



Citation: Veena v. Primmum Insurance Company, 2026 ONLAT 24-010668/AABS

Licence Appeal Tribunal File Number: 24-010668/AABS

In the matter of an application pursuant to subsection 280(2) of the *Insurance Act*, RSO 1990, c I.8, in relation to statutory accident benefits.

Between:

Veena Veena

Applicant

and

Primmum Insurance Company

Respondent

DECISION

ADJUDICATOR: Nadia Mauro

APPEARANCES:

For the Applicant: Thomas Dugas, Counsel

For the Respondent: Matthew Owen, Counsel

HEARD: By way of written submissions

OVERVIEW

- [1] Veena Veena, the applicant, sought benefits pursuant to the *Statutory Accident Benefits Schedule - Effective September 1, 2010 (including amendments effective June 1, 2016)* (the “*Schedule*”) as a result of an accident on March 6, 2022, leading to the fatality of her son. The applicant was denied benefits by the respondent, Primmum Insurance, and applied to the Licence Appeal Tribunal - Automobile Accident Benefits Service (the “*Tribunal*”) for resolution of the dispute.

ISSUES

- [2] The issues in dispute are:
- i. Is the applicant entitled to \$16,250.00 for death benefits submitted March, 8, 2023?
 - ii. Is the respondent liable to pay an award under s. 10 of Reg. 664 because it unreasonably withheld or delayed payments to the applicant?

RESULT

- [3] The applicant is not entitled to a death benefit or an award.

ANALYSIS

Background

- [4] On approximately March 6, 2022, the applicant’s son, Vinay, died in a motor vehicle accident. At the time of the accident Vinay was 21 years old.

Death Benefits and Dependency

- [5] Section 26(2) of the *Schedule* states that an insurer shall provide a death benefit payment of \$25,000.00 to the insured person’s spouse and \$10,000.00 to each of the insured person’s dependents in respect of an insured person who dies as a result of an accident.
- [6] Pursuant to s. 3(7)(b) of the *Schedule* “a person is a dependant of an individual if the person is principally dependent for financial support or care on the individual or the individual’s spouse.” The leading case on this point is *Miller v. Safeco Insurance Co. of America*, 1985 CanLII 2022 (ONCA), wherein the Ontario Court of Appeal identified four factors to be considered when determining dependency: the amount of the dependency, the duration of dependency; the financial and

other needs of the alleged dependent; and the ability of the alleged dependent to be self-supporting.

- [7] While the issues before me are for a death benefit and an award, the applicant's case ultimately hinges on whether she is considered a dependent pursuant to s.3(7)(b) of the *Schedule*.

The applicant was not principally dependent

- [8] The applicant submits that, as the deceased's mother, she has suffered emotional loss and financial support that she reasonably expected to receive from Vinay in the future. The applicant submits that the cultural and social framework of the Asian/Indian culture is such that the eldest son takes responsibility for the wellbeing of both parents. The applicant further submits that she maintained a close and loving relationship with her son.
- [9] The respondent submits that the applicant has failed to provide direct evidence through an affidavit speaking to any of the relevant factors. The respondent further submits that the applicant has not provided the Tribunal with basic critical evidence or argument as to the financial support or care she allegedly received; how long she may have received that financial support or care; the extent of her need for support and care; her sources of income, finances at the time of the accident, or ability to be self-supporting; nor her ability to maintain a reasonable level of functioning in her daily life.
- [10] In her reply submissions, the applicant submits that her evidence engages the factors of *Miller* such that modest but regular financial assistance may establish dependency. She submits that although she and her son Vinay were not residing together at the time of the accident, it does not detract from the fact that she remained in a dependent relationship with her son; required and received support from her son; and that her limited employment prospects and reliance on her son demonstrate reduced capacity to be fully self-supporting.
- [11] While I am sympathetic to the tragic passing of the applicant's son, submissions are not evidence. The only evidence that the applicant has provided, other than the accident report and death certificate, are "photographs with various dates". It is not clear who is in the photos, when the photos were taken, or how they satisfy the legal test of dependency.
- [12] Despite the applicant indicating that she was "financially dependent upon the late Vinay, through her husband, Ashok Kumar, who received monies from the deceased and applied them towards the maintenance of the family", the applicant

has not provided any banking or other evidence to support this submission. It is also not clear how much financial assistance the deceased provided to the applicant or how much of the deceased's financial assistance would contribute to her daily living expenses. The applicant does not make submissions or provide evidence to support the frequency and duration of the financial assistance, nor the amount of financial assistance.

[13] Moreover, the applicant submits that she was emotionally reliant on her son in accordance with cultural expectations within her community that the eldest son bears responsibly for the care and support of his parents. The applicant further submits that the deceased had "expressed and undertaken responsibility for his mother's well-being" and the applicant "relied on her son for assistance with day-to-day needs, guidance, and support". As I have indicated above, submissions are not evidence. The applicant does not direct me to any evidence that she was principally dependent on her son for physical or emotional care as contemplated by the *Schedule*. I find that the applicant's submissions are vague and do not engage with any specific details that would provide clarity on what her day-to-day needs were or how they were met by her son, and what guidance and support was provided by her son.

[14] Based on the evidence before me, I find that the applicant has not demonstrated that she was principally dependent on the insured for financial support or care in accordance with s.3(7)(b). As such, I find that the applicant is not entitled to a death benefit.

Award

[15] The applicant sought an award under s. 10 of Reg. 664. Under s. 10, the Tribunal may grant an award of up to 50 per cent of the total benefits payable if it finds that an insurer unreasonably withheld or delayed the payment of benefits.

[16] As there are no overdue benefits, the applicant is not entitled to an award.

ORDER

[17] I find that:

- i. The applicant is not entitled to a death benefit;
- ii. The respondent is not liable to pay an award; and
- iii. The application is dismissed.

Released: March 13, 2026



**Nadia Mauro
Adjudicator**