

PUBLICATION

Injured in a motor vehicle accident? Notify the at fault party insurer right away.

Kristy L. Williams, PhD

February 1, 2021

Individuals who have been injured as a result of a motor vehicle accident (regardless of the date of the accident) should write to the insurance company of the at-fault party to notify them of their intention to bring a claim. Doing so does not actually obligate the individual to bring a claim in the future but will preserve their right to pre-judgement interest if they choose to do so.

Until recently the legislation in Alberta provided that injured parties were entitled to receive interest, on non-pecuniary damages (such as pain and suffering) at an annual rate of 4% from the date of the injury to the date of settlement.

Recent changes to the Alberta *Insurance Act*, that came into effect on December 9, 2020 changed the law with respect to prejudgement interest for individuals who have been injured as a result of a motor vehicle accident. The changes both reduce the rate of interest and alters the date when interest will start accruing. Instead of being entitled to interest as of the date of the injury, interest is now calculated as of the date the injured party informs the at-fault party (in writing) of their intention to bring a claim or the date when the injured party files a claim with the court, whichever happens first.

Individuals who are injured as a result of another's negligence are typically entitled to bring a court action to recover compensation for their injuries. There are many types of damages that an injured party may recover for including:

- Pain and Suffering,
- Loss of Housekeeping Abilities,
- Loss of Income (both past and future),
- Out-of-pocket Expenses,
- Disbursements,
- Future Cost of Care, and
- Prejudgment Interest.

If you have been injured in a collision with a motor vehicle, contact any of our [Personal Injury](#) lawyers for a free consultation. We will give you an honest assessment of your claim and talk about the best approach.

