

What Happens If You're Hit by an Uninsured or Underinsured Driver in Ontario?

A Toronto car accident lawyer explains how the legal system works

[Car accidents](#) in Ontario can be chaotic or confusing under normal circumstances, especially on Toronto's streets and highways like the 401 or the QEW. But what happens when you're hit by a driver who doesn't have car insurance? Or the driver is underinsured?

Uninsured car accident claims in Ontario often quickly turn into complicated legal cases. That's why it's critical that injury victims fully understand their legal rights and options. Otherwise, they might not receive the compensation they rightfully deserve.

So what are Ontario's car insurance requirements? What legal options exist for injury victims? The Toronto car accident lawyers at [Smitiuch Injury Law](#) explain how Ontario's legal system works when it comes to collisions involving uninsured or underinsured drivers.

Are all drivers required to have car insurance in Ontario?

Yes. Under Ontario law, every vehicle driven on public roads must have a valid insurance policy. According to the [Compulsory Automobile Insurance Act, R.S.O. 1990, c. C.25](#), it is illegal to operate a car without insurance and drivers can face fines and licence suspensions if they fail to comply.

The law requires a minimum of \$200,000 in third-party liability coverage, although many drivers choose to carry more to protect themselves in serious accidents. Insurance also includes accident benefits that cover medical care, rehabilitation and income replacement if you are injured and unable to work. These protections are in place to make sure victims of accidents are not left with the financial burden of another driver's negligence.

Because insurance is mandatory, driving without it is considered a serious offence in Ontario. If you are injured by an uninsured driver, your legal case may involve more steps and options to secure compensation. Understanding the insurance requirements in Ontario helps explain why the legal system provides safety nets for victims in these situations.

What steps should I take after being hit by an uninsured driver in Ontario?

If you are hit by an uninsured driver in Ontario, the actions you take at the scene and shortly after can make a major difference in the outcome of your case. Protecting your health and building strong evidence are both critical. You need to act quickly because evidence can disappear and insurers may challenge your claim.

Here are some of the steps you should consider taking if you are struck by an uninsured driver:

- Call 911 to report the collision to police.

- Request medical help if you or anyone else appears injured.
- Get the other driver's contact details and licence plate number even if they admit they have no insurance.
- Stay calm and avoid arguments with the other driver.
- Collect names and contact information from any witnesses at the scene of the collision.
- Take photos or video of vehicle damage, injuries, road conditions and skid marks.
- Ask responding officers about how they will document the uninsured status of the driver.
- Seek medical care right away even if your injuries feel minor.
- Notify your own insurance company as soon as possible about your accident.
- Contact a car accident lawyer right away to learn more about your legal options.

Taking these steps can protect your health and your legal rights. It also creates a clear record of what happened. If the other driver has no insurance, your insurer and possibly Ontario's Motor Vehicle Accident Claims Fund may become involved in your case. A lawyer can guide you through this complex legal process and help make sure nothing is missed or overlooked.

Will my own insurance policy cover me if the at-fault driver has no insurance?

Yes. Most auto insurance policies in Ontario include uninsured automobile coverage. This coverage is mandatory in Ontario and required under every standard insurance policy. This means that if you are hurt in an accident caused by a driver who has no insurance, your own insurer will often step in and provide compensation up to the limits of your policy.

This insurance coverage is designed to protect you from situations where another driver failed to follow the law. It can cover your medical bills, lost income and in some cases property damage. Without it, you could be left with large expenses that should not be your responsibility.

The key is to contact your insurance company right away and report that the at-fault driver was uninsured. Because insurers sometimes try to minimize payouts, it's important to have a lawyer review your policy and fight for the full amount you are entitled to under your insurance policy.

What other options exist for compensation for my car accident if the other driver doesn't have insurance?

If the other driver has no insurance, there are often several other ways to pursue compensation for your financial losses. Ontario's legal system provides several funding options to help protect

victims. You may be able to access multiple sources of coverage to make sure your losses are paid.

Other possible options for compensation may include:

- Filing a claim under your uninsured automobile coverage.
- Accessing Ontario's Motor Vehicle Accident Claims Fund (MVACF) as a last resort.
- Making a claim for accident benefits through your own policy.
- Suing the uninsured driver directly, although recovery may be difficult if they have no assets.
- Exploring additional coverage like underinsured motorist protection if available in your policy

These options exist to make sure injury victims like yourself are not left without financial assistance after a car crash. The circumstances surrounding each accident are unique. So knowing which legal strategy best suits your case is important. A lawyer can review the details of your accident and explain the strongest approach for maximizing your financial recovery.

