

# About Damages Claims for Vehicle Accidents After May 1, 2021

*Learn about claims for vehicle repair costs, deductibles, and increased insurance premiums as a result of ICBC's responsibility assessment.*



## What you need to know

If you were in a vehicle accident, your insurer will decide who it thinks was responsible for the accident. Being found fully or partially responsible for an accident can affect your insurance coverage. It might mean that you have to pay a deductible to have your vehicle repaired, or pay for all or some of the repairs if you don't have optional insurance coverage. It could also affect your insurance premiums.

If you have a BC-insured vehicle, vehicle damage from an accident is covered by your ICBC insurance. For accidents after May 1, 2021 most vehicle damage is covered by Basic Vehicle Damage Coverage (BVDC).

BVDC is a first-party coverage that replaced fault-based third-party liability coverage for certain accidents occurring in British Columbia.

This means the cost of repairing or replacing a BC-insured vehicle is covered under the owner's vehicle insurance if the driver of the vehicle isn't at fault. Before May 1, 2021, it was covered under the vehicle insurance of the person who was at fault.

### ***If my insurer says I'm responsible, who pays for vehicle repairs?***

Vehicle damage up to \$200,000 is covered under ICBC's mandatory basic vehicle insurance, in most cases. The amount that ICBC can cover under basic vehicle insurance for vehicle damage depends on responsibility for the accident.

If you were fully or partially responsible for the accident, insurance might not cover the full repair cost. You may have to pay for the repairs yourself or pay a deductible if you have optional insurance coverage for this situation.



For example, if your repairs are \$2,000 and you were found 50% responsible for the accident, basic insurance coverage would cover \$1,000 of the repairs. You would have to pay the rest yourself, unless you have optional insurance coverage for this situation. Even with optional coverage, you might need to pay a deductible.

### ***Does it matter who caused the accident?***

If you were at fault for the accident, your insurance coverage after May 1, 2021 works the same as it did before. The amount covered for vehicle damage under BVDC depends on your responsibility for the accident. For example, if you are 50% responsible for the accident, then BVDC will cover 50% of the costs of the repairs.

You might have optional additional coverage, if you chose to buy it. This may cover the cost of repairs or replacement if you were fully or partially at fault, subject to your deductible.

### ***Can I make a CRT claim against the other driver, or another person I think was responsible for the accident?***

For most vehicle accidents that happen on or after May 1, 2021, the law says you can't make a claim for vehicle damage against certain people, such as another driver, vehicle owner, or occupant of a vehicle involved in the accident. But you may be able to make a claim against someone else, like a pedestrian or cyclist.

You also can't make a claim about the nature and extent of required vehicle repairs. You can only take those issues to arbitration.

If your claim is for damage to something temporarily attached to or carried inside the vehicle, like a child car seat, you may be able to make a claim against someone you think was responsible for the accident, like the driver of the other vehicle.

### ***Can I make a CRT claim against ICBC?***

You may be able to make a claim under our small claims jurisdiction. It depends what you ask for in your claim. If you disagree with ICBC's assessment of responsibility for



the accident, you may be able to make a claim against ICBC about your entitlement to coverage under your insurance policy.

This is because most vehicle damage is covered under mandatory basic vehicle insurance, but only to the extent that you weren't responsible for the accident.



**In a small claims dispute, the CRT can't...**

Declare that you weren't responsible for an accident, without a claim for monetary damages.

Order that ICBC reverse, change, or re-do its assessment of your responsibility for an accident.

**These situations can be complex. You may want to get legal advice.**

