

**Automobile Injury Appeal Commission  
Province of Saskatchewan**

**Citation:** *C.V. v. Saskatchewan Government  
Insurance, 2006 SKAIA 080*  
**Date:** 20061130  
**File:** 083 of 2005

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**BETWEEN**

**C.V., Applicant**

**and**

**Saskatchewan Government Insurance, Respondent**

**Appearances:**  
**Deron Kuski, for the Applicant**  
**Joan Eremko, for the Respondent**

**Before:** **Ann Phillips, Q.C., Chair**  
**Peter Bergbusch, Commission Member**  
**Conrad Hnatiuk, Commission Member**

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

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Heard at Regina, Saskatchewan  
April 28, 2006 and July 11, 2006

## ORDER

[1] The parties appearing personally and by counsel at Regina, Saskatchewan on April 28, 2006 and July 11, 2006, the Commission was advised after hearing but before a decision had been issued, that the matters under appeal had been resolved by Minutes of Settlement dated September 14, 2006 attached hereto:

1. For the purpose of the income replacement benefit calculation, SGI agrees to classify the Appellant as “self-employed” instead of “unemployed” on the date of the accident;
2. SGI agrees to include as part of the income replacement benefit calculation the Appellant’s income in 2002 that was not reported by him, or by anyone on his behalf, to the CCRA;
3. SGI will not include as part of the income replacement benefit calculation any income from potential employment as [Company] Ltd., and the Appellant agrees to abandon his position that the calculation should be based upon income from such employment;
4. SGI will forthwith pay to the Appellant a “top-up” of his income replacement benefit in accordance with terms 1 and 2 hereof.
5. SGI will pay interest to the Appellant on the “top-up, at the rates prescribed in *The Pre-Judgement Interest Act*, calculated from the dates on which the funds ought to have been paid to him to the date on which they are paid to him.
6. Pursuant to s. 193(11) of the *The Automobile Accident Insurance Act* and s. 96(1) of *The Personal Injury Benefit Regulations*, Reg. 3, SGI will pay \$2,500, and no more, to MacPherson Leslie and Tyerman LLP, in trust, for costs incurred by the Appellant in connection with this appeal. The Appellant understands that the issue of the maximum amount payable for such costs is currently under appeal to the Court of Appeal, but agrees nonetheless to accept \$2,500 in full satisfaction of his claim for costs incurred by him in connection with this appeal.

[2] The appeal is therefore concluded.

**Dated** at Regina, Saskatchewan, on November 30, 2006.

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Ann Phillips, Q.C., Chair

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Peter Bergbusch, Commission Member

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Conrad Hnatiuk, Commission Member