

BETWEEN:

KEVIN ALEXANDER MCLEAN

APPELLANT

AND:

SECURITY NATIONAL INSURANCE COMPANY

RESPONDENT

Re: Motion Submissions for NOM #20 pursuant to the SPPA, ss. 5.4 and LAT Rule 9.2.(1)(f) (see: pages 2 to 8; double-spaced, size 12 font)

APPLICANT/APPELLANT (PARTY)	RESPONDENT PARTY
Mr. Kevin A. McLean (B.A., J.D. CIM) 410-775 King Street West, Toronto, Ontario, M5V 2K3 Telephone: 647.513.1270 Email: <u>MCLEANSNICLAT@GMAIL.COM</u>	Security National Insurance Company FSRA Registration Number #353 5045 South Service Road, Floor #5 Burlington, Ontario, L7L 5Y7 Fax: 905-315-1074 Attention: Mr. David Karat (ADR Specialist) (deemed representative pursuant to ss. 1(7) of the LSA as of January 25, 2024) (david.karat@tdinsurance.com) Mr. Matthew Nieuwland, lawyer licensee with the LSO (declared representative as of June 28, 2024) (matthew.nieuwland@tdinsurance.com) With a copy to Mr. Nieuwland's legal assistant: Ms. Christiana Ortiz (christiana.ortiz@tdinsurance.com)

Hearing Record Index

1. NOM #20 Form with Schedule “A” and Submissions

Tab #1



Tribunals Ontario

Licence Appeal Tribunal

15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6
Telephone: 416-326-1356
Toll Free: 1-888-444-0240
TTY: 1-800-855-0511
Email: LATregistrar@ontario.ca
Website: tribunalsontario.ca/lat

Notice of Motion¹

Disponible en français

Important Information

- You must complete all sections of this form and attach additional information and/or documents as required. Supporting submissions must not exceed 6 double-spaced pages, exclusive of evidence and authorities. Submissions must be 12 point, Arial or Times New Roman font, with 1.5 inch margins.
- The processing of your Notice of Motion could be delayed if information or documents are missing.
- Please review [Rule 15](#) for the requirements to file a motion.

Tribunal File No.: _____

Name and Contact Information of Party making this Motion

Last Name	First Name	Middle Initial
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Name of Party _____

Address:

Street Number	Street Name	Unit Number	PO Box
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Municipality (<i>City, town</i>)	Province	Postal Code
------------------------------------	----------	-------------

Telephone Number	Fax Number	Email Address
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I am the (check one):

- ☐ Applicant ☐ Respondent ☐ Added Party
- ☐ I have attached a copy of the order or decision this motion relates to, if any.

Details about the Motion

Describe in detail what remedy are you seeking. Please indicate if the motion is being made with the consent of the other parties.

Please indicate the proposed motion hearing format:

☐ Electronically ☐ In-Person ☐ In Writing

Please advise if you wish to have the motion hearing heard at the Next Scheduled Event:

☐ No ☐ Yes, if so:

Date of Next Scheduled Event (yyyy/mm/dd)

Acknowledgement

Read carefully then check each box to confirm the statement and sign and date the form.

- ☐ I have completed all pages of this form and attached all the required documentation. I understand that if I submit an incomplete form or do not attach required documents, my motion may not be processed.
- ☐ I have served a copy of this Notice of Motion and all additional attached documents on all other parties to the appeal and where applicable, on the person who issued the order/decision/proposal that is the subject of my appeal. I have attached a completed 'Certificate of Service' to this form as proof of service of the documents. (Blank '[Certificate of Service](https://tribunalsontario.ca/lat)' forms are available on the Tribunal's website at tribunalsontario.ca/lat.)

Signature

Last Name

First Name

Signature of Party or Representative

Date (yyyy/mm/dd)



Schedule "A"



Kevin McLean <mcleansniclat@gmail.com>

MCLEAN, KEVIN v. TDGI- 333359512

6 messages

Karat, David <David.Karat@tdinsurance.com>
To: Kevin McLean <mcleansniclat@gmail.com>
Cc: "Nieuwland, Matthew" <Matthew.Nieuwland@tdinsurance.com>

Wed, Dec 4, 2024 at 9:26 AM

Good Morning Mr. McLean,

Pursuant to the LAT Order completed by Vice-Chair Morissette I have attached all OCF forms received by Security National Insurance Company to this email.

