

10 Things You Need to Know About Personal Injury Claims

In recent years, the environment surrounding injury claims has shifted. Think you have grounds for a personal injury claim? Consider the below.

1. WHAT IS A PERSONAL INJURY CLAIM?

A personal injury claim is a legal process that allows an injured individual (the plaintiff) to seek compensation for physical, emotional, or financial losses resulting from an accident or incident caused by someone else's negligence or wrongful actions.

2. TIME LIMIT TO FILE A CLAIM

In Canada, there are strict time limits (statute of limitations) within which you must file a personal injury claim. The time limit varies by province or territory, but it is generally within two to three years from the date of the accident or discovery of the injury. Failing to file within this timeframe may result in losing the right to seek compensation.

3. PROVING NEGLIGENCE

To have a successful personal injury claim, the injured party must establish that the other party was negligent or at fault for the accident or incident. This generally involves showing that the responsible party owed a duty of care, breached that duty, and that breach caused the injury.

4. TYPES OF PERSONAL INJURY CLAIMS:

Personal injury claims can arise from various incidents, including motor vehicle accidents, slip and falls, medical malpractice, product liability, workplace accidents, and more. Read about the types of situations we have assisted in here.

5. INSURANCE COVERAGE

In many cases, compensation for personal injury claims is paid by insurance companies. Understanding the insurance coverage and dealing with insurance companies can be a complex process.

6. CONTRIBUTORY NEGLIGENCE

Canada follows the principle of "contributory negligence," meaning the amount of compensation you receive can be reduced if it is determined that you also contributed to the accident or your injuries in some way. The extent of the reduction varies depending on the circumstances.

7. DAMAGES AND COMPENSATION

Compensation in personal injury claims may include medical expenses, lost wages, pain and suffering, property damage, rehabilitation costs, and other relevant losses. The specific types and amounts of compensation can vary depending on the circumstances of the case and the severity of injury.

8. SEEKING LEGAL REPRESENTATION

Personal injury claims can be intricate, and insurance companies may try to minimize payouts. It's crucial to seek legal representation from an experienced personal injury lawyer who can guide you through the process, negotiate with the insurance company, and ensure your rights are protected.

9. OUT-OF-COURT SETTLEMENT VS. LAWSUIT

Many personal injury claims are settled out of court through mediations and informal settlement discussions.. However, if a fair settlement cannot be

reached, a lawsuit or arbitration may be necessary to pursue compensation. Going to court can be a lengthy and costly process.

10. PRESERVATION OF EVIDENCE

It's important to preserve any evidence related to your injury, such as photos of the accident scene, medical records, witness statements, and any other relevant documentation. This evidence can play a crucial role in supporting your claim.

The law and regulations surrounding personal injury claims can differ between provinces and territories in Canada. Therefore, it is essential to consult with a local personal injury lawyer who is familiar with the laws in your jurisdiction and can speak to your specific situation for personalized guidance. We encourage you to reach out to Rose Keith or one of our personal injury lawyers [listed on our website](#).



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