



FSCO A06-000191

BETWEEN:

DILIP THAKUR

Applicant

and

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

Insurer

REASONS FOR DECISION

Before: Richard Feldman

Heard: November 9, 2006, at the offices of the Financial Services Commission of Ontario in Toronto.

Appearances: Mr. Thakur (self-represented)
Heather Kawaguchi for State Farm Mutual Automobile Insurance Company

Issues:

The Applicant, Dilip Thakur, 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. Thakur 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. Thakur entitled to receive a weekly income replacement benefit pursuant to section 4 of the *Schedule*?
2. What is the amount of weekly income replacement benefit that Mr. Thakur is entitled to receive?
3. Is Mr. Thakur entitled to receive medical benefits for the cost (\$2,076.38) of exercise equipment and assistive devices, pursuant to section 14 of the *Schedule*?
4. Is Mr. Thakur entitled to receive housekeeping and home maintenance expenses from August 9, 2001 to June 23, 2003, pursuant to section 22 of the *Schedule*?
5. Is State Farm liable to pay Mr. Thakur's expenses in respect of the arbitration under section 282(11) of the *Insurance Act*?
6. Is Mr. Thakur liable to pay State Farm's expenses in respect of the arbitration under section 282(11) of the *Insurance Act*?
7. Is Mr. Thakur entitled to interest for the overdue payment of benefits pursuant to section 46(2) of the *Schedule*?

This application was scheduled to commence following the conclusion of a related application by Mrs. Punam Thakur (FSCO File No. A06-000190). On November 9, 2006, the parties 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