I can confirm that a copy of the Explanation of Benefits for the partially approved OCF-18 was included in both file copies that were produced on February 6, 2024, and March 19, 2024, but out of an abundance of caution I have also included said letter to this email.

This email will provide proof and satisfy the LAT Order completed by Vice-Chair Morissette.

Yours truly,

David Karat | Claim Specialist (ADR), Claims Department | TD Insurance

101 McNabb St., Markham, ON L3R 4H8

T: 877-855-3767 Ext. 260263 | F: 416-774-3120 | david.karat@tdinsurance.com

Also authorized to represent Primum Insurance Company, Security National Insurance Company, TD General Insurance Company, and TD Home and Auto Insurance Company

We recommend that you provide any requested information via fax to 416-774-3120 or by mail at the above noted address.

Safeguarding our customers' information is a fundamental principle of TD Insurance. Email is not considered a secure form of communication as the information sent via email is generally unencrypted. We recommend that you use caution when sending email messages to us and that you do not include confidential information, such as account numbers or other personal data in those messages.

Please note that we do not consent to receiving documents via electronic mail without express consent as per Section 64 (2)(e) of the Statutory Accident Benefits Schedule, and therefore, kindly deliver any and all future related documents to us in accordance with Section 64(2)(a)(b)(c) and (d) of the Schedule. Thank you for your anticipated co-operation.

Internal

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14 attachments

-  **OCF-6 for \$205.00 - Paid - Cashed on November 3, 2022.pdf**
109K
-  **OCF-21B - Ortho Neuro Physiocare - Submitted to HCAI June 28, 2023 - Approved.pdf**
324K
-  **OCF-18 for \$2,519.00 - Submitted to HCAI on July 12, 2024 - Denied.pdf**
258K
-  **OCF-18 for \$450.00 - Submitted to HCAI on June 7, 2024 - Denied.pdf**
258K
-  **OCF-18 for \$3,317.00 - Submitted to HCAI on April 19, 2024 - Denied.pdf**
258K
-  **OCF-18 for \$3,317.00 - Submitted to HCAI on February 16, 2024 - Denied.pdf**
258K
-  **OCF-18 for \$2,120.00 - Submitted to HCAI on July 10, 2023 - Denied.pdf**
258K
-  **OCF-18 for \$2,808.50 - Submitted to HCAI on April 6, 2023 - Partially Approved.pdf**
258K
-  **OCF-18 for \$314.75 - Submitted to HCAI on April 6, 2023 - Denied.pdf**
258K
-  **Letter from Adjuster to Claimant - Partially approving OCF-18 - April 20, 2023.pdf**
30K
-  **OCF-6 for \$546.99 - Paid - Cashed on January 13, 2023.pdf**
315K
-  **OCF-6 for \$543.44 - Paid - Cashed on April 5, 2023.pdf**
1769K
-  **OCF-6 for \$124.00 - Paid - Cashed on December 8, 2022.pdf**
378K
-  **OCF-6 for \$80.00 - Paid - Cashed on November 10, 2022.pdf**
349K

Kevin McLean <mcleansniclat@gmail.com>

Wed, Dec 4, 2024 at 12:31 PM

To: "Karat, David" <David.Karat@tdinsurance.com>

Cc: "Nieuwland, Matthew" <Matthew.Nieuwland@tdinsurance.com>

Dear Mr. Karat, thank you for the email and documents. I will have to review the order in detail and compare it to the documents provided. I do confirm in the interim that these documents could not have been first received by SNIC where the fax number is 416.774.3120 but I appreciate that SNIC sought to change the same to the 905 Fax Number in Spring/Summer 2023.

Is SNIC still standing behind its payment of \$2850 as there is no evidence on my side of receipt of the same or on my behalf?

