AB Summary

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Effective Date	Ont. Reg. 34/10 September 1, 2010	BILL 59, as amended November 1, 1996 - 31,1996	BILL 164 January 1, 1994 to October 31, 1996
Maximum benefit	$400/Week (unless endorsed)	$400/Week (unless endorsed)	$1000/Week (unless endorsed)
Eligibility	Employed at the time of the accident, or not employed at the time of the accident, but was employed for at least 26 out of the 52 weeks before the accident, or was receiving EI benefits and was 16 years old or was excused from attending school at the time of the accident. Self-employed at the time of the accident.	Employed or self employed. Employed for at least 26 weeks during the 52 weeks before. Receiving EI benefits. >16 or excused from school. Contracted to start employment within one year (if accident occurs before April 15, 2004).	Employed or self employed. Employed at some point during the 156 weeks before and was >16 or excused from school. Contracted to start employment within one year (written evidence). On strike or locked out. Received weekly caregiver benefits. On pregnancy leave or parental leave.
Income from Self- Employment	1/52 of the amount of the person's income or loss from the business for the last completed taxation year. Quick estimate would be: Income from self-employment shown on the T2125 Statement of Business or Professional Activities (income statement) of a personal income tax return. Person's income determined without reference to any income not reported for tax purposes.	Profit from business for income tax purposes without taking into account: expenses eligible for capital cost allowance or an allowance on eligible capital property; capital gains or losses; losses deductible under S (111) of the Income Tax Act (Canada). Quick estimate would be: Income from self-employment shown on the T2124 Statement of Business Activities (income statement) of a personal income tax return. Person's income before an accident that occurs after April 14, 2004, determined without reference to any income not reported for tax purposes.	Profit from business for income tax purposes without taking into account: expenses eligible for capital cost allowance or an allowance on eligible capital property; capital gains or losses; losses deductible under S (111) of the Income Tax Act (Canada). Quick estimate would be: Income from self-employment shown on the T2124 Statement of Business Activities (income statement), which is one of the last schedules in a personal income tax return.
Time period on which self- employed benefits are calculated	Last completed taxation year. In the case that the Insured does not yet have a completed taxation year, the date of loss is considered to be the last day of the year-end, and the period from commencement of operations to the accident is considered to be the last completed taxation year.	Insured may designate either the 52 weeks prior to the loss or the last fiscal year completed before the accident if the business completed a fiscal year.	Insured may designate either the 52 weeks or 156 weeks prior to the loss. If the insured person commenced the self- employment in the 52 weeks prior to the loss, then the period of self-employment may be extrapolated to determine annual income.
Net weekly income (loss)	For self-employed persons: Net income (loss) (gross income net of business expenses) of self-employment before taxes and CPP contributions x 1/52. For employed persons: Gross income before taxes, CPP and EI deductions, divided by 52.	Gross annual income less: Employment Insurance Premiums, Canada Pension Plan Contributions, Federal and Provincial income taxes; divided by 52 weeks.	Gross annual income less: Employment Insurance Premiums, Canada Pension Plan Contributions, Federal and Provincial income taxes; divided by 52 weeks. Or table method may be used by insurer for all claims. Tables provided by the Ontario Insurance Commission.
Weekly Benefit	70% of: Gross Weekly Employment Income plus Weekly Income from Self-Employment less Weekly Loss from Self-Employment, if any.	80% of Net Weekly Income	90% of Net Weekly Income
Subsequent Losses	Adjusted to add 70% of weekly loss incurred as a result of the accident.	Adjusted to add 80% of losses incurred as a result of accident, however, effective October 1, 2003, adjusted benefit cannot exceed Policy Maximum.	Insurer to add 90% of losses incurred as a result of accident.
Subsequent Income	Adjusted to deduct 70% of gross employment income received as a result of being employed after the accident, or income from self-employment earned after the accident; however, the subsequent income from self-employment may be reduced by expenses necessary to prevent a loss of revenue or to replace the person's active participation in the business	Adjusted to deduct 80% of the net income from working subsequent to the accident; however, the subsequent income may be reduced by expenses necessary to prevent a loss of revenue or to replace the person's active participation in the business.	Insurer may deduct 90% of the net income from working subsequent to the accident; however, the subsequent income may be reduced by expenses necessary to prevent a loss of revenue or to replace the person's active participation in the business.

This summary is designed to provide a brief comparison of legislation in effect since 1994. It is provided with the understanding that the author is not engaged in rendering legal or other professional advice. The analysis contained herein represents the opinions of the authors and should in no way be construed as being either an official or unofficial policy of any governmental body. In determining accident benefits, the actual legislation should be referred to.