiotherapy***

- [59] I find the applicant is not entitled to the physiotherapy treatment for the reasons that follow.
- [60] To receive payment for a treatment and assessment plan under s. 15 and 16 of the *Schedule*, the applicant bears the burden of demonstrating on a balance of

probabilities that the benefit is reasonable and necessary as a result of the accident. To do so, the applicant should identify the goals of treatment, how the goals would be met to a reasonable degree and that the overall costs of achieving them are reasonable.

- [61] The applicant submits that he has injuries for which he requires treatment. He submits that the treatment was denied because of collusion between the insurance company and the doctor who was hired by the insurance company to pose as his family doctor. The applicant submits that the treatment provider hijacked his claim to take his benefits. He testified that was the reason he revoked all consent from the treatment providers.
- [62] The respondent submits that the applicant has not proven the treatment plan for physiotherapy is reasonable or necessary. He has not shown evidence of the treatment goals or that the goals would be met to a reasonable degree, or that the cost to achieve the goals is reasonable. The respondent further submits that because the applicant revoked his consent for treatment, he cannot obtain the treatment set out in the plan.
- [63] I have reviewed the treatment plan (OCF-18) submitted in the amount of \$1,056.32 for physiotherapy services, proposed by T.O.P. Rehab Inc., on April 16, 2024, and denied April 16, 2024. The OCF-18 was completed by Shamir Nathwani, Physiotherapist, and dated on April 4, 2024. The goals are identified as pain reduction and increased range of motion, return to activities of normal living and return to modified work activities. The achievement of the goals would be evaluated through subjective pain scale rating and muscle palpation. This is a subsequent plan and identifies a "slight improvement" in the pain rating scale, from 11 out of 10 to 7-8 out of 10, following an initial round of treatment. The plan proposes 15 one-hour sessions of multi-body site therapy for a cost of \$872.85, and \$70 for documentation, for a total cost of \$1,056.32 including tax.
- [64] It is well established in Tribunal jurisprudence that an OCF-18 must be supported by corroborating medical recommendation or documentation. As noted above, the applicant had been referred for physical therapy in November 2023, however, I have not been directed to evidence that supports physiotherapy continued to be recommended six months later, in April 2024. Further, the applicant's submissions do not engage with the test outlined above such that I can find that the goals, duration and cost of the plan is reasonable and necessary.
- [65] I find that the applicant has not proven on a balance of probabilities that the treatment plan for physiotherapy is reasonable and necessary, therefore he is not entitled to this benefit.

### ***OCF-6 for prescription medication***

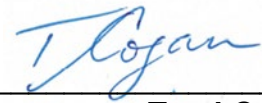
- [66] For the reasons that follow, I find the evidence supports that the OCF-6s in the amount of \$672.34 for prescription medication have been paid in full.
- [67] Section 15(1) of the *Schedule* requires the respondent to pay for all reasonable and necessary expenses incurred by or on behalf of the insured person as a result of the accident. The applicant bears the burden of demonstrating on a balance of probabilities that the benefit is reasonable and necessary as a result of the accident.
- [68] The applicant submits that the cost of his prescription medication submitted in the amount of \$672.34 on a claim form ("OCF-6") on September 3, 2024, is owing and remains in dispute. He submits that it was partially paid without his permission after the application was filed with the Tribunal. The applicant submits that he has not been paid for additional receipts also submitted on an OCF-6.
- [69] The respondent submits that a cheque was issued in the full amount of \$672.34 and was cashed by the applicant, therefore the issue should be dismissed.
- [70] I have reviewed the evidence submitted by the respondent in the form of: an OCF-6 for prescription medication, dated September 3, 2024, in the amount of \$246.92; an OCF-6 for prescription medication, dated September 4, 2024, in the amount of \$300.60; an OCF-6 for prescription medication, dated September 4, 2024, in the amount of \$124.82; cheque #085166837, dated March 18, 2025, in the amount of \$672.34 made payable to Patrick Thorne, which was cashed at TD Bank on April 1, 2025, and endorsed by Patrick Thorne. I find the evidence strongly supports that the prescription medication expenses submitted on September 3 and 4, 2024, have been paid in full.
- [71] I do not accept the applicant's submission that the payment was partially made, or that it was paid without his consent. I did not hear evidence that the applicant had not received the cheque, or that he did not voluntarily cash the cheque.
- [72] I find the expenses for prescription medication submitted on claim forms on September 3 and 4, 2024 in the total amount of \$672.34 has been paid in full.

### **CONCLUSION AND ORDER**

- [73] For the reasons stated above:
- i. The applicant is not entitled to IRBs.

- ii. The applicant is not entitled to the physiotherapy treatment plan.
- iii. Payment for the OCF-6 submitted on September 3, 2024, in the amount of \$672.34 has been made in full and no outstanding amount is owed.

**Released:** August 29, 2025



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**Tami Cogan**  
Adjudicator