
Criminal Injuries Compensation Board

**Annual Report
2014-15**



TABLE OF CONTENTS

Mandate and mission statement	<u>2</u>
Chair's message	<u>3</u>
Program description	<u>5</u>
The process	<u>7</u>
Who is applying at the board?	<u>9</u>
Client satisfaction survey	<u>12</u>
Performance summary	<u>13</u>
Percentage of applications paid within a year	<u>14</u>
Key performance data	<u>15</u>
Claims processed	<u>16</u>
Hearings	<u>17</u>
Types of hearings	<u>18</u>
Compensation awards	<u>19</u>
Lump sum awards by type of benefit	<u>20</u>
Lump sum awards by type of offence	<u>21</u>
Financial summary	<u>22</u>
Board members	<u>24</u>
Organizational chart	<u>27</u>
Case summaries	<u>28</u>
Contact information	<u>39</u>

MANDATE AND MISSION STATEMENT

The Board is Ontario's independent adjudicative tribunal that assesses and awards compensation to victims of violent crime in accordance with the Compensation for Victims of Crime Act.

Our mission is to respond effectively to the diverse needs of victims of violent crime in Ontario with accessible, fair, respectful and timely assessments of compensation requests.



CHAIR'S MESSAGE

I am pleased to report that 2014-15 was an exceptional year for the Board. We surpassed our goal of reducing our claim processing time to 12 months. In 2014-15 it took 11.5 months to process a claim. These are the best results the Board has achieved in its recorded history. We are extremely pleased with this achievement because it means that victims will receive their decisions and awards from the Board much quicker allowing them to focus on their recovery and move on with their lives.

This accomplishment represents a 70% reduction in processing time compared to eight years ago, and one that is the result of continuous attention to the streamlining of both our operational and adjudicative processes. The highlights of our restructuring and modernization efforts have included the implementation of a triage model which involved reorganizing staff into three regional teams, moving to a fully electronic file management system and the issuing of oral decisions. More recent initiatives, such as: asking for supporting documentation earlier in the process; streamlining the exchange of police documentation; and shortening the decision review process, will hopefully continue to ensure timely, effective and supportive adjudication of compensation claims from victims of violent crime.

In October 2014, we embarked upon an important initiative to help make the Board's compensation scheme more accessible to Ontarians as we are committed to being open and transparent to the public. We launched five videos on our website which provide useful tips and information to help guide victims through each stage of the Board's process. The videos provide general information about the Board in an easy-to-use format. They are available in English and French and can be viewed with closed captioning. They are entitled: (1) About the Board, (2) Filing a Claim, (3) Preparing Information for your Hearing, (4) Your Hearing and (5) After the Hearing. The videos were prepared in-house and at a minimal cost thanks to the creativity and ingenuity of our staff. It is our hope that these videos will benefit the Board, our stakeholders and victims significantly.

The Board also took steps to ensure safe, accessible and cost effective sites for our hearings after a full review of all locations. With the assistance of ARCH Disability Law Centre, we have made headway in securing accessible parking for persons with disabilities attending our hearings. In an effort to operate in a fiscally prudent manner, we partnered with the Ministry of the Attorney General to make use of government owned facilities such as courthouses in order to conduct our hearings. In 2014-15 we held hearings in the following courthouses across the province: Belleville, Hamilton, Sudbury, Sault Ste. Marie and Thunder Bay.

Over the past year, the Board has made great strides in accessing information from the police in order to expedite the hearing of claims. The Board has now entered into 35 memoranda of understanding (MOUs) with police services across the province. The Board will continue its efforts to enter into similar MOUs with the remaining police services. Through continued collaboration with key stakeholders, the Board is now exchanging documentation electronically with the Ottawa Police Service, York Regional

Police Service, Durham Regional Police Service, London Police Service, Belleville Police Service, Brockville Police, Guelph Police Service, Sarnia Police Service, Woodstock Police Service, Chatham-Kent Police Service, St. Thomas Police Service, and Cobourg Police Service. This allows for better tracking and quicker response times, which enables the Board to process claims for compensation much faster, and in turn, schedule hearings for victims sooner.

On March 20, 2015, the Ministry of the Attorney General announced that the Board would become the eighth tribunal of the Social Justice Tribunals Ontario (SJTO) cluster as of April 1, 2015. The SJTO cluster also includes the following seven tribunals: Child and Family Services Review Board, Custody Review Board, Human Rights Tribunal of Ontario, Landlord and Tenant Board, Ontario Special Education (English) Tribunal, Ontario Special Education (French) Tribunal and Social Benefits Tribunal.

The SJTO is a large, well respected organization and a leader in adjudication in Ontario. The Board is delighted to be a part of the SJTO team as it will benefit from its expertise in dealing with self-represented clients and vulnerable groups. The Board's mandate will not change under the SJTO umbrella. The Board will continue to make independent adjudicative decisions for victims of violent crime.

This past year the Board has significantly improved client service and reduced claim processing times. The Board is proud of its continued success in carrying out its mission to respond effectively to the diverse needs of victims of violent crime in Ontario. We will continue to build on these accomplishments in the year ahead.



Maria Tassou
Acting Chair

PROGRAM DESCRIPTION

The Criminal Injuries Compensation Board is a quasi-judicial administrative tribunal that provides compensation to victims of violent crime occurring in the province of Ontario. The Board is governed by the *Compensation for Victims of Crime Act* and it follows the rules and procedures set out in the *Statutory Powers Procedure Act*. It is subject to the *Freedom of Information and Protection of Privacy Act*.

Applications may be made by or on behalf of victims who have been injured, and for expenses and for pecuniary loss incurred as a result of death arising from a criminal act as defined under the *Criminal Code*. Applicants must prove on a balance of probabilities that a violent crime took place, causing an injury or death, and any financial loss associated with the injury or death. Where a person has been criminally convicted of the crime, that conviction is deemed conclusive evidence that the offence has been committed.

All claims must be filed with the Board within two years from the date of the incident. In certain circumstances, the Board may decide to extend the time limit where it is warranted. The Board will consider several factors including the length and the reasons for the delay, and whether adequate evidence is available to support the claim. An extension request must be made and approved in order to move the claim forward.

In assessing whether to give compensation and the amount to award, the Board considers all of the circumstances surrounding the incident including whether the victim's behaviour caused or contributed to the injury or death, whether the victim reported the incident promptly to the police and cooperated with any

investigation, and if the victim has received compensation or benefits from some other source.

Who is Eligible for Compensation?

- Individuals who have been injured as a result of a crime of violence committed in Ontario; examples of a violent *Criminal Code* offence include assault, sexual assault, and dangerous use of a firearm.
- Individuals who are responsible for the care of a victim of violent crime and suffered a loss of income or had expenses as a result of the victim's injury or death.
- Individuals who are the dependants of a deceased victim (in the case of a murder).
- Peace officers injured while attempting to arrest a person, or individuals injured while trying to prevent a crime or while helping a police officer make an arrest.

What compensation is available?

- Expenses actually and reasonably incurred or to be incurred resulting from the victim's injury or death.
- Emergency medical, dental or counselling expenses, funeral expenses and support.
- Loss of wages generally to a maximum of \$250 per week to a maximum of \$1,000 per month, as a consequence of the total or partial disability affecting the victim's capacity to work.
- Pecuniary loss to the dependents of a deceased victim.
- Pain and suffering.
- Maintenance of a child born as a result of a sexual assault.

The Board does not award compensation for the following:

- Damaged or stolen property.
- An accident involving a motor vehicle (i.e. drunk driving or hit and run).
- Legal fees for criminal court and/or civil suits.
- Distress of attending criminal court.
- Workplace accidents (claim should be filed with the Workplace Safety and Insurance Board).
- Grief and sorrow experienced by relatives or friends of a deceased victim.

The following types of awards can be made:

Lump Sum Awards

The Board may award up to a maximum amount of \$25,000 for the injury arising out of an incident. If more than one person is affected by an occurrence, the maximum award to all applicants in respect of any one occurrence cannot exceed \$150,000. Lump sum awards are the awards most frequently issued by the Board.

Periodic Awards (monthly payments)

Where the Board is satisfied there is an on-going financial loss (e.g. lost wages as a result of permanent injury), it can award up to a maximum payment of \$1,000 per

month, totalling \$365,000 for all applicants affected by a single occurrence. If both a lump sum and a periodic award are made, the amount of the lump sum component cannot exceed \$12,500. Periodic awards are reviewed regularly and may cease at a future date.

Interim Awards (Section 14 of the Compensation for Victims of Crime Act)

Where there is an immediate need for compensation to cover medical expenses, support and/or funeral expenses, the Board may authorize those expenses to be paid in advance of the hearing. This can only be provided where the Board has sufficient evidence that an award will likely be granted following the hearing.

