

▼ LAW

Don't be taken advantage of in the first few days after a crash

Is an insurance company representative lying or just being misleading? Car crash victims are regularly told insurance companies pay compensation ranging from \$1 to \$6,500 for injuries that they dismissively refer to as "soft tissue" injuries.



ACHIEVING JUSTICE

Paul Hergott

I suppose if you count only those who negotiate directly with an insurance adjuster, and not those who are assisted by an experienced personal injury lawyer, that statement may be true.

But in my view, failing to add that clarification is appallingly dishonest.

Faced with a public logos such as "building trust, driving confidence," uninformed crash victims be-

lieve what they're told, that \$1 to \$6,500 is the range of available compensation.

Faced with that range, an offer of \$5,000 looks fair and reasonable.

It doesn't make sense to hire a lawyer, at a cost of one-third of the claim in legal fees, in the hopes of squeezing the extra \$1,500 out of an insurance company.

It also doesn't make sense to wait out the very optimistic prediction that is made by the medical system, that the sore neck and headaches will resolve themselves within a very short period of time.

Yes, the prediction is often an accurate one, and it helps to have a positive outlook, but every doctor will

agree that the prediction may not turn out to be reality.

So why wait?

If fair compensation maxes out at \$6,500, what difference does it make if the pain takes a little longer to go away?

Aside from misleading people about the range of compensation, another tactic that can result in gross unfairness is encouraging early settlements.

The truth is, the range of compensation does not max out at \$6,500. It doesn't even max out at \$65,000 or \$100,000 for that matter.

The truth is that fair compensation is not measured by injury labels, like "soft tissue". Rather, it is measured by the amount of loss suffered as a result of the injury.

A "soft tissue" injury that heals completely within two to three

months results in a smaller amount of loss compared to a one that never heals, leaving the injured person with neck pain and headaches that never go away.

Both injuries have the "soft tissue" label. Fair compensation for the one injury may well be \$5,000. Fair compensation for another may be over \$1 million, depending on how that neck pain and those headaches impact on the ability to earn income.

An insurance adjuster will regularly make a settlement offer within a week of a crash and in some cases as early as a couple days after a crash.

At that point, there is no way of knowing how long the symptoms will last and, as such, there is no way of knowing what compensation will be fair.

In fact, at day two, there may be injuries that have not yet become ap-

parent.

In my view, the very act of making a settlement offer that soon after a crash is a clear attempt to take advantage of the general population's ignorance about their rights.

Confronted with a "building trust and driving confidence" image, and a misleading compensation range, the general public is an easy mark.

Don't allow yourself or someone you know to be that easy mark.

This column is intended to provide general information about injury claims. It is not a substitute for retaining a lawyer to provide legal advice specifically pertaining to your case. Paul Hergott is a lawyer at Hergott Law in West Kelowna.

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▼ CORD

Construction slowdown reflected in numbers

Statistics confirm talk that the sputtering economy caused building activity to slow in West Kelowna last year.

Figures from the Central Okanagan Region-

al District show that construction got underway on 234 houses in the District of West Kelowna in 2009 compared to 275 in 2008.

In 2009, 410 building permits were issued in the municipality compared to

524 in 2008.

The value of all construction in West Kelowna was \$51.4 million last year compared to \$91.5 million in 2008.

Central Okanagan-wide stats show an even

greater slowdown, where housing starts totaled 887 in 2009 compared to 2,024 in 2008, in Kelowna, West Kelowna, Lake Country, Peachland and the Central Okanagan rural electoral areas combined.

Across the region, 2,674 building permits with a construction value of \$636.8 million were issued in 2009 compared to 3,179 with a construction value of \$710 million the year before.

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▼ BUSINESS

Dire prediction for town centre

BUSINESS FROM C4

could do more to make it attractive for him to stick around.

The first would be for West Kelowna to ease up on sign bylaws, which Kovacs said prevent him from posting a sign just over one block from his business to draw people in from Highway 97.

By contrast, Stabb and Schmidt have businesses on Highway 97.

Kovacs said he spent \$300 on directional signs and then he had to pay a

\$50 fine to get them back after West Kelowna bylaw officers removed them.

Since the signs were forced off the highway business is down 20 per cent, Kovacs stated.

"The sign was a reminder to get people in the store (because) we're a block and a half off the highway. We're already seeing a severe business drain. Let us be successful. Let us do our own marketing. We're not hurting anybody, we're only trying to provide service to the public."

The municipality could also offer a bigger break on commercial taxes, he added.

This year's proposed 3.75 per cent tax increase is a double whammy to his business, Kovacs mentioned. That's because his property assessment on his building on Hoskins Road already increased 17 per cent, or \$88,000, up to \$503,600. It's an increase he is puzzled by given the exit of businesses from downtown Westbank, the fact he hasn't done any recent improve-

ments to his building and considering the municipality has made no significant service upgrades or municipal beautification in the area.

He said he would be appealing his assessment.

Stabb and Schmidt also agreed that the municipality needed to carefully consider the impact tax hikes have on downtown businesses, considering the fragile economy and increasing competition from stores on band land.

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