

FACELAW

ONLINE LEGAL DIRECTORY

30 PAGES

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BY: Ali Ahmari Moghaddam

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WHAT IS PERSONAL BRANDING?

Dr. Ashkan Anvari





HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA



Majid Jowhari

Member of Parliament
Richmond Hill

October 7, 2020

Letter of Recognition

As the Member of Parliament for Richmond Hill, I would like to thank Ali Ahmari-Moghaddam and Ashkan Anvari for their recent innovation, the Facelaw platform.

Facelaw.ca is a directory of Lawyers, Paralegals, and Immigration Consultants, striving to bring together the best professionals in the legal field in an easy-to-search database making finding the right legal professional simple and efficient. The Facelaw platform also provides access to articles, blogs, and useful information dealing with different areas of the law. There is also a Facelaw Magazine which is available in both English and Farsi and is available to download for free from the website.

I appreciate Ali Ahmari-Moghaddam and Ashkan Anvari's effort and aspiration to make their platform and access to legal professionals easily accessible to more people, and I commend their spirit of innovation and inclusiveness.

Sincerely,

Majid Jowhari, MP
Richmond Hill

Constituency Office

100 Mural St., Suite 101, Richmond Hill, ON L4B 1J3

Tel. 905-707-9701 | Fax. 905-707-9705 | E-mail Majid.Jowhari@parl.gc.ca





Online Legal Directory

FACELAW

WE are a directory of Lawyers, Paralegals and Immigration Consultants, striving to bring together the best professionals in the legal field.

In today's fast paced world, where almost everyone now has the internet in the palm of their hand, finding the relevant information and assistance you require has never been easier. Finding an experienced lawyer, paralegal or immigration consultant ("Legal Professional") to assist you with your legal matters should be no different. Whether your legal matter is complicated or simple, Facelaw.ca is here to make the initial interaction between the client and Legal Professional just as simple.

Facelaw.ca is a website which connects those looking for a Legal Professional to assist them with a legal matter (or those just wanting to get some preliminary legal advice) with an experienced Legal Professional in the appropriate field of law. The Legal Professional will help guide you through the complex legal landscape and will provide the appropriate and professional legal advice.

Looking for a Legal Professional that speaks a certain language? Looking for a Legal Professional in a certain city or town? Looking for a Legal Professional who's practice focuses in a specific area of law? Not a problem! Facelaw.ca will connect you with the right Legal Professional to fit your legal needs quickly and effectively.

Facelaw.ca was created to eliminate the intimidating process of searching for a Legal Professional to provide legal services. Instead of having to call different offices and law firms searching for the right Legal Professional to retain, Facelaw.ca has compiled a searchable database of local Legal Professionals who are committed to serving their clients.

SO stop wasting time making useless calls and reviewing lawyer and law firm websites that provide no real guidance and try Facelaw.ca today!!!

ABOUT US



FACELAW . NO 3 OCTOBER 2020

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Facelaw INC(Founder)

Dr. Ashkan Anvari

Editor-in-Chief

Ali Ahmari Moghaddam

Executive Director

Shabnam Ghorbani

Design team

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Dr. Ashkan Anvari

**Doctor Of Business
Administration (DBA)**



THE IMPORTANCE AND BENEFITS of Personal Brand Equity in The Reputation of a Business.

The purpose of the Facelaw platform is to introduce lawyers, legal consultants and immigration consultants to the legal community with their names, faces and legal experience. One of the ways Facelaw allows legal professionals to do this successfully is through personal branding.



BUT, WHAT IS PERSONAL BRANDING?

A BRAND is a symbol or a slogan that showcases a business's identity to others, and it can be like a colorful banner that stands out in a crowd.

When consumers see the brand, they can be motivated and influenced by it. However, the design and construction of a brand alone will not affect their activities unless it is driven by advertising and smart planning to successfully establish the brand to the target market.

This is known as "BRANDING".

BRANDING CAN MAKE A BUSINESS VERY POPULAR and it can have a significant impact on sales and delivery of the business's services. When a business is one of the most prominent brands in its market, consumers are willing to stand in line for a long time in order to obtain its goods and services. One of the main reasons for this is that people don't do business with companies, they do business with people they like.

For example, Apple has effectively built a recognizable brand and established itself as an innovative giant, otherwise it would not be able to sell its products as successfully. Sophisticated personal branding over the years has resulted in the general public's willingness to wait for hours in long queues just to buy the latest Apple products.

HOW CAN FACELAW PROVIDE SUPPORT?

The Facelaw platform allows Lawyers, Paralegals and Immigration Consultants to achieve successful personal branding through a variety of different channels such as Seminars, Blogs and Articles, the Facelaw Internet TV, and the Facelaw Magazine. Legal professionals will have the ability to reach a vast network of industry experts, as well individuals simply looking to expand their knowledge and awareness of the law. Facelaw advocates the personal branding needs of these legal professionals by providing them with all the tools they need to achieve their target of effective and influential personal brand development.