Variation Awards (Section 25 of the Compensation for Victims of Crime Act)

After a hearing, the Board may vary an order for payment in certain instances such as where there has been a change in circumstances. A variation can only be granted if an award was made initially

THE PROCESS

Filing a Claim

Claim packages are available through the Criminal Injuries Compensation Board website at www.cicb.gov.on.ca and can be requested by telephone at toll-free: 1-800-372-7463, locally (GTA): 416-326-2900, and in writing to 439 University Avenue, 4th Floor, Toronto, Ontario M5G 1Y8.



Triage

Each claim is assigned to specific staff in one of three regional triage teams who will follow the claim through the process. Claims that can be quickly processed are expedited such that a decision is made in a matter of a few months. A triage adjudicator will make decisions with respect to whether an extension is required; if a case should be dismissed or held in abeyance at the outset; if an interim award for support, funeral expenses and/or medical/counselling expenses is warranted; and address hearing issues and options.



Information Gathering

In order to determine whether to award compensation to an applicant, the Board requires sufficient evidence that a crime of violence took place and the relevant circumstances surrounding the incident, the nature of the injury, and the expenses or wage loss for which the applicant is seeking compensation. Board staff assists with identifying information that is required to support the claim, such as hospital, medical, dental, therapy and/or court reports directly related to the incident. If the incident was reported to the police, the Board will contact the police service involved and request a written report.

The Hearing

Once all of the relevant documentation is provided, Board members decide on the application after holding either an oral or written hearing. During an oral hearing, parties and witnesses give sworn testimony either in person or sometimes by telephone. During a written hearing, the Board members make a decision based on the documents and information available on the file. The applicant, the offender and the Attorney General are all parties to the hearing and may provide documentation and/or attend an oral hearing.

Once the hearing is complete, the Board generally prepares a written decision and sends it to the parties. If the Board has decided to award compensation to the applicant, a cheque is sent to him or her along with the decision. Where possible, applicants attending an oral hearing are now provided with an immediate decision rendered orally by a Board member. In such cases, where an award is made, a brief decision is sent along with the award cheque.



After the Hearing

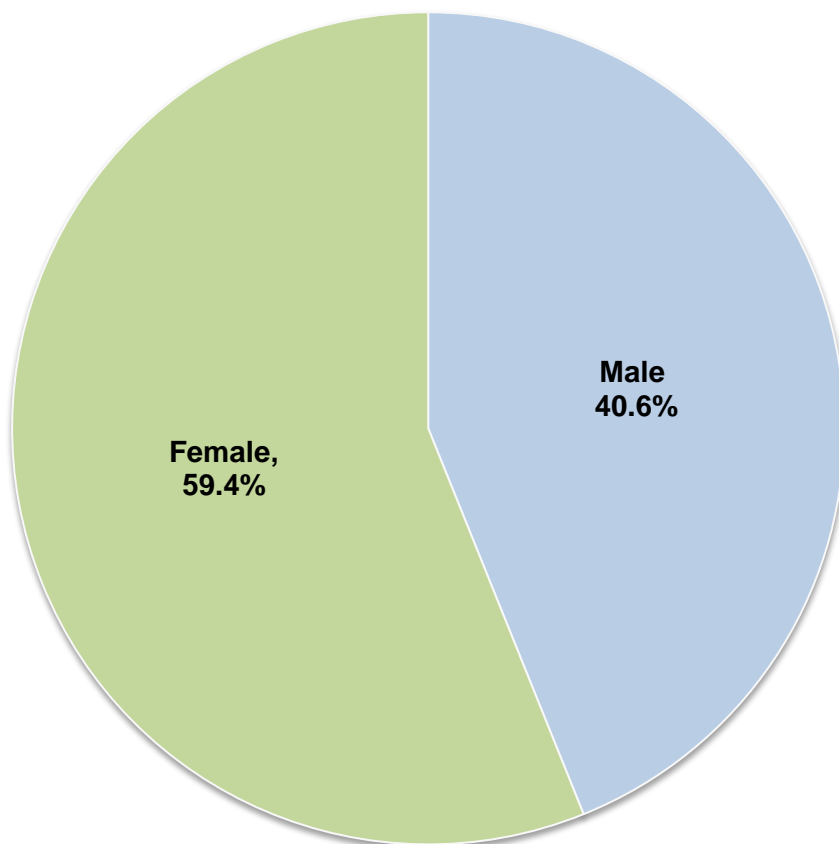
If an applicant does not agree with the Board's order and that decision was made by a single Board member, the applicant can request that the matter be reviewed by two or more Board members by making the request to the Board within 15 days of receiving the original decision. If the original decision was made by more than one Board member, it can only be appealed on a question of law to the Superior Court of Justice (Divisional Court) within 30 days of receiving the order.

WHO IS APPLYING TO THE BOARD?

In 2014-15, the Board received a total of 3310 applications. The following charts show a breakdown of who is applying to the Board by gender and age

