



Citation: Kaur v. Security National Insurance Company, 2026 ONLAT 25-001260/AABS

Licence Appeal Tribunal File Number: 25-001260/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:

Tarandeep Kaur

Applicant

and

Security National Insurance Company

Respondent

DECISION

ADJUDICATOR: Jeff Chatterton

APPEARANCES:

For the Applicant: Neha Kohli, Paralegal

For the Respondent: Adel Pippo, Counsel

HEARD: In Writing May 21, 2026

OVERVIEW

- [1] Tarandeep Kaur, the applicant, was involved in an automobile accident on May 7, 2023, and sought benefits pursuant to the *Statutory Accident Benefits Schedule - Effective September 1, 2010 (including amendments effective June 1, 2016)* (the “*Schedule*”). The applicant was denied benefits by the respondent, Security National Insurance Company, 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. Are the applicant’s injuries predominantly minor as defined in s. 3 of the *Schedule* and therefore subject to treatment within the \$3,500.00 Minor Injury Guideline (“MIG”) limit?
 - ii. Is the applicant entitled to \$2,130.00 for physiotherapy services, proposed by Ontario Rehabilitation Centre in a treatment plan/OCF-18 (“plan”) dated November 14, 2023?
 - iii. Is the applicant entitled to \$2,582.05 for a psychological assessment, proposed by Complete Rehab Centre in a plan dated April 9, 2024?
 - iv. Is the respondent liable to pay an award under s. 10 of Reg. 664 because it unreasonably withheld or delayed payments to the applicant?
 - v. Is the applicant entitled to interest on any overdue payment of benefits?

RESULT

- [3] The applicant has not demonstrated she should be removed from the MIG.
- [4] As the applicant is being held to the MIG, it is not necessary to analyze the disputed treatment plans to determine if they are reasonable and necessary.
- [5] Neither interest nor an award are payable.
- [6] The application is dismissed.

PRECEDURAL ISSUES

- [7] The respondent raised a motion requesting that the Tribunal exclude evidence consisting of Clinical Notes and Records (“CNRs”) from Dr. Ajita Gupta and the Ontario Rehabilitation Centre. The respondent argues the documentary evidence was not produced until October 21, 2025, which is two months after the Tribunal’s final production deadline of August 13, 2025.

- [8] I have reviewed the Case Conference Report and Order, dated May 15, 2025, and note that the final production deadline was indeed on or around August 13, 2025. I have also reviewed the applicant's submissions and was not led to a reason for the delay in producing the requested evidence.
- [9] While I do have the legal authority under Rule 9.3 of the Licence Appeal Tribunal Rules to exclude the disputed evidence, I do not find that would be appropriate. While I am alive to the argument that allowing the evidence may produce prejudice to the respondent, I also note the applicant relies quite heavily in their submissions on the documentary evidence in dispute. I find that the prejudice to the applicant would outweigh the prejudice to the respondent, and as such, will consider the documentary evidence in dispute.
- [10] The motion is denied.

ANALYSIS

Should the applicant be removed from the MIG due to chronic pain?

- [11] The applicant has not met their onus to demonstrate she should be removed from the MIG due to chronic pain.
- [12] Section 18(1) of the *Schedule* provides that medical and rehabilitation benefits are limited to \$3,500.00 if the insured sustains impairments that are predominantly a minor injury. Section 3(1) defines a "minor injury" as "one or more of a sprain, strain, whiplash associated disorder, contusion, abrasion, laceration or subluxation and includes any clinically associated sequelae to such an injury."
- [13] An insured may be removed from the MIG if they can establish that their accident-related injuries fall outside of the MIG or, under s. 18(2), that they have a documented pre-existing injury or condition combined with compelling medical evidence stating that the condition precludes recovery if they are kept within the confines of the MIG. The Tribunal has also determined that chronic pain with functional impairment or a psychological condition may warrant removal from the MIG. In all cases, the burden of proof lies with the applicant.
- [14] The applicant argues she has suffered significant physical injury and cannot return to her pre-accident condition within the limitations of the MIG. Specifically, she argues that she suffers from pain in her cervical, thoracic and lumbar spine which is made better with physiotherapy. She relies on *Murray v. Economical*, 2023 CanLII 77303 (ON LAT) to support her argument that she should be removed from the MIG, because she has demonstrated consistent reports to her family doctor and other treatment professionals complaining of consistent pain. To support her claim, the applicant relies on the CNRs from her family physician, Dr. Ajita Gupta, and the physiotherapy clinic, Ontario Rehabilitation Centre.