Thank you.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

Kevin McLean <mcleansniclat@gmail.com>

Wed, Dec 4, 2024 at 12:35 PM

To: "Karat, David" <David.Karat@tdinsurance.com>

Cc: "Nieuwland, Matthew" <Matthew.Nieuwland@tdinsurance.com>, "Ortiz, Christiana C" <Christiana.Ortiz@tdinsurance.com>

Mr. Karat, you will need to resend the email as well because it references TDGI. Please send it with the correct style of cause when you are able. Your purported compliance with the order is defective. Thank you.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

Kevin McLean <mcleansniclat@gmail.com>

Thu, Dec 12, 2024 at 3:37 PM

To: "Karat, David" <David.Karat@tdinsurance.com>

Cc: "Nieuwland, Matthew" <Matthew.Nieuwland@tdinsurance.com>, "Ortiz, Christiana C" <Christiana.Ortiz@tdinsurance.com>

Dear Sirs/Mesdames: I confirm that you remain in breach of the LAT Orders. Kindly comply forthwith. I have absolutely no clue what that number above is and the reference to TDGI is a proceeding not known to this Tribunal or myself. Thank you.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

Kevin McLean <mcleansniclat@gmail.com>

Wed, Jan 8, 2025 at 12:17 PM

To: "Karat, David" <David.Karat@tdinsurance.com>

Cc: "Nieuwland, Matthew" <Matthew.Nieuwland@tdinsurance.com>, "Ortiz, Christiana C" <Christiana.Ortiz@tdinsurance.com>

Dear Sirs/Mesdames: I confirm that you remain delinquent in your obligations. By you, I refer to SNIC and the heading of the email. I will use this as grounds for an adjournment as well.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

Kevin McLean <mcleansniclat@gmail.com>

Tue, Jan 21, 2025 at 6:53 AM

To: "Karat, David" <David.Karat@tdinsurance.com>

Cc: "Nieuwland, Matthew" <Matthew.Nieuwland@tdinsurance.com>, "Ortiz, Christiana C" <Christiana.Ortiz@tdinsurance.com>, "LATRegistrar (MAG)" <LATRegistrar@ontario.ca>

January 21, 2025

Dear SNIC:

I again confirm that the documents you have purported to provide are not on behalf of SNIC as per the purported style of cause in the title of the email. I have provided ample time for you to rectify the same but you have failed to do so.

The original time of the email was on December 4, 2024, and I promptly put you on notice of the same but you have failed to respond.

As such, I will now bring a motion and seek costs for SNIC to comply with its obligations.

I confirm by the signature block of the email of one Mr. Karat that he is authorized to act on behalf of all of the insurance companies below but he chose to send an email on behalf of a style of cause unknown to this proceeding since the orders and decisions of Adjudicator Morissette as she then was involving my NOM #8. SNIC did not seek reconsideration of the same. SNIC did not bring a statutory appeal or a judicial review within the permitted times.

As such, SNIC is not in compliance with the order involving NOM #16.

I will rely on this correspondence to obtain an adjournment but also seek an order compelling SNIC to comply with its duties in relation to an order of this Tribunal.

I have absolutely no idea what case Mr. Karat is referring to:

MCLEAN, KEVIN v. TDGI- 333359512

What is "TDGI"? Is that TD General Insurance Company? What is 333359512?

Unfortunately, SNIC remains in breach and in quasi-contempt with Vice Chair Morissette Order and have frustrated and abused the process of this Tribunal. SNIC remains entirely delinquent with its obligations pursuant to an order of the Tribunal.

My NOM #20 will follow and it will be listed as a ground in the adjournment request. In any event, once SNIC complies with the order of VC Morissette, we can address the same under that thread. It would be improper to do so any further hereunder.

For purposes of the Tribunal being aware of the same, I have copied the LAT Registrar to the same inclusive of case manager Ms. Lee.

Thank you.

