



**ACE INA Insurance**  
The Exchange Tower  
130 King Street West  
12th Floor  
Toronto, Ontario  
M5X 1A6 Canada

416-368-2911 telephone  
416-594-3000 fax  
www.ace-ina.com

July 9, 2008

Mr. Willie Handler  
Senior Manager  
Automobile Insurance Policy Unit  
Financial Services Commission of Ontario  
5160 Yonge Street, 15<sup>th</sup> Floor  
Box 85,  
Toronto, Ontario  
M2N 6L9



Dear Mr. Handler:

Further to Mr. Bob Christie's letter dated June 3, please see our comments below.

### **Affordability and Availability**

As our business is strictly commercial business, we feel that the affordability and availability is based solely on the client's fleet management and historical records. This is combined with their future business plans and expected travel, and we feel that there is affordability and availability for the commercial fleets that we write.

### **Consumer Protection**

As consumer protection is focused on personal lines, the same protection would apply to commercial lines.

### **Statutory Accident Benefits Schedule (SABS)**

We feel that the following suggestions for change are modest, but hopefully workable.

- (i) In the general exclusions in section 30(1)(b) and 30(1)(c) add "regardless of whether the driver knew or ought reasonably to have known" at the end of each subsection.
- (ii) In section 59 add a section 59(6) which states "for greater clarity, an insurer is not required to pay any benefits to a person under the Regulation pending resolution of a dispute about whether section 59(2) applies to the person".
- (iii) Under the catastrophic impairment provisions in section 40, add a section 40(9) stating "for greater clarity, a person who was not present at the scene of a motor vehicle accident cannot qualify as catastrophically impaired for purposes of the Regulation".



### **Dispute Resolution**

In discussing potential improvements, we feel that the current Dispute Resolute process has actually worked fairly well, and has generally been consistent. We do not have any suggestions on ways to improve this process.

### **Other Issues**

As a commercial writer, we are of the opinion that it is a competitive environment and that insureds get the broadest products available for a competitive price.

Yours truly,

A handwritten signature in black ink, reading "S. McLaren". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sandy McLaren  
Vice President, Casualty