



Financial Services
Commission
of Ontario
5160 Yonge Street,
Box 85
Toronto ON M2N 6L9

Motor Vehicle Accident Claims Fund Application for Payment under Section 7 Form 1

File Number:

In the Matter of an Application for payment under Section 7 of the *Motor Vehicle Accident Claims Act*,
R.S.O. 1990, Chapter M.41.

BETWEEN :

PLAINTIFF(S)

-and-

DEFENDANT(S)

I (We) _____ of _____ in the
_____ in the _____ make oath and say,

1. I (We) _____ am (are) the Judgment Creditor(s) in the said action
2. I (We) was (were) awarded Judgment in the said action by _____ at
_____ on _____ and I (we) was (were)
awarded the sum of \$ _____ apportioned as follows: **(set out amount awarded to
each Judgment Creditor, including pre-Judgment Interest)**

| | | |
|--|----|--|
| | \$ | |
| | \$ | |
| | \$ | |
| | \$ | |

and costs which have been taxed (fixed by the trial judge) at \$ _____

3. The said Judgment has become final by expiry without appeal within the time allowed for appeal (or by affirmation on appeal).
4. The said action was brought against all persons against whom I (we) might reasonably be considered as having a cause of action in respect of the damages in question and was prosecuted against every such person to Judgment or dismissal.
5. The accident in respect of which the action is brought occurred on _____
 on the _____ day _____ of _____ at approximately
 _____ o'clock _____.
6. On the date on which the motor vehicle accident in question occurred I (we) was (were) resident in the Province (State) of _____ and was (were) resident in such Province (State) _____.
7. There are no other claims in respect of the accident in question. (Give particulars of other claims if any.)

8. (1) The action was defended by _____ acting for the Defendant(s) and there was no default at any stage of the action.
- OR
- (2) Because of default on the part of the Defendant(s) in _____ notice was given the Minister of Finance pursuant to Section 8 of the *Motor Vehicle Accident Claims Act*.
9. (1) The action proceeded to trial and the Judgment is not the result of a consent, agreement or settlement.
- OR
- (2) The Judgment was taken by consent of the Defendant(s) after notice had been duly given to the Minister of Finance who defended the action on behalf and in the name of the Defendant(s).

OR

(3) The Judgment was taken by consent of the Minister of Finance (Financial Services Commission of Ontario) who defended the action on behalf and in the name of the _____ pursuant to Section 8 of the *Motor Vehicle Accident Claims Act*.

10. My (our) application for payment out of the Fund is not made by or on behalf of an insurer in respect of any amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance;

And no part of the amount sought to be paid out of the Fund is sought in lieu of making a claims or receiving a payment that is payable by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance;

And no part of the amount so sought is sought for payment to an insurer in respect of any amount paid or payable by an insurer by reason of the existence of a policy of insurance within the meaning of the *Insurance Act*, other than a policy of life insurance.

11. The following amount contained in the Judgment was awarded in respect of damage to property

(name)

(amount)

12. I (We) have recovered the following amount in respect of the Judgment \$ _____

13. (1) I (We) was (were) paid or am (are) entitled to be paid a portion of the loss under a policy of insurance within the meaning of the *Insurance Act* (other than a policy of life insurance) in the amount of \$ _____.

(2) An insurer has (or insurers have) an interest in the Judgment by reason of the following payments for:

1. Damage to automobile \$ _____
2. Damage to other property \$ _____
3. Medical Expenses \$ _____

(3) I (We) have apportioned the costs in accordance with subsection 2 of Section 26 of the *Motor Vehicle Accident Claims Act* in the amount of \$ _____.

14. I (We) am (are) satisfied that the said Judgment Debtor(s) _____ is (are) not insured with a policy of insurance that would cover any part of the Judgment.

15. I (We) have not been given notice nor have any actual notice of bankruptcy proceedings instituted by the Judgment Debtor(s).

OR

I (We) have been given notice or have any actual notice of bankruptcy proceedings instituted by the Judgment Debtor(s).

16. Annexed hereto and marked,

- (a) Exhibit A is the Original Judgment above referred to;
- (b) Exhibit B is the Certificate of the Taxing Officer with respect to costs as taxed pursuant to the said Judgment;
- (c) Exhibit C is the Solicitor and Client Bill of Costs duly taxed and certified;
- (d) Exhibit D is a copy of the Statement of Claim filed in the said action;
- (e) Exhibit E is the Assignment of Judgment.