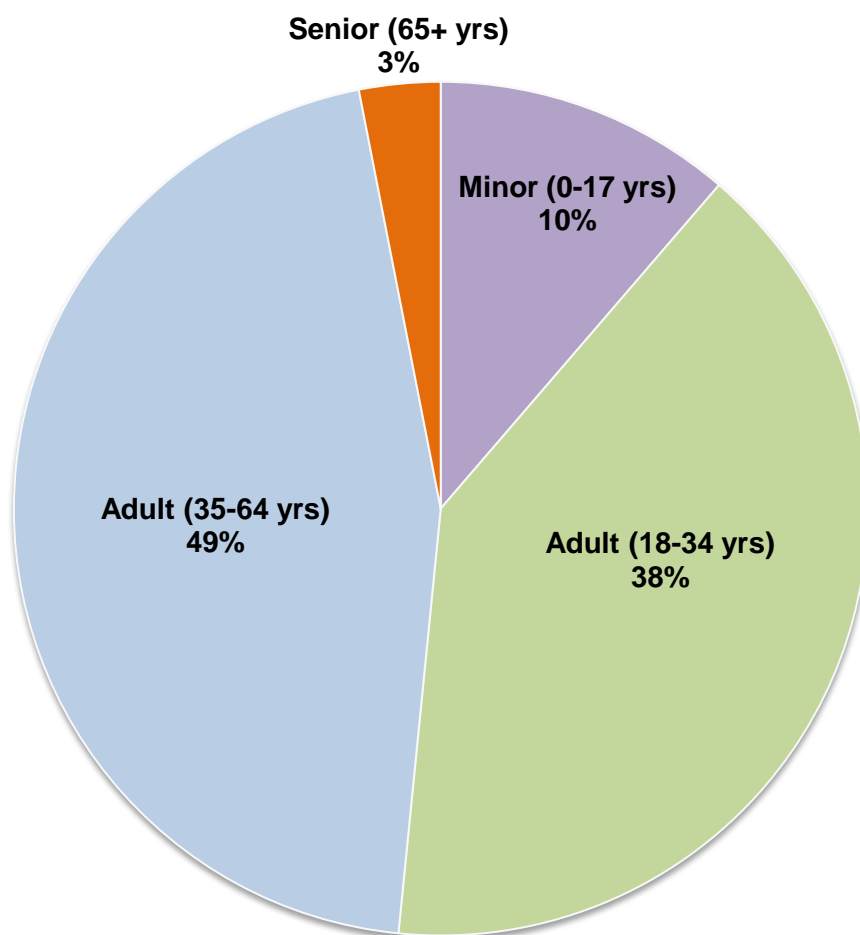
CLAIMS RECEIVED BY GENDER

Male	1344
Female	1966
TOTAL	3310



CLAIMS RECEIVED BY AGE GROUP

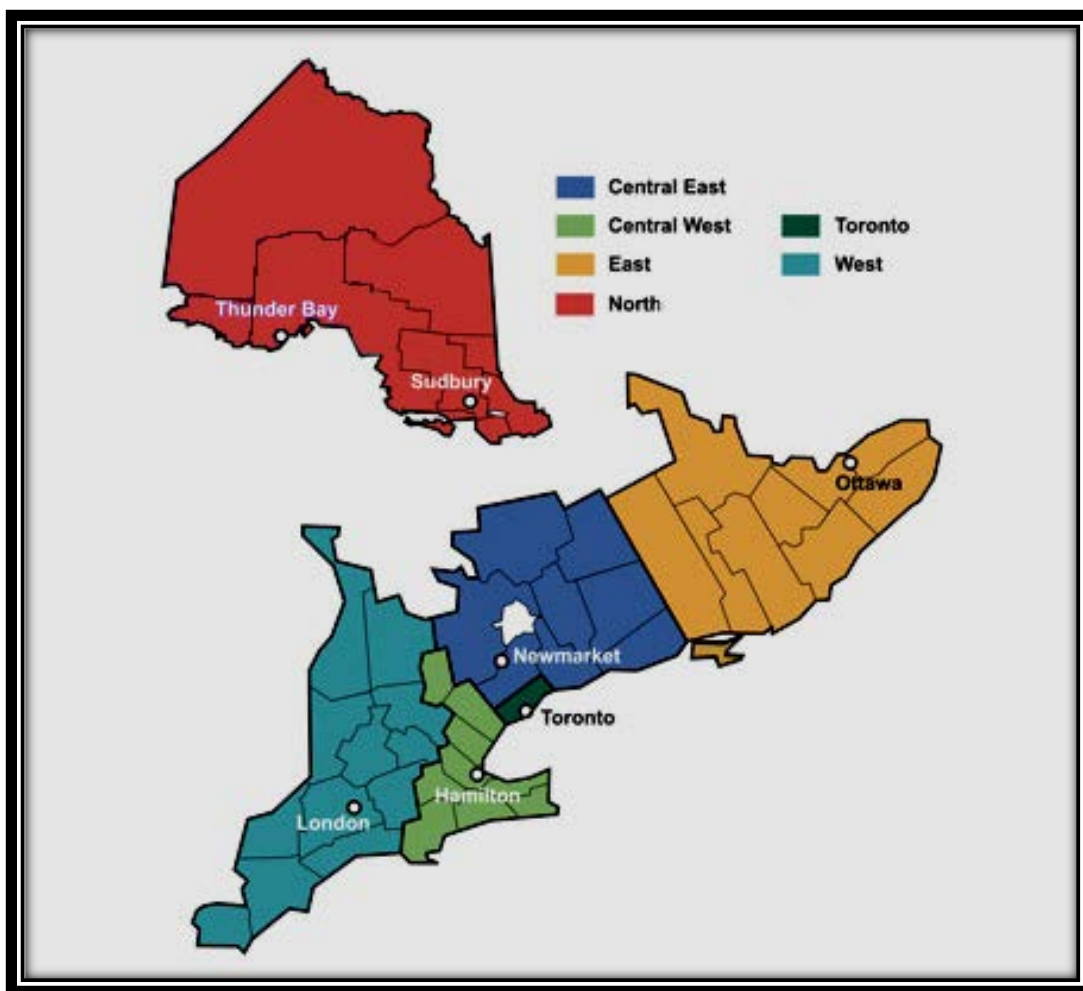
Minor (0 - 17 years old)	324
Adult (18 - 34 years old)	1265
Adult (35 - 64 years old)	1617
Senior (65 + years old)	103
TOTAL	3310



CLAIMS RECEIVED BY REGION

The Board receives applications from all over Ontario; the map below shows the regional triage structure for processing claims along with a breakdown of the areas of the province where the applicants reside. In 2014-15, 20.8% of applications came from Toronto, 11% came from the North region, 17.5% came from the East region, 14.9% came from Central East region, 21% came from the West region and 14.8% came from the Central West region.

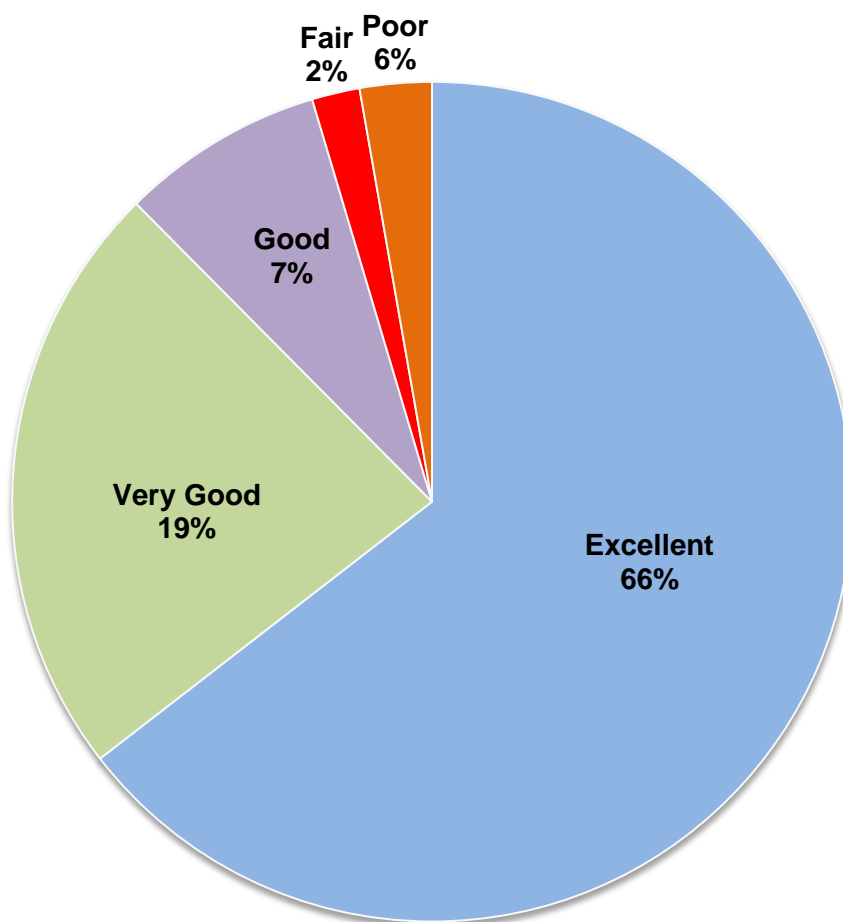
Toronto	688
North	363
East	579
Central East	494
West	695
Central West	491
TOTAL	3310



CLIENT SATISFACTION SURVEY

The following chart shows the results of our client satisfaction survey. 329 people responded to the survey up as of March 31, 2015. When asked about their overall satisfaction with their experience at the Board, they responded as follows:

Excellent	211
Very Good	75
Good	26
Fair	7
Poor	10
TOTAL	329



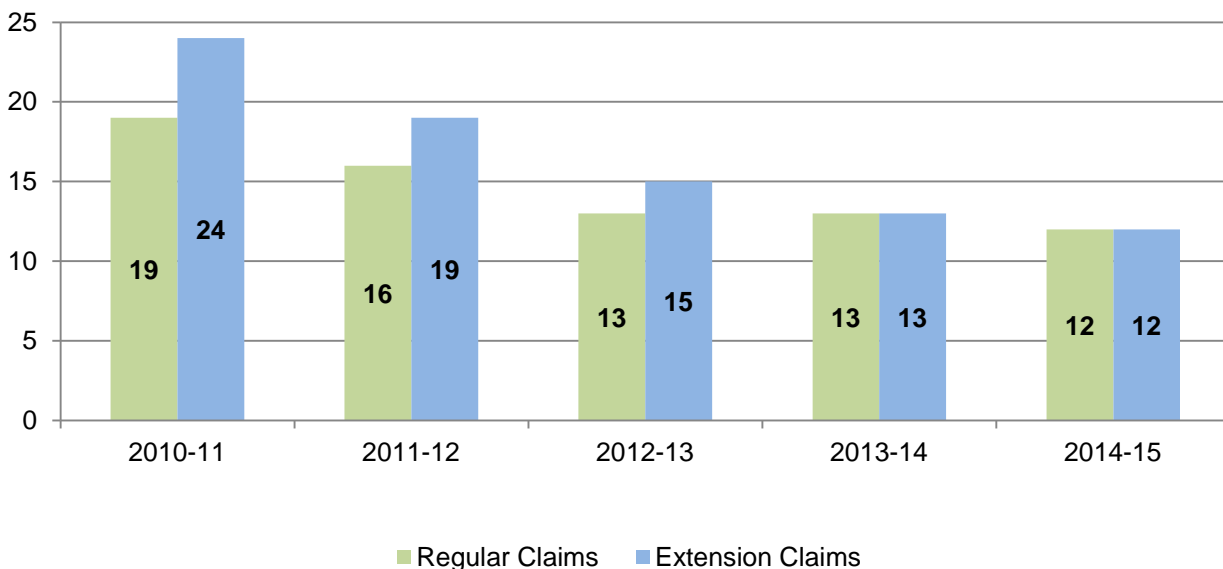
PERFORMANCE SUMMARY

The Board experienced continued achievements this year in meeting its strategic goals of providing more timely and efficient responses and payments of compensation awards to victims of crime. There were significant improvements in claims processing timelines; overall for 2014-15, we exceeded operational performance targets to reduce the average timeline from receipt of an application to the release of a decision. Whereas the Board had a performance target of an average of 13 months for completing claims filed within the two-year limitation period, actual performance achieved was 11.4 months. Similarly, the target for claims filed after the two-year limitation period was 13 months but actual results for the year was 11.6 months. The overall processing time was 11.5 months for both types of claims. These figures represent a continued reduction year over year.

