

SCHEDULE 1

**Classes of Insurance and Definitions for Purposes of the *Insurance Act*, R.S.O. 1990,
c.I.8, as amended (the “Act”)
By Order of the Superintendent of Financial Services
Section 43 of the Act
Effective April 30, 2007**

"accident
and
sickness
insurance"

“accident and sickness insurance” means insurance

- (a) against loss resulting from bodily injury to, or the death of, a person caused by an accident;
- (b) under which an insurer undertakes to pay a certain sum or sums of insurance money in the event of bodily injury to, or the death of, a person caused by an accident;
- (c) against loss resulting from the sickness or disability of a person excluding loss resulting from an accident or death;
- (d) under which an insurer undertakes to pay a certain sum or sums of insurance money in the event of the sickness or disability of a person not caused by an accident; or
- (e) under which an insurer undertakes to pay insurance money in respect of the health care, including the dental care and the preventive care, of a person.

"aircraft
insurance"

“aircraft insurance” means insurance against

- (a) liability arising out of bodily injury to, or the death of, a person, or the loss of, or damage to, property, in each case caused by an aircraft or the use of an aircraft; or
- (b) the loss of, the loss of use of, or damage to, an aircraft.

"automobile
insurance"

“automobile insurance” means insurance

- (a) against liability arising out of bodily injury to, or the death of, a person, or the loss of, or damage to, property, in each case caused by an automobile or the use or operation of an automobile;

- (b) against the loss of, the loss of use of, or damage to, an automobile; or
- (c) that falls within paragraph (a) or (b) of the class of accident and sickness insurance, if the accident is caused by an automobile or the use or operation of an automobile, whether or not liability exists in respect of the accident, and the automobile insurance contract includes insurance against liability arising out of bodily injury to, or the death of, a person caused by an automobile or the use or operation of an automobile.

"boiler and machinery insurance"

"boiler and machinery insurance" means insurance

- (a) against liability arising out of bodily injury to, or the death of, a person, or the loss of, or damage to, property, or against the loss of, or damage to, property, in each case caused by the explosion or rupture of, or accident to, pressure vessels of any kind or pipes, engines and machinery connected to or operated by those pressure vessels; or
- (b) against liability arising out of bodily injury to, or the death of, a person, or the loss of, or damage to, property, or against the loss of, or damage to, property, in each case caused by a breakdown of machinery.

"credit insurance"

"credit insurance" means insurance against loss to a person who has granted credit if the loss is the result of the insolvency or default of the person to whom the credit was given.

"credit protection insurance"

"credit protection insurance" means insurance under which an insurer undertakes to pay off credit balances or debts of an individual, in whole or in part, in the event of an impairment or potential impairment in the individual's income or ability to earn an income.

"fidelity insurance"

"fidelity insurance" means

- (a) insurance against loss caused by the theft, the abuse of trust or the unfaithful performance of duties, by a person in a position of trust; and
- (b) insurance under which an insurer undertakes to guarantee the proper fulfillment of the duties of an office.

"hail insurance"

"hail insurance" means insurance against the loss of, or damage to, crops in the field caused by hail.

"legal expenses insurance"

"legal expenses insurance" means insurance against the costs incurred by a person or persons for legal services specified in the legal expenses insurance policy, including any retainer and fees incurred for the services, and other costs incurred in respect of the provision of the services.

"liability insurance"

"liability insurance" means insurance other than insurance that is incidental to another class of insurance,

- (a) against liability arising out of bodily injury to, or the disability or death of, a person, including an employee;
- (b) against liability arising out of the loss of, or damage to, property; or
- (c) if the liability insurance contract includes the insurance described in paragraph (a), against expenses arising out of bodily injury to a person other than the insured or a member of the insured's family, whether or not liability exists.

"life insurance"

"life insurance"

- (a) means any insurance that is payable
 - (i) on death,
 - (ii) on the happening of an event or contingency dependent on human life,
 - (iii) at a fixed or determinable future time, or
 - (iv) for a term dependent on human life; and
- (b) without restricting the generality of paragraph (a), includes
 - (i) insurance under which an insurer, as part of a contract of life insurance, undertakes to pay an additional sum of insurance money in the event of the death by accident of the person whose life is insured,
 - (ii) insurance under which an insurer, as part of a contract of life insurance, undertakes to pay insurance money or to provide other benefits in the event that the person whose life is insured becomes disabled as a result of bodily injury or disease, and

- (iii) an undertaking to provide an annuity, or what would be an annuity except that the periodic payments may be unequal in amount, for a term dependent solely or partly on a human life, and such an undertaking shall be deemed always to have been life insurance.

"marine insurance"

"marine insurance" means insurance against,

- (a) liability arising out of,
 - (i) bodily injury to or death of a person, or
 - (ii) the loss of or damage to properties, or
- (b) the loss of or damage to property,

occurring during a voyage or marine adventure at sea or on an inland waterway or during delay incidental thereto, or during transit otherwise than by water incidental to such a voyage or marine adventure.

"mortgage insurance"

"mortgage insurance" means insurance against loss caused by default on the part of a borrower under a loan secured by a mortgage or charge on real property or an immovable, a hypothec on an immovable or any other interest in real or immovable property.

"other approved products insurance"

"other approved products insurance" means insurance against risks that do not fall within another class of insurance.

"property insurance"

"property insurance" means insurance against the loss of, or damage to, property and includes insurance against loss caused by forgery.

"surety insurance"

"surety insurance" means insurance under which an insurer undertakes to guarantee the due performance of a contract or undertaking or the payment of a penalty or indemnity for any default.

"title
insurance"

"title insurance" means insurance against loss or damage caused by

- (a) the existence of a mortgage, charge, lien, encumbrance, servitude or any other restriction on real property;
- (b) the existence of a mortgage, charge, lien, pledge, encumbrance or any other restriction on personal property;
- (c) a defect in any document that evidences the creation of any restriction referred to in paragraph (a) or (b);
- (d) a defect in the title to property; or
- (e) any other matter affecting the title to property or affecting the right to the use and enjoyment of property.