What to Do After a Hit-and-Run Pedestrian Accident in Toronto

Our pedestrian accident lawyers explain legal options for compensation

Hit-and-run accidents happen at an alarming rate in Toronto. Roughly 1 out of 10 accidents in the city involve drivers leaving the scene of an accident without exchanging information with the other party or waiting for police, according to data collected by the Toronto Police Service.

And while hit-and-run accidents can involve many different types of accidents, pedestrian hit-and-runs are extremely common in Toronto. In fact, roughly 1 out of 12 pedestrian fatalities in Toronto and throughout Canada involve a hit-and-run accident, according to Statistics Canada.

At Smitiuch Injury Law, we know that clients who have been hurt in a hit-and-run pedestrian accident often don't know what to do next. Our lawyers guide them through the legal process every step of the way.

What should I do after a hit-and-run pedestrian accident in Toronto?

Being hit by a car as a pedestrian in Toronto can be terrifying. One second, you're crossing Yonge Street, Dundas, or Queen Street West. The next, you're in an ambulance on the way to St. Michael's Hospital or Toronto General Hospital.

When your pedestrian accident turns into a hit-and-run, the steps you take afterward matter – for your health, your legal rights, and your future. Every pedestrian hit-and-run is different but many of the steps you should take are the same:

- **Call 911 right away –** Your health should always come first. Make sure you or someone else calls 911 and asks the police to send an ambulance right away. Calling the police emergency line also documents your hit-and-run. This report becomes a key part of your pedestrian injury claim.
- **Get medical care immediately –** Pedestrian injuries are often serious and can be life-threatening in many cases. Make sure you have an EMT or emergency room doctor examine you right away after the accident. Your life could depend on it.
- **Stay at the scene –** If you are able to do so, stay at the scene of your hit-and-run pedestrian accident. Leaving can make it harder to investigate what happened. Police need to see the location where you were struck. The scene itself may contain evidence. You could also hurt your claim or harm your health by walking away from a serious accident.
- **Look for witnesses –** People may have seen the vehicle or the direction it fled. Get names and contact details if possible for all witnesses. Witness statements can often strengthen hit-and-run claims.
- **Take photos –** If you are healthy enough to do so, take pictures of your crash site, as well as other important details – your injuries, the crosswalk, signals and road

conditions. These images preserve details that can fade quickly. Photos help show how the crash occurred.

- **Check for nearby cameras –** Traffic cameras, TTC vehicles, and nearby businesses may have video footage of your pedestrian accident. Video evidence can identify the driver. This evidence can also strengthen your claim.
- **Report your accident –** If you have not already done so, call the police and report exactly what happened. Toronto police reports are required for pedestrian hit-and-run claims. Do this as soon as possible. Late reports can create problems with insurers.
- **Avoid discussing fault at the scene –** Don't talk with anyone about what happened or might have happened, especially if it involves you somehow being at fault. Don't try to guess how the crash happened. Statements can be misinterpreted later. Let investigators determine responsibility.
- **Call a Toronto pedestrian accident lawyer –** The sooner you have a lawyer handling your hit-and-run accident claim or lawsuit, the better your ability to obtain the money you rightfully deserve.

What should I do several hours or days after my pedestrian hit-and-run accident?

If your Toronto pedestrian hit-and-run accident happened a few hours or days ago, there are still important steps you can and should take to protect your health and your rights. Such steps often include:

- **Write down what you remember –** While the details are still fresh in your mind, write down everything you can remember about your pedestrian hit-and-run accident, including the vehicle's colour, size, type, or any part of the license plate. Even small details can help police. Memory fades quickly after traumatic events.
- **Schedule a follow-up doctor's appointment –** Even if you have already seen a doctor, make sure you have a doctor examine you again after your accident. Many pedestrian injury symptoms take time to develop.
- **Follow your doctor's advice –** It's important that you do everything your doctor tells you to do after your hit-and-run accident. If you don't, you might not fully recover. You also might have a hard time getting the compensation you may be entitled to from available funding sources.
- **Do not speak with insurers alone –** If you're dealing with insurance companies after your pedestrian hit-and-run accident, don't talk with them on your own. Anything you say could be used to reduce or deny your injury claim. A lawyer can protect your interests. Early statements may be used to limit your claim.
- **Keep all documents and receipts –** Save medical records, prescriptions, and transportation costs associated with your hit-and-run accident. These receipts can support your claim for compensation. Organization makes the process smoother.
- **Don't post anything online –** While it might be tempting to write about your pedestrian hit-and-run accident on social media, anything you say or write online could later be

used as evidence by insurance companies or others to reduce or deny any claims for compensation you might have for your accident.