Again this year, there was continued expansion of the collaborative, team-based approach by staff and members of the Board within the Regional Triage model; it is expected that, over the longer term, these improvements will allow the Board to sustain a 12-month claims process.

Over the last five-year period, the average timeline to complete regular claims has been reduced significantly from 19 months in 2010-11 to less than 12 months in 2014-15, representing a decrease in processing time of 37%. Similar reductions were achieved for files with extensions as illustrated in the following chart.

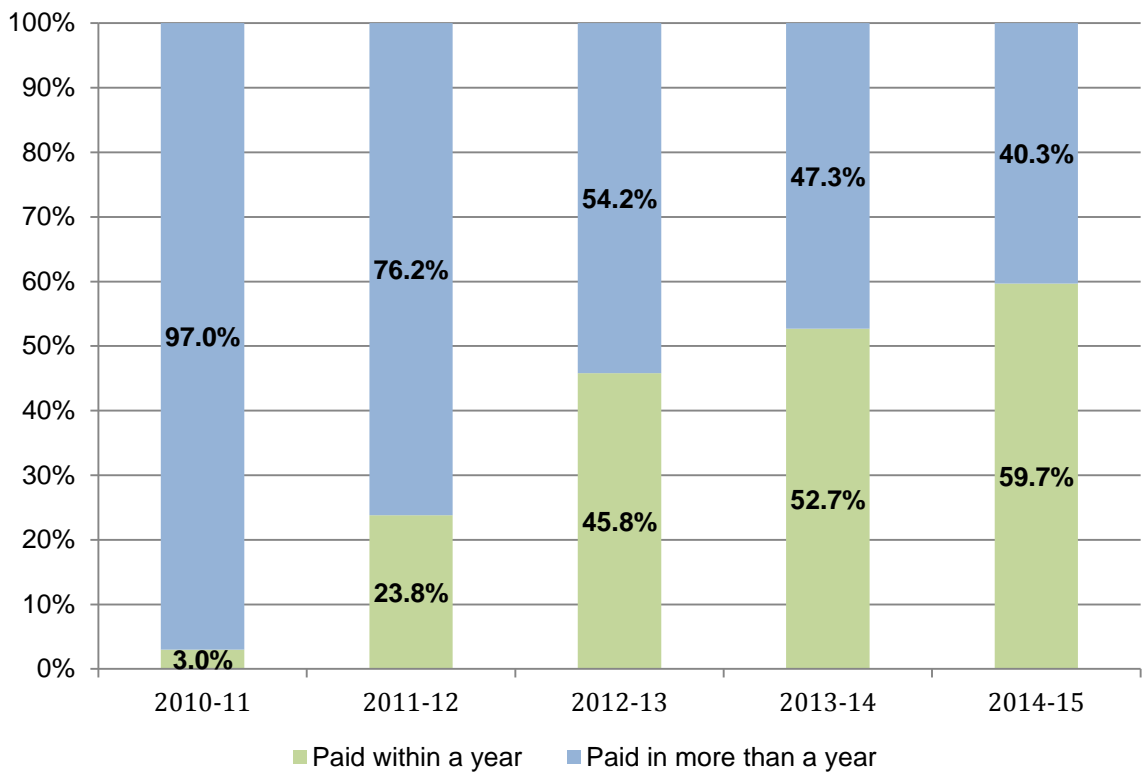
**AVERAGE TIME (IN MONTHS) TO COMPLETE A CLAIM
OVER LAST 5 FISCAL YEARS**



PERCENTAGE OF APPLICATIONS PAID WITHIN A YEAR

We have also had a significant improvement in the number of applications that are paid out within a 12-month time period; for 2014-15, 1806 applications were received, processed and paid out within 12 months. Over the last five years, the percentage of applications paid within a year has increased significantly from 3.0% to 59.7%.

APPLICATIONS PAID OVER 5 FISCAL YEARS



KEY PERFORMANCE DATA

This table contains a comparison of key performance data over the past four years. Included in the data: the number of claims received, the number of hearings, the average award and some of the more critical timelines associated with completing a file.

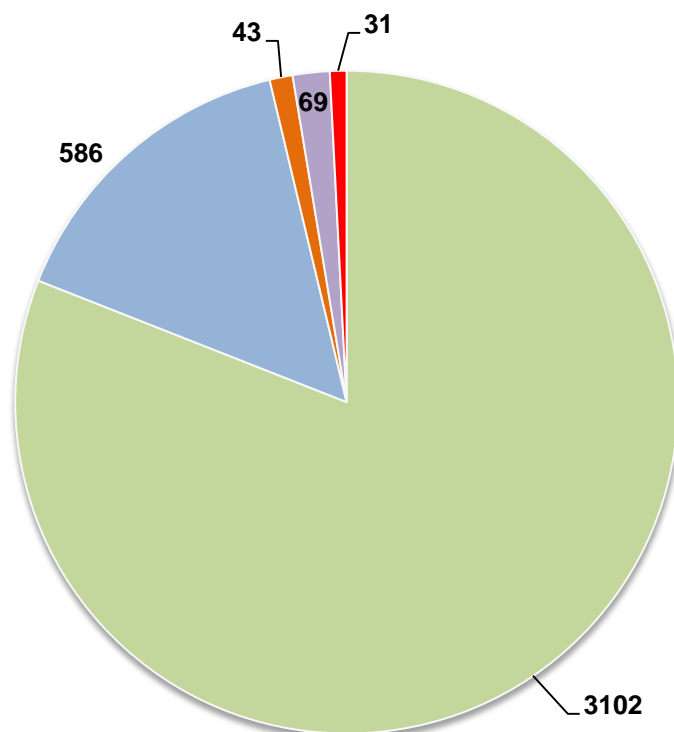
	2011-12	2012-13	2013-14	2014-15
Claims Received	3,377	3426	3414	3310
Number of Hearings	3,944	3052	3211	3102
Average Award	\$8,078*	\$8,286*	\$8783*	\$8606*
Total Number of Claims with Monthly Periodic Payment Awards	238	231	219	210
Average Time (days) from Application to Hearing (see below)				
a) Where Claim Filed within Two Year Statutory Limitation Period	414	362	342	317
b) Where Claim Filed Beyond Two Year Limitation Period	488	429	368	325
Average Time (days) from Application to Award (see below)				
a) Where Claim Filed within Two Year Statutory Limitation Period	497	399	385	347
b) Where Claim Filed Beyond Two Year Limitation Period	573	458	401	354

*The average award was \$9,085 for claims in which an award was granted. The average award for all claims (including denials) was \$8,606 for 2014-15.

CLAIMS PROCESSED IN 2014/15

In 2014-15 the CICB processed a total of 3,831 applications. Of these, 3,102 were heard at an oral or written hearing. The 729 applications remaining were disposed of without a hearing in the following manner:

- 586 were dismissed without a hearing under the Board's Rules of Procedure for various reasons (i.e. the application lacked some aspect of the statutory requirements for bringing an application, there was no reasonable prospect that the application would succeed, the proceeding related to trivial or frivolous matters, the claimant died prior to the commencement of a hearing, etc.);
- 69 applications that were filed beyond the two-year time limit did not have an extension granted;
- 31 applications were not accepted since they did not fall within the Board's jurisdiction;
- 43 applications were closed administratively since they were found to be duplicate files



- Claims Where Hearings Were Held
- Claims Dismissed Without a Hearing (under Rules of Procedure)
- Administratively Closed (Duplicate File)
- Extension of Limitation Period Denied
- Refusal to Accept (No Jurisdiction)

HEARINGS

CICB hearings can be conducted either in writing or orally. Oral hearings are currently held in 21 locations across the province. The location selected is primarily based on where the claimant resides but may also be influenced by the urgency of the hearing or other needs. A breakdown of hearings by location is provided below. In 2014-15, the Board completed 3,102 hearings.

HEARINGS LOCATION BREAKDOWN

Region	Location	% of Oral Hearings
Toronto*	Toronto	36.6%
East & Central East	Belleville, Barrie, Cornwall, Kingston, Ottawa, Orillia, and Peterborough	27.8%
West & Central West	Kitchener, London, Windsor, Hamilton, and St. Catharines	25.6%
North West & North East	Moosonee, North Bay, Sault Ste. Marie, Sioux Lookout, Sudbury, Kenora, Thunder Bay, and Timmins	10%

* The Board's Regional Triage model defines Toronto by the City of Toronto's official boundaries. However, the Board utilizes its permanent hearing rooms at 250 Dundas St W. as much as possible so many claims that originate from other regions that are in the Greater Toronto Area (e.g. Brampton, Newmarket, etc.) are heard there.

