

**CITATION:** Grewal v. Peel Mutual Insurance Company, 2022 ONSC 4082  
**DIVISIONAL COURT FILE NO.:** 839/21  
**DATE:** 20220713

**SUPERIOR COURT OF JUSTICE – ONTARIO  
DIVISIONAL COURT**

**RE:** HARPREET GREWAL, Appellant

**AND:**

PEEL MUTUAL INSURANCE COMPANY and THE LICENCE APPEAL  
TRIBUNAL, Respondents

**BEFORE:** Swinton, Stewart and Nishikawa JJ.

**COUNSEL:** *Imtiaz Hosein and Ashu Ismail* for the Appellant

*Jonathan Schreider* for Peel Mutual Insurance Company, Respondent

*Valerie Crystal* for the Licence Appeal Tribunal, Respondent

**HEARD at Toronto (by videoconference):** July 11, 2022

**ENDORSEMENT**

[1] The appellant appeals the decision of the Licence Appeal Tribunal (“Tribunal” or “LAT”) dated May 14, 2021 that dismissed a motion to add a request for punitive damages to her application for accident benefits pursuant to the *Statutory Accident Benefits Schedule – Effective September 1, 2010*, O. Reg. 34/10. Her application arises as a result of a motor vehicle accident in November 2016. A request for reconsideration of the LAT decision was dismissed on October 8, 2021.

[2] After hearing submissions on the issue of whether the Divisional Court had jurisdiction to hear this appeal, the Court ruled that the appeal would be dismissed for want of jurisdiction with reasons to follow. These are the reasons.

[3] An appeal lies to this Court pursuant to s. 11(1) and (6) of the *Licence Appeal Tribunal Act, 1999*, S.O. 1999, c. 12, Sched. G. The appeal must be with respect to a final decision or order of the Tribunal, and it must raise a question of law (*Penney v. The Co-operators General Insurance Company*, 2022 ONSC 3874 (Div. Ct.) at para. 26).

[4] The ruling of the Tribunal under appeal was not a final decision or order. In *Delic v. Enrietti-Zoppo*, 2022 ONSC 1627, the Divisional Court stated (at para. 7),

An order is final if it disposes finally of a claim. An order is not final just because it is one of substance. Where the effect of an order is to continue the inquiry, it is not final.

[5] The present proceeding is still in the early stages, and there has been no ruling on the merits of the application for accident benefits. All that the Tribunal has done was to rule on the availability of a possible remedy of punitive damages. In contrast, in *Higashi v. Western Assurance Company*, 2020 ONSC 7616 (Div. Ct.), the Court heard an appeal respecting an application for income replacement benefits, as that issue had been finally determined, even though the application respecting catastrophic impairment had not yet been determined.

[6] Another panel of this Court explained why an appeal should only follow a final decision of an administrative tribunal in *Law Society of Upper Canada v. Piersanti*, 2018 ONSC 640 (at para. 16):

In regulatory proceedings, fragmentation and/or bifurcation of issues and piecemeal court proceedings are discouraged. Rather the preferred course is to allow matters to run their full course before the tribunal and then consider all the legal issues arising from the proceeding, following its conclusion. In conduct proceedings that involves a finding of professional misconduct or conduct unbecoming.

[7] The same policy considerations apply with respect to accident benefit applications before the LAT. It is preferable to avoid the fragmentation and delay in the administrative process that would result if appeals were available before there has been a final determination of a claim.

[8] While the appellant cited a number of cases to this Court which have determined what is a final or an interlocutory order for purposes of the appeal routes in civil proceedings, the Divisional Court in *Piersanti* explained why those cases, and that distinction, are inappropriate in the context of regulatory proceedings (at paras. 14-16). See, also, *Coughlin v. Director, Ontario Disability Support Program*, 2021 ONSC 1236 (Div. Ct.) at paras. 7 and 9-11.

[9] This appeal is therefore premature. The parties should complete the proceeding before the Tribunal respecting the appellant's application, which has been on hold since the decision was made over a year ago. If she decides to appeal the Tribunal's final decision on the merits, the issue of the availability of punitive damages can be raised as an issue before the panel hearing the appeal.

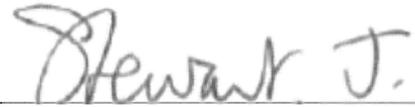
[10] Accordingly, the appeal is dismissed for want of jurisdiction.

[11] The Tribunal does not seek costs. Given that the Court raised the issue of jurisdiction and prematurity, rather than the parties, it is appropriate that there be no order as to costs.



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Swinton J.



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Stewart J.



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Nishikawa J.

**Date:** July 13, 2022