Appendices

Appendix #1

Yours truly,

David Karat | Claim Specialist (ADR), Claims Department | TD Insurance

101 McNabb St., Markham, ON L3R 4H8

T: 877-855-3767 Ext. 260263 | F: 416-774-3120 | david.karat@tdinsurance.com

Also authorized to represent Primm Insurance Company, Security National Insurance Company, TD General Insurance

Company, and TD Home and Auto Insurance Company

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]



Kevin McLean <mcleansniclat@gmail.com>

SNIC's extant obligations pursuant to VCM orders in NOM #16 – Tribunal File #: 23-015662/AABS

1 message

Kevin McLean <mcleansniclat@gmail.com>

Tue, Jan 21, 2025 at 8:15 AM

To: "Nieuwland, Matthew" <Matthew.Nieuwland@tdinsurance.com>

Cc: "Ortiz, Christiana C" <Christiana.Ortiz@tdinsurance.com>

January 21, 2025

Re: SNIC's extant obligations pursuant to VCM orders in NOM #16 – Tribunal File #: 23-015662/AABS

Dear SNIC:

I am starting a fresh email thread so you can comply with the obligations of the orders of VCM.

Once you do so with reference to the above style of cause, then I will review the same accordingly and revert back.

Thank you.

Yours truly,

Mr. Kevin A. McLean (B.A., J.D., CIM) (he/him)

(e): MCLEANSNICLAT@GMAIL.COM; (address for service in the LAT proceeding with file number 23-015662/AABS (the "LAT Proceeding" or "McLean Proceeding"); address for communications between Appellant and SNIC pursuant to, by way of consent between SNIC and Appellant, the **Email Communication Protocol** (January 23, 2024)) and the Appellant and TDHA via the Appellant's consent given to TDHA for exclusive email communications)

Disclaimer

The contents of this email, and its attachments are confidential, solely for the specified purposes above, and intended for the recipient specified in message only; and this email may have been created using voice recognition software (or assistance from third parties due to the Appellant's Disability and the author reserves the right to correct any spelling, grammar and syntax upon further review (emails may be sent with 'scheduled send')

Reservation of rights in fact and at law: consistent with previous and continued objections by Mr. McLean ("Claimant" or "Appellant"), the Appellant has not, is not and will not consent to any unauthorized collection, use or access ("UNA CUA") or disclosure ("UNA Disclosure") of his PII, PHI, or SPI (collectively, "Confidential Information" or "CI") that is inconsistent with any pre-printed and unalterable language in the OCF documents that he signed (and any OCF documents dually signed by physicians and health care practitioners) and delivered via fax to the **First Insurer** at the fax number of 416-774-3120 (the "416 Fax Number") and received by the **First Insurer** at the **416 Fax Number** (or information submitted, on behalf of the Claimant or Appellant, through HCAI to the **Insurer** that was represented to the Appellant's health care practitioners as located [sic] at the **East Mall Address**)

Relevant particulars: **Insurance Policy #:** #001013511806 ; **Insurance Program:** "TD Insurance Meloche Monnex" (Alumni And Professional Program); **Broker:** Meloche Monnex Financial Services Inc.; **Underwriter/Insurer:** Security National Insurance Company; **Named Insureds:** BMW Financial Services Inc. (A Division of BMW Canada Inc.); and Nicole Artopoulos (B.A., M.A.) ("McLean Spouse"); **Insured Automobile:** BMW 3 Series Xi Drive 2019; **Insured Person/Appellant:** Mr. Kevin A. McLean (B.A., J.D., CIM) ("Artopoulos Spouse"); **Date of Loss:** August 31, 2022 ("DOL"); **Location of Loss:** Spadina Road (between Heath Rd and St. Clair Avenue), Toronto, Ontario; **Police File Number (North York Reporting Collision Centre) (see: affidavit #3);** and **TD Insurance Claim #: 035325790-3 ("TD Claim #3")** (and any known and unknown fictitious TD claim numbers fictitious "exposure number" (4) (as opposed to the number "5") between the second digit "3" and fourth digit "3": 034325790-03 ("Fictitious TD Claim Number"))



Submission for Tribunal File Number 23-015662/AABS

General Information

Company/Firm Name (if applicable)

Person Submitting Documents

Last Name McLean	First Name Kevin	Middle Initial A
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Mailing Address

Unit Number	Street Number 775	Street Name KING ST W	PO Box
-------------	----------------------	--------------------------	--------

City/Town TORONTO	Province/State ON	Postal/Zip Code M5V2K3
----------------------	----------------------	---------------------------

Country
Canada

Daytime Phone 647 513-1270	Ext.	Alternate Phone	Ext.	Fax Number
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Email Address
mcleansniclat@gmail.com

Documents Submitted

1 . Notice of Motion

Notice of Motion_AR_NOM_20_SNIC_Breach of Orders of Tribunal_NOM_16_Filed_Signed_Schedule A_Document.pdf

Acknowledgement

Read carefully and then confirm the statements below.

