

AXA INSURANCE (CANADA) COMPANY - and - AMERICAN HOME ASSURANCE COMPANY

ONTARIO COURT (GENERAL DIVISION)

Proceeding commenced at London

LERNER & ASSOCIATES  
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Endorsement

The issue on this appeal is whether American Home or Axa Insurance is responsible for providing statutory accident benefits to Carol Hasilo as a result of December 26, 1994 motor vehicle accident. The interpretation depends on whether s.91(1) of regulation 776/93 in deeming a person a named insured for purposes of the regulation in turn applies to the monthly payment provisions of Section 268 of the Insurance Act, more particularly 268(5). We have read the reasons of MacPherson the Arbitrator appealed from on this point dated Dec. 22, 1997 and adopt his views. Appeal is dismissed.

14/10/98

Costs to respondent fixed at \$2500.

Honourable Mr. Justice Flinn