- **Contact a Toronto pedestrian accident lawyer –** If you have not already done so, talk to a lawyer as soon as possible. Your lawyer can explain your options and work with you to build the strongest possible legal case.

Taking these steps can help protect you after a traumatic event. It also preserves evidence needed for your claim. You do not have to handle this alone. A skilled Toronto pedestrian hit-and-run accident lawyer can help.

Who's responsible for paying for my Toronto hit-and-run pedestrian accident?

Hit-and-run cases in Toronto and throughout Ontario follow different rules than many standard accident claims. Ontario law provides options even when the driver is never identified. You still may have access to compensation as an injured pedestrian. Such options can include:

- **Your own auto insurer –** Accident benefits may apply even if you were walking and you have car insurance.
- **The Motor Vehicle Accident Claims Fund –** This fund may be able to help if no insurance policy applies to your pedestrian hit-and-run accident.
- **A household policy –** Coverage may exist through a family member's insurance.
- **The at-fault driver –** If the hit-and-run driver is identified later, they may be held responsible for paying for all your injury-related expenses.

Payment sources often depend on your specific situation. Deadlines often apply as well. A lawyer can identify every possible available funding option for you.

What can I do if my hit-and-run pedestrian accident claim is denied?

Don't be surprised if your hit-and-run injury claim is denied. It's very common when it comes to many sizable injury claim cases. Fortunately, a denial does not mean your case is over. Insurers often deny claims for many different reasons, including missing documents or disputes about fault. Some denials are incorrect or unfair.

What's important to remember is you have the right to challenge your denied injury claim. This may involve providing additional evidence, appealing internally or starting a legal claim, such as filing a pedestrian injury lawsuit.

Not sure what to do? Talk to a lawyer right away. They can review your denial and explain your next steps. Legal help can uncover errors and push back against improper decisions. Many denied claims can still move forward with the right, strategic approach.

How much time do I have to file a pedestrian injury lawsuit in Ontario?

The deadline for taking legal action – against the at-fault driver if they're eventually located or any other at-fault party – is the same in Ontario. That deadline is two years from the date of your pedestrian hit-and-run accident.

Known as the statute of limitations, this deadline is very strict and cannot be missed. If you wait too long to take legal action, you could miss out on your ability to obtain the compensation you need and deserve for your accident-related expenses.

How can a Toronto hit-and-run pedestrian accident lawyer help?

Hit-and-run pedestrian injury cases in Toronto can be complicated. That's because there's often a lot of money at stake and a lot of confusion about who's responsible for paying for all those bills. Insurance rules can also be confusing and strict.

Legal guidance can help level the playing field. When you have a skilled Toronto pedestrian hit-and-run accident lawyer on your side, you can make sure you give your case the best opportunity for success. Your lawyer can:

- **Investigate the accident –** Lawyers gather police reports, witness statements, and video.
- **Identify all insurance options –** Hidden coverage is often overlooked.
- **Handle insurer communication –** This protects you from mistakes.
- **Dispute denied claims –** Lawyers can challenge unfair decisions.
- **Pursue full compensation –** This includes future care and long-term losses.

Legal support can remove stress and protect your rights. It can give you a stronger chance at recovering the compensation you need to get your life back on track in Toronto.

At Smitiuch Injury Law, our lawyers have handled some of Ontario's most complex pedestrian accident claims. We understand how insurers assign fault and how to build the strongest possible case for compensation for injured pedestrians.

With offices in Toronto, Brantford and Simcoe, our law firm helps injured pedestrians across Ontario rebuild their lives after a serious injury accident. Contact our law firm to learn more about your legal rights. Schedule a free consultation to understand your legal options and pursue the compensation you deserve under Ontario law.