I am the Claimant

- ☒ I certify that all information above and in the attachments are true and complete.
- ☒ I certify that within 5 days, I will serve a copy of the attached documents on all other parties and will serve the Tribunal with a completed Certificate of Service as proof of service of the documents. (Blank 'Certificate of Service' forms are available on the Tribunal's website at www.slasto-tsapno.gov.on.ca/lat-tamp/en/automobile-accident-benefits-service/forms/).

Date of submission 2025-01-21

LAT File #: 23-015662/AABS

BETWEEN:

KEVIN ALEXANDER MCLEAN**APPELLANT**

AND:

SECURITY NATIONAL INSURANCE COMPANY**RESPONDENT**

Re: Motion Submissions for NOM #20 pursuant to the SPPA, ss. 5.4 and LAT Rule 9.2.(1)(f) (see: pages 2 to 8; double-spaced, size 12 font)

APPLICANT/APPELLANT (PARTY)	RESPONDENT PARTY
Mr. Kevin A. McLean (B.A., J.D. CIM) 410-775 King Street West, Toronto, Ontario, M5V 2K3 Telephone: 647.513.1270 Email: <u>MCLEANSNICLAT@GMAIL.COM</u>	Security National Insurance Company FSRA Registration Number #353 5045 South Service Road, Floor #5 Burlington, Ontario, L7L 5Y7 Fax: 905-315-1074¹ Attention: Mr. David Karat (ADR Specialist) (deemed representative pursuant to ss. 1(7) of the LSA as of January 25, 2024) (david.karat@tdinsurance.com) Mr. Matthew Nieuwland, lawyer licensee with the LSO (declared representative as of June 28, 2024) (matthew.nieuwland@tdinsurance.com) With a copy to Mr. Nieuwland's legal assistant: Ms. Christiana Ortiz (christiana.ortiz@tdinsurance.com)

VOLUME #1: MATERIAL FACTS

1. The Appellant was injured in the **Accident** as the **Driver** of the **Insured Automobile** on the **DOL**. SNIC was the Sole Underwriter.
2. The Applicant repeats and relies upon the sworn evidence in affidavits #1 to #38 and Affidavit #39 to be sworn herein or by reference to Schedule “A” in the motion form herein.
3. The Applicant relies on the same authorities in the hearing record for NOM #16 and NOM #17 and the definitions ascribed to those authorities are the same herein.
4. Despite being the Sole Underwriter of the Insurance Policy, SNIC provided the Applicant with the fax number of TDHA as opposed to its own. On October 13, 2022, TDHA became the First Insurer on a provisional basis. On January 11, 2023, TDHA became the First Insurer on a permanent basis.
5. The name of TDHA and its fax number only became known to the Applicant in the summer of 2024. The Applicant filed and served motions #14 and #15, and they were heard and decided by VCM on September 13, 2024. The Applicant sought reconsideration of the same. VC Lake (“VCL”) dismissed the reconsideration request. Neither SNIC nor TDHA participated in the same.
6. On November 15, 2024, the Applicant filed and served his JRPA Application regarding the final decisions and orders (five orders therein) arising out of NOM #14 and #15. The ONSC Divisional Court stylized the JRPA Proceeding as *McLean v. TDHA et al.*
7. On November 27, 2024, the Tribunal, through Mr. Boyce, filed a Notice of Appearance.

