



**MAUREEN
MCCARTNEY-
CAMERON**

ALBERTA'S *MINOR INJURY REGULATION (MIR)* - 5 THINGS TO KNOW

- 1. It limits general damages for pain and suffering caused by motor vehicle accidents to \$5202 for collisions which occurred in 2019. The Alberta Government adjusts that amount for inflation each year.**
- 2. It applies to sprains, strains or whiplash-type injuries caused by motor vehicle accidents that do not result in a serious impairment, that have been ongoing since the accident, and that are not expected to improve substantially. "Serious impairment" is defined as a physical or psychological issue that interferes with one's employment, education or activities of daily living. For accidents occurring after June 1, 2018, the MIR also applies to temporomandibular (TMJ) injuries not involving damage to the teeth or to the articular disk, and to minor psychological injuries, such as short-lived depression or anxiety arising from a whiplash injury.**
- 3. Therefore, it may be best to wait for 3-6 months following an accident to determine if an injury may truly be classified as "minor".**
- 4. If the parties disagree as to whether the injury is "minor", the injured person may be referred to a Certified Medical Examiner (CME), who will make that determination. Even if the CME determines that the injury is minor, the injured party may contest that finding.**
- 5. Even if an injury is determined to be minor, and thus the general damages are limited, an injured party may still claim additional amounts for loss of housekeeping, lost income, out of pocket expenses, and some legal costs.**