Does fault matter in car accident cases involving uninsured drivers?

Yes. Fault still plays a major role in accidents involving uninsured drivers. Even if the other driver has no insurance, you must still prove they were at fault for the collision. The amount of compensation you receive depends on how responsibility for the crash is divided.

Ontario follows a fault determination system that insurers use to decide which driver is responsible. If you are found partly at fault, your compensation will be reduced based on your percentage of fault. This is true regardless of whether the other driver had insurance.

For example, if your accident expenses add up to \$100,000 and you are found to be 25 percent at fault, you would only receive \$75,000 due to the percentage of fault assigned to you for your accident. That's why evidence and legal representation are so important. Proving that the uninsured driver caused your accident can strengthen your claim and help you recover the full amount available under Ontario law.

How do I make a claim through Ontario's Motor Vehicle Accident Claims Fund?

Ontario's [Motor Vehicle Accident Claims Fund \(MVACF\)](#) exists to provide compensation to people injured in car accidents when no insurance coverage is available. It is a government-run fund that acts as a safety net in situations involving uninsured drivers. However, it is only used as a last resort if no other insurance applies.

To make a claim through the MVACF, you must first show that there is no valid insurance coverage from any source. This means you cannot access uninsured automobile coverage or

accident benefits through another policy. The fund steps in when all other options have been ruled out.

The MVACF claims process can be complicated and often requires strict documentation. A lawyer can help you apply correctly, gather evidence on your behalf and make sure you receive the maximum benefits available through the MVACF.

What happens if the other driver's insurance can only pay for part of my accident expenses?

Sometimes, the at-fault driver may have insurance, but their policy limits are too low to cover all of your losses. In Ontario, drivers are only required to carry \$200,000 in third-party liability coverage, which may not be enough for serious accidents that cause severe injuries.

If this happens, your underinsured motorist protection or uninsured automobile coverage may step in. This insurance coverage allows your own insurer to pay the difference between the other driver's policy limits and your actual expenses. It helps ensure you are not left paying the balance out of pocket.

These cases often require negotiation with your insurer, which may try to reduce the amount it pays. Having a lawyer argue your case can make the difference in getting fair compensation to cover all your accident-related expenses.

Does Ontario's Statutory Accident Benefits Schedule (SABS) apply in these cases?

Yes. Accident benefits under Ontario's [Statutory Accident Benefits Schedule \(SABS\)](#) apply regardless of whether the at-fault driver had insurance. SABS is mandatory, no-fault insurance, which is part of all basic car insurance policies in Ontario. Under SABS, car accident injury victims can receive benefits for injuries, regardless of who was at fault.

SABS benefits in Ontario provide compensation for:

- Medical treatments
- Rehabilitation support
- Income replacement for injured victims

This means you can still access care and financial help even if the driver who caused your accident was uninsured. The benefits are designed to be available to all accident victims, no matter the circumstances.

Even so, disputes can arise over the type or amount of benefits you are entitled to under SABS. If your insurer denies or limits your claim, a lawyer can challenge the decision and fight for the full benefits you deserve. Understanding how SABS works and applies in these cases is an important part of protecting your recovery.

Can I sue the uninsured or underinsured driver directly for my losses?

Yes. You can sue an uninsured or underinsured driver directly, but whether you will actually recover money is another question. If the driver has no assets or income, winning a lawsuit may not lead to meaningful compensation.

In some cases, suing the driver may still be worthwhile, especially if they do have assets that can be seized to satisfy a judgment. It can also be an option to hold them legally accountable, even if other compensation sources are available.

An Ontario car accident lawyer can help you decide whether suing the driver or taking other legal action makes sense for your case. They can also explore other sources of compensation so you are not left with unpaid expenses.

Why should I hire a Toronto car accident lawyer if I've been injured by an uninsured or underinsured driver?

Car accidents involving uninsured or underinsured drivers are often more complicated than other cases. There may be multiple options for compensation, strict legal deadlines and insurers trying to limit what they pay. Having an experienced Toronto car accident lawyer who understands how the legal process works in Ontario can help make sure your legal rights are protected and respected.

At Smitiuch Injury Law, our lawyers know how to handle car accident injury claims involving uninsured or underinsured drivers. We carefully investigate each accident and pursue every available avenue of compensation.

Learn more about your legal options. [Contact us](#) and schedule a [free consultation](#) with a legal team you can count on in a crisis. We handle car accident claims throughout Ontario and have three offices conveniently located in Toronto, Brantford and Simcoe.