8. The Tribunal has failed to forthwith file a record of proceeding, contrary to section 10 of the JRPA and section 20 of the SPPA, in the JRPA Proceeding and the Applicant has been compelled to bring a motion against the Tribunal and seek costs against it.
9. On December 3, 2024, the three distinct respondent insurance companies in TDHA, TDGIC, and SNIC, filed a Notice of Appearance. Mr. Nieuwland was and is counsel to each of them, and has represented in an open court proceeding that he is counsel to TDHA. Mr. Nieuwland was counsel to the non-party, as found by the VCM Decision on September 13, 2024, to TDGIC, and became counsel to SNIC on June 28, 2024.
10. As the JRPA Proceeding was ongoing, VCM issued her orders and reasons for decision involving the Applicant's NOM #16 which was outstanding since September 2024. ‘
11. On December 4, 2024, Mr. Karat, citing a style of cause unknown to this LAT Proceeding, although an unknown file number, purported to provide documents that related to the VCM orders in NOM #16. NOM #16 involved the party of SNIC and not the non-party of TDGIC. The Applicant put SNIC on notice of the same but it failed to respond for some 50 days. As a result, the hearing proper (albeit involving the incorrect party and the Applicant providing his positions and submissions under protest) must be adjourned. The adjournment request will be further formalized and rely on the same. As noted, case manager Ms. Lee represented to the Applicant that he could bring such an adjournment motion two days prior and he will do so. It was only prudent to await whether SNIC complied with its obligations and allow time for review by the Applicant to do so.
12. The Appellant, in his capacity as a JRPA Applicant, filed his factum and application record in the JRPA Proceeding on December 10 and 12, 2024, respectively.

13. The Appellant filed and paid for the certificate of perfection on December 13, 2024, along with an affidavit of service.
14. The respondents, inclusive of this Tribunal and the three respondent insurance companies, had 30 days, pursuant to Rule 68.04 of the Rules of Civil Procedure to file their factums and application records. They failed to do so.
15. Despite the sworn evidence that the Applicant had concerns about Mr. Boyce’s acting for the Tribunal in any capacity as a result of his business (employer) name and business address being the same as other adjudicators and vice chairs, and pursuant to the limited participation rights espoused in cases that followed the legal principles in *Ontario (Energy Board)*, Mr. Boyce took the unprecedented step to remove those particulars after such notice.
16. On January 21, 2025, the Applicant provided a separate thread for SNIC to comply with its obligations pursuant to the VCM Orders (see: Schedule “A”). Only time will tell how long it will take SNIC to comply with its obligations herein.

Volume #2: Issues of Law

17. The issues of law are as follows:
 - a. Is SNIC (not ‘TDGI’ [sic]) required to comply with the VCM orders involving NOM #16?
 - b. Should SNIC’s participatory rights in this LAT Proceeding be restrained until it does so?
 - c. Must the hearing proper between a non-First Insurer and the Appellant be adjourned generally until SNIC does so?

18. The questions to the above answer themselves.

Volume #3: Argument

19. The Appellant has the *onus* of establishing his entitlement to any and all benefits claimed herein including *SABS* interest or *Reg 664* awards, and costs (*Rule 19*). (see: *N.Y.*, paragraph 56). The legal test for whether a document or thing is to be produced or disclosed by the Tribunal is relevance; which is a low threshold for a moving party to meet (see: As per the decision of Adj. Paluch in *M.J. v. Economical* “In considering whether the requested documents are relevant and meet the low threshold test there are a few factors I have considered. *18-005523 v Economical Mutual Insurance Company*, 2018 CanLII 142937 (ON LAT), paragraph 50, citing *NY v. TDIMM*).
20. If an insured person has pleaded or indicated in any other way (see: paragraph 17; NY per Vice Chair Lamoreux), that she is seeking a *Reg 664* award in relation to certain specific benefits, the document production scope invariably expands.
21. Where there have been *blanket denials* of benefits to an insured person or benefits have not been paid broader disclosure orders have followed (see: *Allstate* and *Campeau*). Where there has been *inadequate sharing* of information by one of the parties to another party, even before a “pre-hearing” or “case conference”, the Tribunal has ordered that insurance companies deliver their entire file (see: *Campeau*, citing *Guerriero and Royal Insurance Company of Canada* (1998)).
22. Document demands and document production motions brought promptly, along with their orders, are required to avoid adjournments (see: *MJ v. Economical*, paragraph 37) Relevance must not be determined by one party (see: *Campeau*).

