

June 30/99

Court File No. 98-CV-157845
Date: 19990630

SUPERIOR COURT OF JUSTICE

IN THE MATTER OF THE INSURANCE ACT,)
R.S.O. CHAPTER 1.8, SECTION 268(2))

AND IN THE MATTER OF AN ARBITRATION)

BETWEEN :)

UNIFUND ASSURANCE COMPANY)

Applicant)
(Respondent))

Gerald S. George for the
applicant (respondent)

- and -)

COMMERCIAL UNION ASSURANCE COMPANY)
OF CANADA)

Respondent)
(Appellant))

Lee Samis for the
respondent (appellant)

Appeal from a decision of Arbitrator Bruce
Robinson dated September 26, 1998.

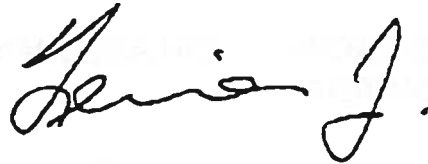
ENDORSEMENT

FERRIER J.:

[1] Arbitrator Bruce R. Robinson has presented a thorough analysis of the history of the various S.A.B. regulations in effect from 1990 forward. I agree with his conclusion that s.66 provides that an individual who qualifies under that section is

deemed to be a named insured not only for the purpose of determining who may be entitled to the S.A.B.'s, but also to effect an expansion of the class of named insureds for the purposes of determining priority for payment of the S.A.B.'s. I also agree with his analysis in coming to that conclusion.

[2] Accordingly, the appeal is dismissed with costs.



Released: June 30, 1999

cc