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Auto insurance covers funeral costs in fatal crashes

By April Cunningham, Associate Editor



If someone dies as a result of an auto accident, funeral costs should not be a source of financial strain for the deceased person's family members, says Windsor personal injury lawyer [Gino Paciocco](#).

Many people may not realize that Ontario's auto accident insurance benefits cover funeral expenses, as well as medical rehabilitation treatment for surviving family members in need of bereavement counselling or care, says Paciocco, partner with [Paciocco & Mellow](#).

"These are rights that most people don't realize they have," Paciocco tells [AdvocateDaily.com](#).

In addition to claims under Ontario's Statutory Accident Benefits Schedule (SABS), loved ones are also entitled to file a lawsuit against the at-fault driver and owner to claim damages for pain and suffering among other heads of damages, he says.

"They can sue as a result of their loss of care, guidance and companionship in what is known as a Family Law Act claim," Paciocco explains. Such a tort action is available to immediate relatives, including a spouse, children, grandchildren, grandparents, parents and siblings, to recover pecuniary losses. Other claims may include loss of income from not being able to work from the shock of the loved one's death, he says.

Under SABS, the vehicle owner's insurance company is obligated to pay funeral expenses up to a maximum of \$6,000, Paciocco says. Each dependant of the deceased is entitled to receive \$10,000, and a surviving spouse should receive \$25,000. If there is no surviving spouse but there are dependants, that \$25,000 amount is divided equally among them, he adds.

If the crash victim was a dependant of someone else at the time of the accident, \$10,000 would be payable to the person upon whom the deceased was dependant.

"Insurance companies should tell their families making claims about these benefits, but unfortunately the message isn't always clear," Paciocco says.

On top of those lump sum claims, relatives can also make claims for medical rehabilitation as a result of the crash, including psychological treatment for shock, he says.

Paciocco says in many fatality cases, loved ones are going through such tragic circumstances that it is often not clear what their rights are.

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He says it's important to understand that the coverages for funeral and death benefits listed above apply irrespective of who is at fault in an accident.

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