



FSCO A06-000172

BETWEEN:

VISHAL BUTANI

Applicant

and

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

Insurer

REASONS FOR DECISION

Before: Richard Feldman

Heard: November 6, 2006, at the offices of the Financial Services Commission of Ontario in Toronto.

Appearances: Dilip Thakur for Mr. Butani
Heather Kawaguchi for State Farm Mutual Automobile Insurance Company

Issues:

The Applicant, Vishal Butani, was injured in a motor vehicle accident on June 23, 2001. He applied for accident benefits from State Farm Mutual Automobile Insurance Company ("State Farm"), payable under the *Schedule*.¹ Disputes arose between the parties concerning the payment of accident benefits and the parties were unable to resolve their disputes through mediation. Mr. Butani applied for arbitration at the Financial Services Commission of Ontario under the *Insurance Act*, R.S.O. 1990, c.I.8, as amended.

¹The *Statutory Accident Benefits Schedule — Accidents on or after November 1, 1996*, Ontario Regulation 403/96, as amended.

The issues in this hearing are:

1. Is Mr. Butani entitled to receive medical benefits in the amount of \$370.00 for treatment and other services provided by Dr. Colin Saldanha, pursuant to section 14 of the *Schedule*?
2. Is Mr. Butani entitled to receive lost educational expenses (\$5,392.00 for tuition and \$400.00 for books) claimed pursuant to section 20 of the *Schedule*?
3. Is State Farm liable to pay Mr. Butani's expenses in respect of the arbitration under section 282(11) of the *Insurance Act*?
4. Is Mr. Butani liable to pay State Farm's expenses in respect of the arbitration under section 282(11) of the *Insurance Act*?
5. Is Mr. Butani entitled to interest for the overdue payment of benefits pursuant to section 46(2) of the *Schedule*?

This application was heard on November 6, 2006. After the conclusion of the hearing but before I issued any decision with respect thereto, the parties (through their respective representatives) appeared before me and advised me that they had reached a settlement of the issues raised herein. They jointly requested that I issue an order dismissing this application without costs. I indicated that I was prepared to grant their request.

Richard Feldman
Arbitrator

November 21, 2006

Date

Financial Services
Commission
of Ontario

Commission des
services financiers
de l'Ontario



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ARBITRATION ORDER

Under section 282 of the *Insurance Act*, R.S.O. 1990, c.I.8, as amended, *and on consent of the parties*, it is ordered that:

1. This application is dismissed.
2. No expenses related to this arbitration are awarded to either party.

Richard Feldman
Arbitrator

November 21, 2006

Date