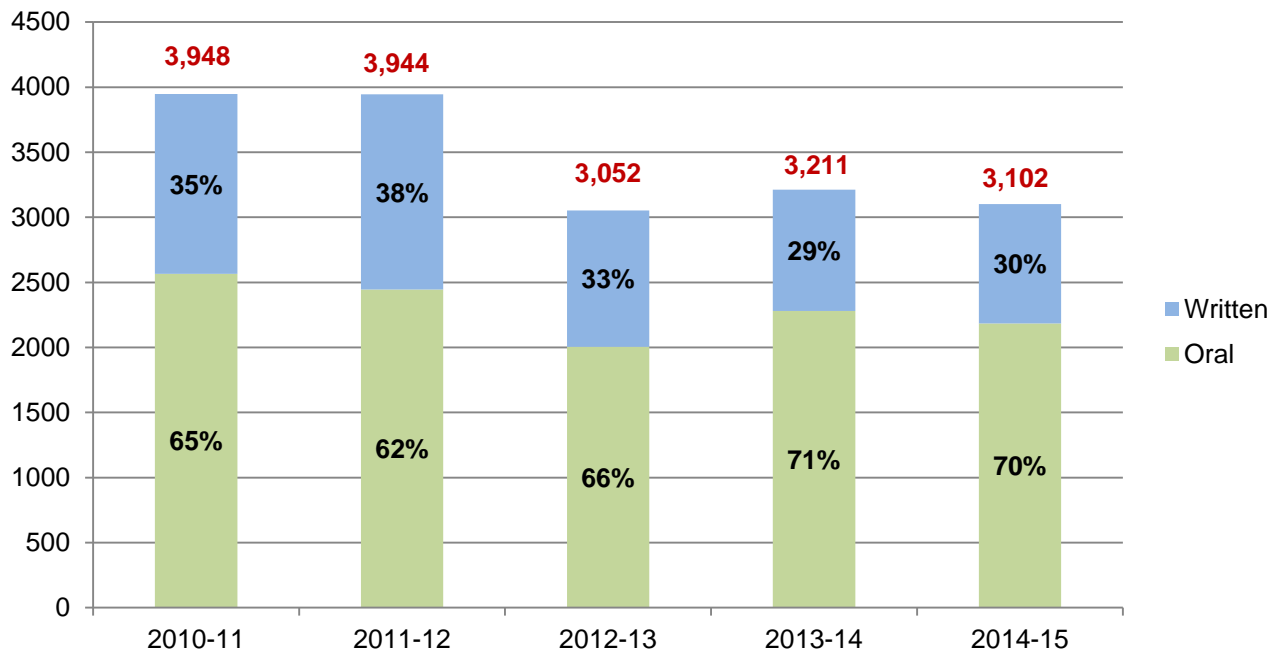
TYPES OF HEARINGS

The following chart shows the number and type of hearings held in 2014-15, with comparative results for the previous four years. The ratio of oral to written hearings was slightly lower than the previous year. In 2014-15, approximately 70% of hearings were conducted orally and 30% were conducted in writing.

The Board continues to pursue all options for hearings (written, electronic and oral) to reduce delay. Generally, the Board elects which mode of hearing will be held. However, applicants have the option of choosing an oral hearing if they wish.

In 2014-15, the total number of hearings completed by the Board was 3,102 of which 2184 were heard orally and 918 were heard in a written form.

ORAL VS WRITTEN HEARINGS OVER FIVE FISCAL YEARS



COMPENSATION AWARDS

The Board may award compensation as a lump sum or periodic award. Lump sum awards represent one-time payments made to an eligible claimant. These include benefits awarded under Section 14 (interim awards), Section 25 (variation awards) and Section 22 (costs), as well as payments for medical reports used in support of a claim.

Periodic payments are provided monthly. Some victims with particularly serious injuries may receive periodic payments for years, or even decades, up to a maximum of \$365,000.

The average award in 2014-15 was \$8,606, a 2.02% decrease from the average in 2013-14 (\$8,783). The average award is calculated for all claims including those that were denied. If denials are excluded from the calculation, the average award was \$9,085. This represents a 3.67% decrease over 2013-14 (\$9,431).

Overall, the Board paid out a total of \$31.2 million in awards in 2014-15, a 8.3% increase from 2013-14 (\$28.8 million).

The following table shows the Board's compensation awards over the past 15 fiscal years:

Fiscal Year	# of Hearings	Award Totals
2000-01	2,498	\$16.7 M
2001-02	2,134	\$13.8 M
2002-03	1,716	\$17.6 M
2003-04	2,424	\$17.6 M
2004-05	2,654	\$21.0 M
2005-06	2,321	\$18.3 M
2006-07	2,425	\$22.3 M
2007-08	3,466	\$31.0 M
2008-09	3,859	\$43.7 M
2009-10	3,792	\$32.1 M
2010-11	3,948	\$30.9 M
2011-12	3,944	\$36.2 M
2012-13	3,052	\$29.3 M
2013-14	3,211	\$28.8 M
2014-15	3102	\$31.2 M
Totals	44,546	\$ 390.5 M
Average	2,9700	\$ 26.03 M

LUMP SUM AWARDS BY TYPE OF BENEFIT

According to the legislation, compensation may be awarded for:

- expenses actually and reasonably incurred or to be incurred as a result of the victim's injury or death;
- pecuniary loss incurred by the victim as a result of total or partial disability affecting the victim's capacity for work (e.g. loss of income);
- pecuniary loss incurred by dependants as a result of the victim's death (e.g. loss of financial support);
- pain and suffering;
- support of a child born as a result of rape; and
- other pecuniary loss resulting from the victim's injury and any expense that, in the opinion of the Board, it is reasonable to incur.

The following chart offers a comparison of lump sum compensation awards to victims of violent crime over a period of three years. These represent the great majority of awards that the Board provides.

AWARDS (\$000's)	2012-13	2013-14	2014-15
Pain and Suffering	\$23,911.9	\$23,809.4	\$26,040.4
Loss of Wages	\$429.4	\$ 429.7	\$409.3
Medical Expenses ¹	\$888.1	\$ 937.9	\$945.3
Funeral Expenses	\$414.2	\$ 236.6	\$236.7
Legal Expenses Associated with Application	\$85.5	\$ 85.4	\$96.2
Other Pecuniary Loss	\$120.4	\$ 112.2	\$143.3
Other ²	\$1,305.9	\$ 1,201.1	\$1,234.9
Total	\$ 27,155.4	\$ 26,812.3	\$ 29,106.1

NOTES:

1. Medical Expenses include prescription drugs, dental expenses, counselling fees and ambulance fees, as well as the costs associated with obtaining medical reports in support of the application.
2. "Other" includes all Section 14 interim awards, Section 25 variation awards and the costs associated with obtaining reports in support of a Section 25 variation request

LUMP SUM AWARDS BY TYPE OF OFFENCE

The following chart outlines the amount of lump sum compensation awards paid to victims of violent crime based on the type of offence.

The offence categories listed below are a best reflection of the types of claims described in our current application form.

Type of Offence	Lump Sum Awards
Sexual Assault, Adult	\$12,187,177.76
Assault	\$8,374,711.43
Assault Domestic	\$4,141,372.70
Sexual Assault & Domestic Assault	\$1,025,978.34
Sexual Assault Child	\$610,536.92
Murder	\$756,691.09
Other	\$571,897.41
Assault Peace Officer	\$232,939.67
Total	\$ 27,901,305.32

FINANCIAL SUMMARY

The Government of Ontario provides funding to the Board for the payment of compensation awards and operating expenses on the accrual basis of accounting. A comparison of operating expenses and transfer payments for the fiscal years 2013-14 and 2014-15 is provided in the table below.

Total operating expenses for 2014-15 amounted to \$6.35 million compared to \$6.71 million in 2013-14. This reflects a decrease in salaries and wages primarily due to staff vacancies and a decrease in Transportation and Communications, and in Services due to a decrease in Board member travel and per-diem expenses.

“Transfer Payments” refer to compensation awards that go directly to victims. Each year, the Board is allocated funding to allow for the payment of new cases that will not actually be paid out until future years as well as to cover awards paid out for new cases received and awarded within the current year. In addition, the annual funding covers periodic payments and medical expenses paid directly to service providers over the course of a year. The amount for the future year’s award obligations is added to the accrued liability account to be paid out once the case is heard and an award is made by the Board. For 2014-15, the total transfer payments allocated amounted to \$24.16 million of which \$15.98 million was added to the accrued liability account for new cases to be paid in future years.