[15] The respondent disagrees and relies on a s. 44 Insurer's Examination from GP Dr. Andrzej Gwardjan dated March 26, 2024, which reports that the applicant had suffered uncomplicated soft-tissue injuries, with no evidence of musculo-skeletal trauma.

[16] I am not convinced by the applicant's evidence in meeting her onus to establish grounds for removal from the MIG based on chronic pain. I make this finding for several reasons:

- i. Primarily, I draw a negative inference regarding a significant gap in pain complaints in the CNRs of the family physician. The applicant initially visited her GP May 15, 2023, with complaints of neck and lower back pain. Although there were several visits over the following year for unrelated medical issues, the applicant, despite visiting her physician, did not complain of pain again for 14 months (until July 15, 2024.) There is also no reference in that July 15, 2024, clinical note that the pain is accident-related.
- ii. The applicant underwent an x-ray of her spine and shoulders on August 12, 2024, which showed good cervical alignment and normal x-ray of both shoulders, without any noted issues.
- iii. The applicant was referred by her family physician to Precision Pain Clinic and received an appointment of November 26, 2024. I was not provided with CNRs from that visit. In the absence of CNR's, I am unable to infer that the applicant was diagnosed with accident-related chronic pain, or had any significant pain symptoms.
- iv. I note further ongoing visits to her family physician through February 2025, again, without complaints of pain or ongoing accident-related issues. Although the onus is on the applicant, I was not led to any follow up evidence, or evidence of further complaints of musculoskeletal pain.
- v. As noted partially in paragraph (iii), the applicant has also not provided submissions indicating she is suffering from chronic pain syndrome. For example, I have not been provided with a diagnosis of chronic pain, or an analysis indicating how the applicant's condition meets the criteria in the *AMA Guides to the Evaluation of Permanent Impairment (6th Edition.)*
- vi. Further, the presence of chronic pain, in and of itself, does not merit removal from the MIG. There must be evidence of a functional limitation related to the accident-related chronic pain. The applicant has not provided evidence of any functional limitations.

[17] For these reasons, I find the applicant has not, on the balance of probabilities, met her onus to demonstrate she should be removed from the MIG due to physical injury or chronic pain with a functional limitation.

Should the applicant be removed from the MIG due to a psychological injury or condition?

- [18] The applicant has not met her onus to demonstrate she should be removed from the MIG due to a psychological injury or condition.
- [19] The applicant argues she is suffering from psychological conditions, such as problems sleeping, low mood, low energy and problems with concentration and memory. To support her claim, she relies on the April 9, 2024 OCF-18 from Psychologist Dr. Jacqueline Brunshaw. The applicant argues that Dr. Brunshaw indicates she suffers from 'adjustment disorders.
- [20] The respondent disagrees and relies on a s. 44 IE conducted by Psychologist Dr. Charlotte Gooden dated June 18, 2024, which found no clinical evidence of a psychological disorder or functional impairment related to the accident.
- [21] I am not convinced by the applicant's submissions. Although the onus to demonstrate entitlement lies with the applicant, a single OCF-18 from Dr. Brunshaw is not sufficient to remove the applicant from the MIG. Although the onus is on the applicant, I note I was not led to other evidence which indicates the applicant was suffering from psychological concerns, or that the concerns noted by Dr. Brunshaw are more significant than sequelae from the original accident.
- [22] I further note that the applicant did not make any complaints about psychological concerns to her family physician, Dr. Gupta, as evidenced in the two years of CNRs she has provided to the Tribunal since the date of the accident. This leads me to conclude that the applicant has not been significantly concerned about an accident-related psychological condition.
- [23] In the absence of objective evidence to support her claim, I find that the applicant has not, on the balance of probabilities, met her onus to demonstrate she should be removed from the MIG due to a psychological injury or condition.

Treatment Plans

- [24] As the applicant is being held to the MIG, it is not necessary for me to analyze the treatment plans to determine if they are reasonable and necessary.

Interest

- [25] Interest applies on the payment of any overdue benefits pursuant to s. 51 of the *Schedule*. As no benefits are overdue, no interest is payable.

Award

- [26] 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.
- [27] The applicant did not make any submissions on an award. As I have found that the applicant is held to the MIG and it was unnecessary for me to decide whether the disputed benefits are payable, I find that none of these disputed benefits were unreasonably withheld or delayed and therefore I decline to order an award.

ORDER

- [28] The application is dismissed.
- i. The applicant has not demonstrated she should be removed from the MIG.
 - ii. As the applicant is being held to the MIG, it is not necessary to analyze the disputed treatment plans to determine if they are reasonable and necessary.
 - iii. Neither interest nor an award are payable.

Released: May 25, 2026



**Jeff Chatterton
Adjudicator**