

**Automobile Injury Appeal Commission
Province of Saskatchewan**

Citation: *I.G. v. Saskatchewan Government Insurance,*
2006 SKAIA 015

Date: 20060307

File: 081 of 2005

BETWEEN

I.G., Applicant

and

Saskatchewan Government Insurance, Respondent

**Appearances: I.G.
Tamara Harasen**

**Before: Ann Phillips, Q.C., Chair
Conrad Hnatiuk, Commission Member
Tim Brown, Commission Member**

**THIS DECISION HAS BEEN EDITED TO PROTECT THE PERSONAL AND HEALTH
INFORMATION OF INDIVIDUALS BY REMOVING PERSONAL IDENTIFIERS AND
OTHER IDENTIFYING INFORMATION.**

Heard at Regina, Saskatchewan
20 July, 2005

DECISION

- (1) The Appellant, I.G., appeals to this commission for benefits arising out of a September 11th 1998 motor vehicle accident.
- (2) The first and foremost consideration of this and any administrative tribunal is whether or not we, as a panel, have been vested with jurisdiction to hear an appeal. This tribunal is a creature of statute and can only find its jurisdiction to hear a matter from the empowering statute, *The Automobile Accident Insurance Act*.
- (3) SGI raised issues about our jurisdiction to hear this matter at the outset of the hearing and kindly provided a helpful brief following the hearing, which was greatly appreciated and of assistance to us in our consideration of their position.
- (4) We agree with SGI's position that we lack jurisdiction to hear this appeal on the following grounds:

S. 191 of the Act gives this tribunal jurisdiction to hear an appeal within a period of 90 days following a “decision of the insurer”. The Appellant seeks to portray the events of a mediation held on July 20, 2004 as “a decision of the insurer”. It is not a “decision” within the meaning of s. 191 of the Act and we therefore have no jurisdiction to hear the appeal.

If the mediation had been found to be a decision vesting us with Authority pursuant to S. 191, the claim made by the Appellant would be beyond the 90 day appeal period set out in S. 191, having been instituted some 202 days following the completion of the mediation. The Commission cannot extend the period of time for appeal.¹

Finally, the outcome of the mediation was that the Appellant signed a final release of all claims. This release releases SGI specifically from “...all manner of actions, causes of action and claims for benefits pursuant to Part VIII...” of the Act. In this release, any right to appeal to the Commission was given up by the Appellant at the time of her signing the release.

¹ Mintzler v. SGI, 2001 SKCA 54.

For the above reasons, the within appeal is dismissed.

Dated at Regina, Saskatchewan, on March 7, 2006.

Ann Phillips, QC Chair

Tim Brown, Commission Member

Conrad Hnatiuk, Commission Member