COMPARATIVE FINANCIAL SUMMARY – ACCRUAL BASIS

Account Item	Fiscal Year (April 1 – March 31)	
	2013-14 Actuals	2014-15 Actuals
Salaries and Wages	\$3,297,415	\$3,175,301
Employee Benefits	\$563,348	\$502,853
Transportation and Communications	\$505,814	\$437,314
Services	\$2,294,150	\$2,197,476
Supplies and Equipment	\$52,224	\$39,770
Total Operating Expenses	\$6,712,951	\$6,352,714
Transfer Payments	\$24,355,136	\$24,156,468
Total	\$31,068,086	\$30,509,182

The actual amount of transfer payment dollars received in 2014-15 was \$24.2 million compared to \$24.4 million in 2013-14. There was a further adjustment of \$1.50 million for the 20 year Periodic Accrued Liability account. The actual amount spent on awards to victims in 2014-15 was \$31.2 million.

Separate accrued liability accounts are maintained for the Board’s future payment obligations for Lump Sum Awards and Periodic Payments. Liability account balances as of the years that ended March 31, 2014 and March 31, 2015 are provided in the table below.

The 2014-15 year-end balance of the Board’s accrued liability account for lump sum awards is \$14.85 million. The liability balance for prior year cases has decreased as a negative \$1.12 million due to accrued liabilities being less than those actually paid for prior year cases. The Board has accrued new cases based on new applications received. The 2014-15 new cases accrued a liability of \$15.98 million; lower than last year’s \$17.77 million. This is because cases are being heard and compensation is being awarded within a shorter time period.

The periodic payments accrued liability balance at March 31, 2015 is \$19.97 million, which is calculated as the 20-year liability accrual for periodic payment obligations from April 1, 2015 to March 31, 2035

ACCRUED LIABILITY ACCOUNTS

	Fiscal Year	
	(April 1 – March 31)	
Lump Sum Awards	2013-14	2014-15
	Year End	Year End
	Balance	Balance
Prior Years Cases Accrued Liability	\$2,625,043	(\$1,122,730)
New Cases Accrued Liability	\$17,765,291	\$15,977,622
Additional Funding for Accrued Liability Account Shortfall	\$0	\$0
All Cases Accrued Liability	\$20,390,334	\$14,854,892
Periodic Payments 20 Years Accrued Liability	\$21,465,392	\$19,966,677

BOARD MEMBERS

The composition of the Board is intended to reflect the diversity of Ontario's population and its various regions.



Chair

Maureen Armstrong

First Appointment

August 21, 2008

Current Appointment

August 20, 2011 to
August 20, 2018 (*resignation
effective May 30, 2014)

Interim Chair

Maria Tassou

May 12, 2014
(*effective date for delegation of
authority)

To present

Full-time Vice Chair

Maria Tassou	June 6, 2007	December 5, 2012 to December 4, 2017
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Part-time Vice Chair

Al Spadaccini	June 30, 2006	March 9, 2012 to March 9, 2015
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Board Members

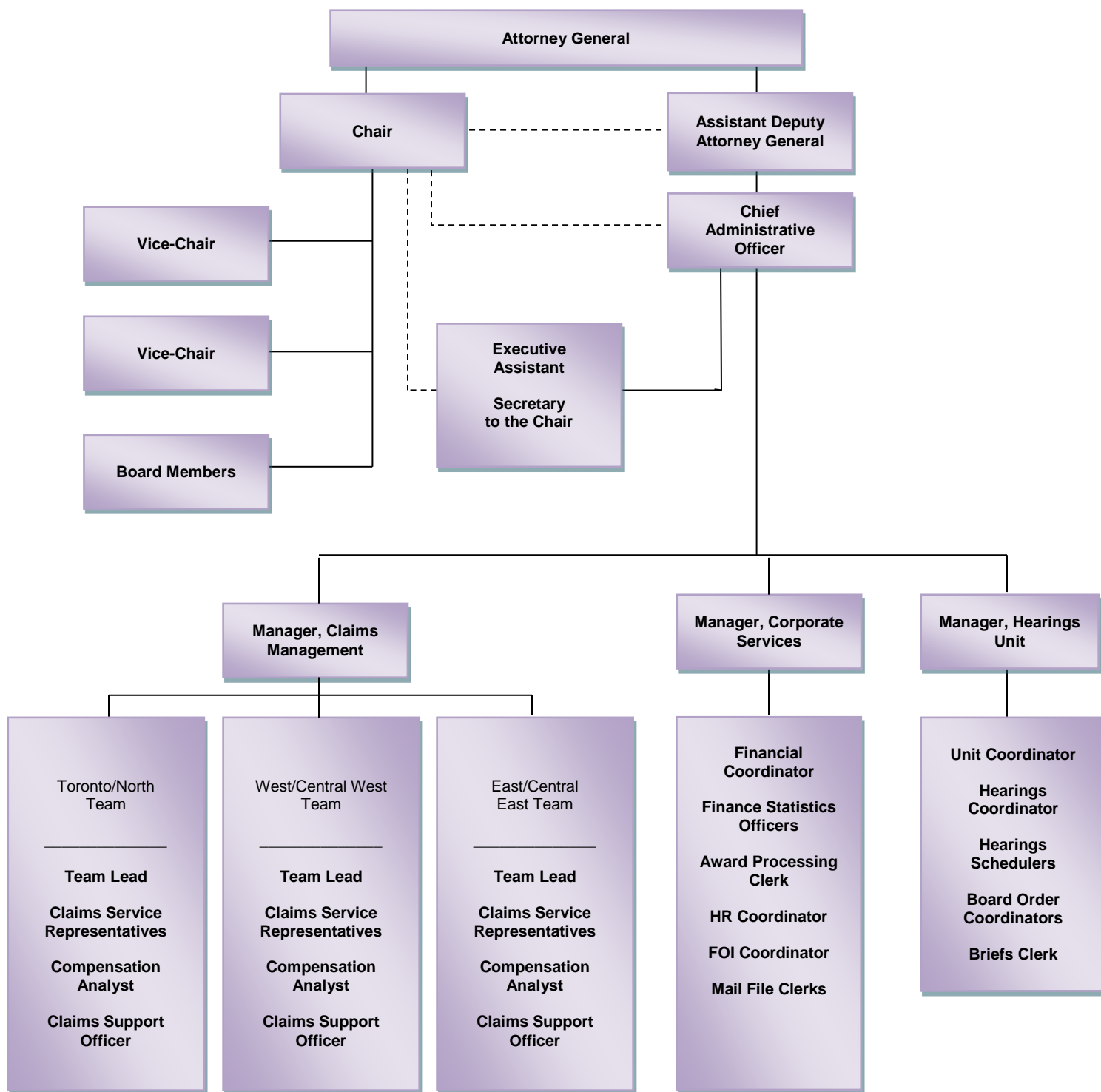
First Appointment

Current Appointment

M Saleem Akhtar	September 8, 2009	September 7, 2012 to September 7, 2019
Lisa Barazzutti	October 20, 2010	October 19, 2012 to October 19, 2015
George Berrigan	February 7, 2007	February 6, 2012 to February 6, 2017
Nicole Chenier-Cullen	September 8, 2009	September 7, 2011 to September 7, 2014
Emily Crocco	December 3, 2008	December 2, 2010 to November 25, 2014
Roderick Flynn	June 6, 2007	June 5, 2012 to June 5, 2017
Keith Forde	October 20, 2010	October 19, 2012 to October 19, 2015
Gemma Harmison	September 3, 1997	March 5, 2011 to March 5, 2016
Jacqueline Harper	October 20, 2010	October 19, 2012 to October 19, 2015
Jo-Anne Hughes	October 22, 2008	October 21, 2010 to October 21, 2018
Christie Jefferson	June 2, 2010	June 1, 2012 to June 1, 2015

Wendy King	October 20, 2010	October 19, 2012 to October 18, 2015
Kirsten Kurzuk	December 3, 2008	December 2, 2010 to December 2, 2018
Susan Lee	April 13, 2011	April 12, 2013 to April 12, 2016
Janet MacEachen	September 8, 2009	September 7, 2012 to September 7, 2019
Charlotte McQuade	September 8, 2009	September 7, 2012 to September 7, 2014
Jay Meunier	September 8, 2009	September 7, 2012 to September 7, 2019
Virginia Morra	June 6, 2007	June 5, 2012 to June 5, 2017
Aggrey Msosa	September 8, 2009	September 7, 2012 to September 7, 2019
Stanley Newman	June 1, 2005	May 31, 2013 to May 31, 2015
John R. Radmore	February 18, 2004	February 17, 2012 to February 17, 2017
Veda Rangan	September 8, 2009	September 7, 2012 to September 7, 2019
Kabir Ravindra	June 6, 2007	June 5, 2012 to June 5, 2017
Linda Spears	June 13, 2007	June 12, 2011 to June 12, 2016
Dawn Sullivan	February 7, 2007	February 6, 2012 to February 6, 2017
Leni Untinen	February 7, 2007	February 6, 2012 to February 6, 2017
Dawn Wickett	June 6, 2007	June 5, 2012 to June 5, 2017

ORGANIZATIONAL CHART (March 31, 2015)



CASE SUMMARIES

In 2014-15 the Board held 3102 hearings in various hearing sites across the province of Ontario.



