



**Citation: Munro v. Belair Direct, 2021 ONLAT 19-013690/AABS - R**

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## **RECONSIDERATION DECISION**

**Before:** Jesse A. Boyce, Vice-Chair  
**Date of Order:** 08/20/2021  
**Tribunal File Number:** 19-013690/AABS  
**Case Name:** David Munro v. Belair Direct

### **Written Submissions by:**

**For the Applicant:** Michelle F. Jorge, Counsel

**For the Respondent:** Matthew C. Owen, Counsel

## OVERVIEW

- [1] This request for reconsideration was filed by the applicant. It arises out of a decision dated May 28, 2021, in which I determined that the applicant had demonstrated entitlement to payment for an eye exam and overdue payments from Living Science Wellness, plus interest, but had not demonstrated that the expenses in various OCF-6s and OCF-18s were reasonable and necessary.
- [2] In his request, the applicant submits that I erred in law and fact in determining that the remaining goods and treatments were not reasonable and necessary under the *Statutory Accident Benefits Schedule – Effective September 1, 2020*<sup>1</sup> (the “*Schedule*”). The applicant requests an order that the matter be reconsidered to award him all of the issues in dispute with interest.
- [3] Belair Direct provided responding submissions, arguing that the applicant essentially seeks a rehearing with respect to my original decision, offering the same or slightly expanded submissions that he did at first instance and that he has not identified an error of law or fact that would have changed the outcome of the decision. Belair Direct seeks a dismissal of the request for reconsideration.

## RESULT

- [4] The request for reconsideration is dismissed.

## ANALYSIS

- [5] The grounds for a request for reconsideration are contained in Rule 18 of the *Licence Appeal Tribunal, Animal Care Review Board, and Fire Safety Commission Common Rules of Practice and Procedure, Version 1 (October 2, 2017)*, as amended (“*Common Rules*”). A request for reconsideration will not be granted unless one or more of the criteria are met. For the purposes of this request, the applicant relies on criteria 18.2(b), submitting that I committed errors of law and fact in reaching my decision such that the Tribunal would likely have reached a different decision had they not been made.
- [6] The test for reconsideration under Rule 18.2(b) involves a high threshold. The reconsideration process is not an invitation for the Tribunal to reweigh evidence or an opportunity for a party to re-litigate its position where it disagrees with the decision or where it failed to clearly meet its burden at first instance.


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<sup>1</sup> O. Reg. 34/10, as amended.

[7] I find that the applicant's request here is precisely that and I reject the applicant's assertion that I failed to consider his unique circumstances, for which I have great empathy. However, most of the applicant's reconsideration submissions simply rehash the unsuccessful arguments made at first instance. His new, improper arguments still do not overcome the fact that he incurred the majority of the goods and services in dispute prior to submitting a claim to Belair Direct for review. While the applicant's reconsideration request offered slightly more specifics than were advanced in his original submissions, I agree with Belair Direct that the applicant has not raised an articulable error of law or fact that would have resulted in a different outcome had the error not been made, which is the requirement for reconsideration of a decision under Rule 18.2(b). I see no reason to interfere with my decision.

## **ORDER**

[8] For the reasons above, the request for reconsideration is dismissed.



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**Jesse A. Boyce**

Vice Chair

Tribunals Ontario – Licence Appeal Tribunal

Released: August 20, 2021