23. The Tribunal has the power to order production, from any relevant insurer, of documents, including *conversation summaries*, by all persons who PARTICIPATED in the ADMINISTRATION of a claimant's claim (see: *Halford*).
24. When the Tribunal *excludes* relevant evidence from any hearing, it potentially leaves the Tribunal with an *inaccurate* and misleading view of the evidence and likely denies the Tribunal from the *ability* to reach a *fair* and just decision (see: ; *Howe*, paragraph 29).
25. It is difficult, if not impossible, to establish the *relevance* of every document in a file one has *never seen*. The Appellant cannot establish relevance "*in the dark*".
26. It is next to *impossible to even present* a case without access to the "*internal documents*" of the insurer (see: *Campeau*, citing *Nigro*).

Volume #4: Conclusion

27. Despite the inevitability, as the Tribunal and respondent insurance companies failing to even comply with rudimentary statutory and prescribed requirements) of TDHA being found to be the First Insurer in the JRPA Proceeding where the respondents have effectively quit on any and all obligations therein, the Appellant cannot discharge his obligations against SNIC, under protest, without SNIC complying with orders of the Tribunal.
28. This is a pattern involving SNIC, irrespective of its party status, that remains not only troubling but involves investigations, compliance and enforcement issues involving it of other administrative and regulatory bodies.
29. Repetition is required herein from *Campeau*, "Relevance must not be determined by one party" but as per Mr. Karat's email, he believes that this claim involves:

“MCLEAN, KEVIN v. TDGI- 333359512”

30. It is unclear what that style of cause is and what that number refers to but it is not this LAT Proceeding. Relevance of documents is being determined by an unknown or non-party under an entirely different file number to the LAT file number herein.
31. To the extent that the Divisional Court does not decide in the Applicant’s favour, which is difficult to conceptualize when the respondent insurance companies and the Tribunal have failed to oppose the relief sought, then all the more reason that this ‘hearing proper’ being a non-First Insurer in SNIC must be adjourned generally so SNIC can attend to its obligations pursuant to the VCM Orders.
32. The Applicant cannot, and has not, tendered any submissions for the hearing proper as a direct result of the same.
33. To allow the purported hearing proper, predicated on a case conference (see: NOM #19) where SNIC did not file a case conference brief and did not participate when “TDGIC” was not a party but took the steps without authority, would be further breaches of the Appellant’s natural justice rights and breaches of procedural fairness.
34. Subject to the right of reply, all of which is most respectfully submitted on January 21, 2025, by the Appellant:



¹Not the fax number of the First Insurer in TDHA



Submission for Tribunal File Number [23-015662/AABS](#)

General Information

Company/Firm Name (if applicable)

Person Submitting Documents

Last Name McLean	First Name Kevin	Middle Initial A
-------------------------------------	-------------------------------------	-------------------------------------

Mailing Address

Unit Number	Street Number 775	Street Name KING ST W	PO Box
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City/Town TORONTO	Province/State ON	Postal/Zip Code M5V2K3
--------------------------------------	--------------------------------------	---

Country
[Canada](#)

Daytime Phone 647 513-1270	Ext.	Alternate Phone	Ext.	Fax Number
---	------	-----------------	------	------------

Email Address
mcleansniclat@gmail.com

Documents Submitted

1 . Motion Submissions

[Motion Submissions_AR_NOM_20_Motion Submissions_Jan 21_25_filed_Document.pdf](#)

Acknowledgement

Read carefully and then confirm the statements below.

I am the Claimant

- ☒ I certify that all information above and in the attachments are true and complete.
- ☒ I certify that within 5 days, I will serve a copy of the attached documents on all other parties and will serve the Tribunal with a completed Certificate of Service as proof of service of the documents. (Blank 'Certificate of Service' forms are available on the Tribunal's website at www.slsto-tsapno.gov.on.ca/lat-tamp/en/automobile-accident-benefits-service/forms/).

Date of submission [2025-01-21](#)