The following pages include samples of decisions representing a range of violent offences along with the resulting injuries and awards.

1204-88747- Homicide (Funeral Expenses)Claim

The Applicant sought funeral expenses, bereavement counselling expenses and loss of income in relation to the murder of her 20 year-old nephew, for whom she had custody since he was a baby.

Evidence

The police received several 911 calls reporting the sound of gunshots from neighbours in the community. When they arrived on the scene, the police observed bullet holes in the front door of a home as well as spent cartridge cases on the ground nearby. After searching the home, the police found the body of the Applicant's nephew (the "Deceased Victim"). He had been shot and had no vital signs. The paramedics arrived at the scene and tried to revive him but he was pronounced dead shortly thereafter. No other persons were located within the home, although there was substantial evidence that others had been present at the time of the shooting. The crime remains unsolved and no suspects have been apprehended as a result of the shooting.

Social services covered a portion of the burial and funeral expenses. The Victim Quick Response Program had also made a \$1,000.00 contribution towards the cost of the Applicant's bereavement counselling expenses.

Decision

The Board found that the Applicant's nephew was a "victim" within the meaning of section 5(a) of the Act. The Board awarded the Applicant the sum of \$516.29 for the outstanding balance of the burial and funeral expenses. The Applicant was also awarded \$500.00 for her income loss as she had to take a few weeks off work in order to make the funeral arrangements. The Board also preauthorized \$1,200.00 for bereavement counselling expenses to assist the Applicant in dealing with her grief from her nephew's death.

1301-91165 - Mental and Nervous Shock

Claim

The Applicant sought compensation for pain and suffering and loss of income on the basis of the injury of mental or nervous shock.

Evidence

The Applicant was present at the residence of his girlfriend (the Victim), when his girlfriend's former partner, the Offender, broke into the home. The Applicant and the Victim had been sleeping when they were awakened by the sound of breaking glass. They went to investigate and were confronted by the Offender who was armed with a knife. The Applicant was standing close to the Victim when the Offender slashed her across the neck with the knife. The Applicant managed to drag the Victim back to the bedroom. As the Applicant was shutting the bedroom door, he saw the Offender turn the knife upon himself, slashing himself repeatedly in the neck. The Applicant managed to shut and secure the bedroom door and called 911. The Victim was bleeding profusely from a massive laceration to her neck. While awaiting the arrival of emergency personnel, the Applicant tried to stop the bleeding using a bed sheet. The Victim, who lost vital signs at one point and had to be resuscitated at the hospital, ultimately survived her injuries. The Offender was found guilty of the offence of attempted murder in respect of the Victim.

After the incident, the Applicant was in a mental fog and experienced crying spells when remembering the events from that day. He struggled with feelings of anger and hatred, as well as mistrust. He also experienced intrusive memories and flashbacks where he mentally relived the event almost daily. He could not tolerate depictions of violence in the media, and experienced feelings of hopelessness and mournfulness. He became very protective of the Victim and felt responsible for making sure she was safe.

Medical and therapy reports confirmed the Applicant's psychological injuries. He experienced emotional distress with symptoms that included poor sleep, distractibility, impaired focus and concentration. The Applicant had to take a leave of absence from work as he had difficulty functioning daily. He sought counselling through his Employee Assistance Program to help him deal with his symptoms.

Decision

The Board found the Applicant's girlfriend (the Victim) to be a victim of a crime of violence within the meaning of section 5(a) of the *Act*. The Board therefore focussed on making determinations as to the Applicant's claims for mental or nervous shock and income loss. When assessing a claim for the injury known as mental or nervous shock, the Board is required to consider the following factors:

- The degree of violence involved in the occurrence;
- Whether the Applicant witnessed the violent occurrence or came upon the scene of the violence in its immediate aftermath;

- The closeness of the relationship that existed between the Applicant and the direct victim of the act of violence; and,
- Whether the Applicant sustained a significant diagnosed/recognized psychiatric/psychological injury directly induced from the shock of witnessing the violent occurrence or coming upon the scene of the violence in its immediate aftermath.

There was no question that the incident was exceedingly violent and the Applicant had a close relationship to his girlfriend. The Applicant was present and witnessed a severe act of violence which resulted in life threatening injuries to his girlfriend. In direct result of witnessing this act of violence, the Applicant experienced significant emotional/psychological injuries.

Accordingly, the Board also found the Applicant himself to be a victim within the meaning of section 5(a) of the *Act* on the basis of a finding of mental or nervous shock. He was awarded \$5,000.00 for pain and suffering. His loss of income claim was denied as he failed to provide the Board with any supporting documentation from his employer to substantiate this aspect of his claim.

1302-91561 – Aggravated Assault

Claim

The 23 year old male Applicant sought compensation as a result of being assaulted by a stranger at a house party.

Evidence

After having a brief discussion at a party, the Applicant was struck in the jaw by the Offender. The Applicant fell to the ground and his wrist watch broke. He decided to leave the party and when he went outside to catch a cab, the Offender yelled to threaten him by saying: "I have a knife and I'm not scared to use it." The next day, the Applicant sought medical treatment at the hospital and reported the incident to the police. The police confirmed the Applicant's version of the events. The Offender was charged with Aggravated Assault, Uttering Threats and Mischief. The Offender pled guilty to Aggravated Assault and received a ten week conditional sentence plus one year of probation.

The Applicant underwent surgery where doctors installed two plates to repair his jaw which was broken in two places. The Applicant had two scars on his jaw and he also had two lumps on his face. He had trouble speaking and he had difficulty closing his mouth entirely. It took over a month for the Applicant to recover from his surgery. He lost weight due to his liquid diet and on a psychological level, the Applicant is constantly reminded of the crime every time he looks in a mirror and sees the scars on his face.

Decision

The Board found that the Applicant was a victim of a crime of violence under Section 5(a) of the *Act*. He was awarded \$6,000.00 for pain and suffering.

1401-94764 – Sexual Assault on FemaleClaim

The female Applicant submitted a claim seeking compensation after being attacked and sexually assaulted by a complete stranger.

Evidence

The Applicant was walking home a short distance from her home when she was attacked from behind by the Offender. She was strangled to the point of unconsciousness and subjected to a brutal sexual assault. The Offender also stole her purse with all of her identification before he ran off.

The Applicant was rushed to hospital where she was treated for her injuries. She underwent a rape kit, pregnancy testing and HIV prevention medication for several weeks. She had a swollen throat and tongue from the choking such that she was unable to eat or swallow. She had a hard time talking and developed a mouth full of cankers. She also had cuts and bruises to her knees, elbows and face as well as stiff and sore neck and shoulders. She had clumps of hair pulled out. Her eyes were swollen, she developed black circles and the white parts of her eyes became completely red. It took several months to recover from her physical injuries. She also sustained significant emotional trauma as a result of the crime. She thought that she was going to die during the attack. She cannot trust anyone and remained hyper vigilant for quite some time. Following the incident, she was afraid to stay home alone and needed police surveillance around her home for several months. She suffered from nightmares, flashbacks and panic attacks. She also startled easily and remained fearful of the Offender.

The Offender was charged with Aggravated Sexual Assault, Robbery with Violence and Overcome Resistance with Choking. He plead guilty to Sexual Assault Causing Bodily Harm and received a lengthy penitentiary sentence.

Decision

The Board found that the Applicant was a victim of sexual assault and thereby a victim within the meaning of Section 5(a) of the Act. In assessing compensation, the Board considered the nature of the incident and resulting injuries. She was awarded \$12,000.00 for pain and suffering, \$2,727.36 for her loss of income and \$2,400.00 for future counselling.

0407-49360 - Child Sexual and Physical Abuse

Claim

The female Applicant sought compensation as result of being physically and sexually abused as a child between the ages of 8 and 12 years old. She was abused by her mother's former common law husband.

Evidence

The Offender often beat the Applicant with a belt, threatened her with knives and dragged her down the stairs by her hair. The sexual assaults involved forced vaginal intercourse and the Offender also forced the Applicant to perform oral sex on him. He threatened to kill her and harm her family if she did not cooperate with his demands. The Offender was charged with Sexual Assault, Sexual Interference, Invitation to Sexual Touching and Uttering Threats. He pleaded guilty to the charge of Invitation to Sexual Touching.