17. To the best of my knowledge the following description of the Defendant is reasonably accurate:

Full name _____
Residence _____
Business Address _____
Employer _____
Occupation _____
Approximate Age _____

18. To the best of my (our) knowledge the following description of the Defendant's motor vehicle is reasonably accurate:

Make _____
Year _____
Model _____
Registered for Year _____
Permit No. _____

19. This is my (our) application for payment out of the Motor Vehicle Accident Claims Fund for the following amounts:

Injury to or death of a person \$ _____
Damage to property \$ _____
Costs \$ _____
TOTAL \$ _____

SWORN BEFORE ME _____
at the City of _____
in the Province of _____
this _____ day of _____,

Signature

A Commissioner etc.

NOTE
ALL PLAINTIFFS TO ACTION
MUST SIGN

AMPLE SPACE HAS BEEN PROVIDED IN SEVERAL PLACES TO PERMIT THE FORM TO BE ADAPTED TO ANY SITUATION. BEFORE THE ADMINISTRATION OF THE OATH ALL UNUSED SPACES SHOULD BE SO RULED OR MARKED AS TO PREVENT ANY SUBSEQUENT INSERTION.



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| |
|---|
| PROVINCE OF ONTARIO The Motor Vehicle Accident Claims Fund vs _____ This is Exhibit E to the affidavit of _____ _____ sworn before me The _____ day of _____, 20____ |
|---|

ASSIGNMENT OF JUDGMENT

THIS INDENTURE MADE the _____ day of _____,

BETWEEN:

_____ of the City in _____
 the Province of _____

hereinafter called the
 ASSIGNOR(S), of the FIRST PART

and

THE MINISTER OF FINANCE

hereinafter called the
 ASSIGNEE, of the SECOND PART.

WHEREAS by a Judgment, dated the _____ day of _____, _____, in an action in the _____ Court of _____ in which the assignor(s) was (were) Plaintiff(s) and _____ was (were) Defendant(s), it was adjudged that the Plaintiff(s) _____ recover against the Defendant(s) _____ the sum of _____ and costs to be taxed. And whereas the said costs have been taxed, and amount to _____

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and the sum of _____ now paid by the assignee to the assignor(s) (the receipt whereof if hereby acknowledged) the assignor(s) hereby assign(s) unto the assignee, his successors and assigns, the said Judgment and all monies recoverable thereunder and all other securities for the said sum and costs, to hold the same unto the assignee, his successors and assigns absolutely.

And the assignor(s), for himself, (herself, themselves) his (her, their) executors, and administrators hereby covenant(s) with the assignee, his successors and assigns, that the said Judgment is in full force and effect, and the whole of the said Judgment remains unpaid and owing thereunder.

And the said assignor(s) further covenant(s) that the he (she, they) hath (have) good right to assign the said Judgment, and that he, (she, they) the assignor(s) and all persons claiming under him (her, them) will execute such further assurances of the said Judgment unto the assignee, his successors and assigns, as may be required.

IN WITNESS WHEREOF the assignor(s) has (have) hereto set his (her, their) hand(s) and seal(s) the day of the month and year first above written.

SIGNED, SEALED and DELIVERED

Plaintiff(s) signature(s) :

in the presence of _____
Witness' name

(L.S.)

I, _____ of the City of _____
Witness' name

in the County of _____ make oath and say:

1. That I was personally present and did see the within instrument duly signed, sealed and executed by the part thereto.
2. That the said instrument was so executed at _____
3. That I know the said party (parties).
4. That I am a subscribing witness to the said instrument.

SWORN before me at _____

on the _____ day of _____ 20 _____)
A Commissioner etc.)
)
)
)
)

Witness' signature



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IN THE MATTER OF _____
(Style of Cause)

Having completed the application and Affidavit for payment out of the Motor Vehicle Accident Claims Fund in the above matter

and

Having issued and filed execution with the Sheriff of the County of

at _____

at _____

Against

at _____

(Surname of Execution Debtor)

(Given name(s) as required by Section 9(a) of the Execution Act)

Date of Issuance of Writ of Seizure and Sale _____

Date of Filing Execution with Sheriff _____

Date of Filing Execution with Land Titles _____

I request payment of the statutory fee pursuant to Section 26(3) of the *Motor Vehicle Accident Claims Act*, R.S.O. 1990, Chapter M.41 _____ \$30.00

DATE _____

Solicitor for the Applicant(s)

Address