

**Bulletin 01-09**

February 2, 2009

**TO: ALL INSURANCE COMPANIES LICENSED IN ALBERTA FOR THE CLASS OF  
AUTOMOBILE INSURANCE**

**Attention: Chief Executive Officer**

Re: Minor Injury Regulation

The purpose of this Bulletin is to provide information concerning the amendment to the minor injury amount, calculated in accordance with the *Minor Injury Regulation* (Regulation).

The Minor Injury Regulation was struck down by Associate Chief Justice Wittmann of the Alberta Court of Queen's Bench on February 8, 2008. It was found to be inconsistent with the Constitution Act, 1982 and is of no force or effect. The government appealed the decision, and was heard by the Court of Appeal on September 12, 2008.

If Justice Wittmann's decision to strike down the Minor Injury Regulation is overturned, then the following notice will be deemed to be in effect.

In accordance with the regulation, effective January 1, 2009, the minor injury amount of \$4,339 will be adjusted by 3.8 percent, to \$4,504. The new amount relates to minor injuries caused in motor vehicle accidents that occur in Alberta on or after January 1, 2009.

The regulation requires an annual adjustment to the total amount recoverable as damages for non-pecuniary loss for all minor injuries sustained by a claimant as a result of a motor vehicle accident. The annual adjustment is effective January 1 of each year. The amount of any adjustment is related to the annual change in the Alberta Consumer Price Index.

If there are any questions in relation to the adjustment to the minor injury amount, you may contact Mr. Arthur Hagan, Deputy Superintendent of Insurance - Regulation and Market Conduct, at (780) 422-1592.

Sincerely,

[Original Signed]

Dennis Gartner  
Superintendent of Insurance