The Applicant experienced vaginal pain as a result of the incidents of forced intercourse. She underwent a sexual assault examination at the hospital and had to take HIV prophylactic medication which caused her adverse side-effects including nausea. She had a low self-esteem, lost her sense of innocence and sense of safety in the world. She engaged in self-harming behaviour, had difficulty in school and she also had problems sleeping. She also found it difficult to trust others both in social and intimate relationships.

Decision

The Board found the Applicant to be a victim within the meaning of Section 5(a) of the *Act* of multiple incidents of sexual and physical assault. The Applicant was awarded \$16,000.00 for pain and suffering for the cumulative injuries sustained as a result of the abuse she experienced over a period of four years.

1309-93662 – Assault: Past Criminal Behaviour under s. 17 (1) of the Act and Lack of Cooperation with the Police under s. 17 (2) of the ActClaim

The Applicant sought compensation for pain and suffering and expenses in regards to an incident where he was shot in the upper chest while walking on the street. No perpetrator was identified in connection to the incident.

Evidence

According to the Applicant, he left his friend's house to walk to his grandmother's house. As he was walking, an altercation occurred between him and two individuals. The two individuals asked him for cigarettes. They told him to not move as they touched him, but he fought back. Suddenly more individuals came around the corner to assist the two assailants. He struggled to get away and was shot in the upper chest. After he was shot, a friend that he was planning to meet later that evening pulled up in a car and drove him to the hospital. He indicated that he first met with police in hospital and provided a very general description of the incident.

The police witness provided the Board with an entirely different version of the event. The Applicant approached another male acquaintance whom he knew to be a drug dealer so that he could purchase marijuana. The drug dealer told him to wait by a building and give him half an hour. He then came back with another male individual. The unknown male took out a firearm and shot the Applicant. The police witness attended the hospital in order to get a statement from the Applicant. The Applicant refused to provide the police with any information and refused to sign a medical release form. The police then attempted to follow-up with the Applicant and his family. However, they refused to cooperate with the police in the investigation. The police executed a search warrant at the Applicant's residence where powder cocaine, crack cocaine, scales, cash, ammunition and a loaded firearm were seized. The Applicant was charged with a number of offences stemming from the search. The police witness advised the Board that the shooting was not random and but instead was related to a drug transaction.

The Applicant sustained a gunshot wound to his upper joint near his right sternoclavicular joint. Medical documentation indicated that the bullet fragment was embedded in soft tissues of his chin and upper chest wall. He was admitted to hospital for a short period of observation and discharged home with pain medication. The Applicant sought further treatment with his family doctor as his wound became infected. As a result of the incident, he has been left with a very minor scar. He also had mobility issues as his shoulder and core were quite sore. He attended personal training in an effort to strengthen his core muscles. In addition to the physical injuries, the Applicant struggled with fear, paranoia, anxiety, hyper vigilance, sleep disturbances, and flashbacks.

Decision

The Board found that the Applicant had sustained injuries as a result of a crime of violence and was therefore a victim within the meaning of section 5 (a) of the Act.

The Board did not find the Applicant to be a credible witness. They found him to be evasive and vague in his account of the incident. It was not until he heard the evidence from the police witness that he acknowledged that was the accurate account of what actually transpired.

Section 17(1) requires that the Board take into consideration “*all relevant circumstances*” including any contributory behaviour on the part of the Applicant. The Act gives the Board broad discretion to determine whether compensation ought to be awarded in any given case and, if so, the amount. In this context, the Board considered the Applicant’s involvement in criminal activities along with his criminal record which included a number of drug and firearm offences. The Board’s right to consider an Applicant’s criminal behaviour when deciding entitlement to compensation has been upheld by the Ontario Divisional Court in *Sweet v. Ontario (Attorney-General)*, 2011 ONSC 2650 (Div Ct).

In this case, the Applicant sustained non-life threatening injuries. The Board considered the severity of his injuries against the fact that he was engaged in a drug transaction at the time of the incident. The Board found that his conduct was such that it was reasonably foreseeable that he would become a victim of the crime committed against him.

The Board found that the Applicant’s conduct and criminal behaviour were of such a serious nature that he ought not be awarded compensation pursuant Section 17(1) of the Act. However, even if the Board had not denied him compensation under Section 17(1), it would have denied him compensation under Section 17(2) of the Act.

Section 17(2) permits the Board, in its discretion, to refuse to make an order or reduce an amount of compensation where it is satisfied that a victim has refused reasonable cooperation with, or failed to report promptly the offence to a law enforcement agency. In this case, the Board found that the Applicant failed to cooperate with police by failing to report the incident to police in a prompt manner and by failing to be formally interviewed by police. Most importantly, the Applicant lied to police such that it interfered with their investigation of the crime.

The Board found the Applicant’s refusal to cooperate with the police to be unreasonable. As such, the claim for compensation was also denied under section 17(2) of the Act.

1310-94059 - Assault Causing Bodily Harm

Claim

The 19 year old male Applicant sought compensation for pain and suffering and dental expenses as a result of being physically assaulted.

Evidence

The Applicant was punched in the mouth by another student in the stairwell of his high school. He sustained a comminuted fracture of his nasal bones, a concussion and a broken front tooth. He also experienced headaches, post concussive syndrome and anxiety. The Young Offender was convicted of Assault Causing Bodily Harm and was sentenced to 18 months' probation.

Decision

The Board awarded him \$3,000.00 for pain and suffering as a result of the incident. His dental expenses were denied as he did not provide the Board with any supporting documentation.

1307-93082 - Historical Child Sexual Abuse

Claim

A female Applicant brought an application as a result of being sexually assaulted on multiple occasions by her step-father. The abuse occurred when she was between the ages of 9 and 17 years old.

Evidence

The Offender would often tie her up as a child and would fondle her chest and vaginal area. He also performed oral sex on her on many occasions. The Offender was convicted of Sexual Assault, Sexual Interference, Sexual Exploitation and Forcible Confinement. She sustained some redness to her wrists and ankles from being tied up. She suffered from post-traumatic stress symptoms such as intrusive memories of the abuse and flashbacks. She also suffered from anxiety, had poor self-esteem, experienced feelings of shame and betrayal. She also found it difficult to trust others.

Decision

The Board found that the Applicant was a victim of multiple acts of sexual assaults that occurred over a period of time. She was awarded \$10,000.00 in pain and suffering for the cumulative injuries sustained as a result of the abuse.

1112-87504 - Homicide (Bereavement Counselling)

Claim

The Applicant requested compensation for bereavement counselling following the murder of his mother.

Evidence

The Applicant experienced extreme grief following his mother's murder and requested compensation for bereavement counselling expenses. The Offender was convicted of Second Degree Murder in respect of the crime.

Decision

The Board found that the Applicant's mother was a "victim" within the meaning of section 5(a) of the Act.

Where a death has occurred as a result of a crime of violence, family members of the victim may be eligible for certain forms of compensation under the Act. These are as follows:

- Expenses related to funeral and burial services;
- Loss of Income that the victim had provided to support a dependant;
- Expenses incurred by a non-parent related to the support of the victim's minor children;
- Bereavement counselling to assist in coping with the immediate grief symptoms;
- Any other expense related to the death that the Board deems reasonable to incur.

The Board authorized \$3,000.00 for bereavement counselling expenses to be paid directly to a qualified treatment provider.

1305-92519 - Domestic Assaults

Claim

The female Applicant sought compensation as a result of multiple incidents of physical assaults including choking as well as forcible confinement and harassment by her common law husband over a four year period.

Evidence

The Offender repeatedly assaulted the Applicant, often after breaking down the door to gain access to residence. He head-butted her, punched her, choked her with a pole and his hands and threw her around. He forcibly confined her on a number of occasions and threatened her frequently. After the couple broke up, the Offender continued to harass her and assault her on a number of occasions. The Offender was charged with a variety of offences including assaults, choking, forcible confinement, unlawfully in a dwelling and numerous breaches of probation orders when he contacted the Applicant.

The Applicant sustained physical injuries which included a broken rib, a cracked nose, extensive bruising all over her body, broken knuckles and facial injuries. She also suffered emotional injuries including depression, anxiety, fear, hyper-vigilance and shame.

Decision

The Board found that the Applicant was a victim of multiple physical assaults, assault with a weapon, forcible confinement and criminal harassment over a four year period. The Board made a global award for pain and suffering in the amount of \$15,000.00 for pain and suffering, which accounted for the cumulative impact of all the violent crimes committed against her. The Board also pre-authorized future counselling in the amount of \$3,000.00.

CONTACT INFORMATION



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