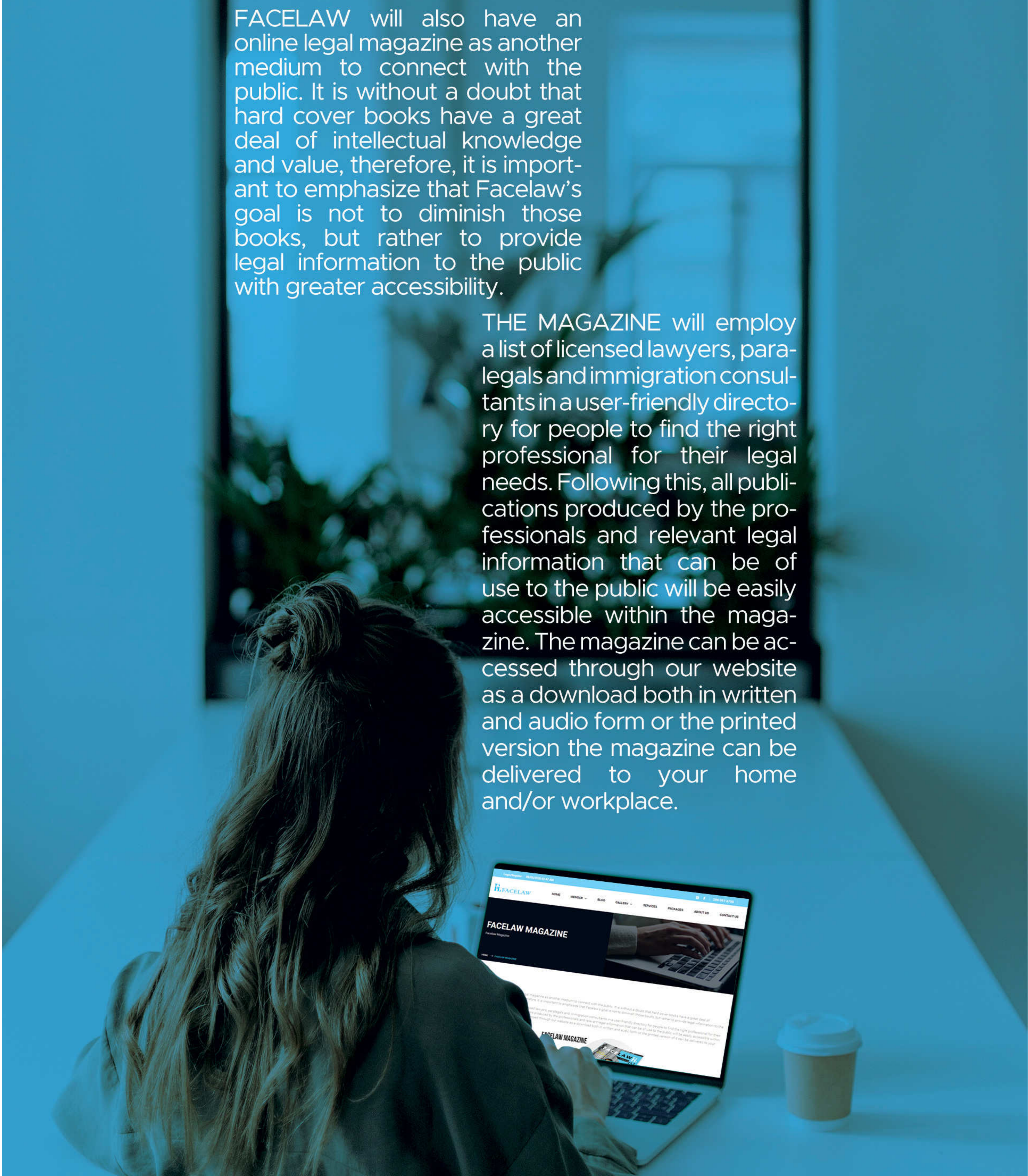
Founder of the Facelaw Platform



FACELAW MAGAZINE FACELAW MAGAZINE FACELAW MAGAZINE FACELAW MAGAZINE

FACELAW will also have an online legal magazine as another medium to connect with the public. It is without a doubt that hard cover books have a great deal of intellectual knowledge and value, therefore, it is important to emphasize that Facelaw's goal is not to diminish those books, but rather to provide legal information to the public with greater accessibility.

THE MAGAZINE will employ a list of licensed lawyers, paralegals and immigration consultants in a user-friendly directory for people to find the right professional for their legal needs. Following this, all publications produced by the professionals and relevant legal information that can be of use to the public will be easily accessible within the magazine. The magazine can be accessed through our website as a download both in written and audio form or the printed version the magazine can be delivered to your home and/or workplace.





Ahmari Law Firm

 416-800-0808
 289-597-6700
 289-314-7693
 ali@ahmarilawfirm.ca
 #908,909, 7191 Yonge St, Thornhill, Canada
 L3T 0C4

▶ Ali Ahmari Moghaddam

We believe that clients should feel welcome and comfortable every time they walk into our office. Our law firm also works hard to make sure that clients are involved in all aspects of their case and takes the time to educate clients about their legal matter so that they are well informed about all aspects of their particular case.

Why Choose Us?

- ▶ CLIENT-FOCUSED SOLUTIONS AND RESULTS
- ▶ FLEXIBLE, VALUE-DRIVEN APPROACH
- ▶ BEYOND THE BILLABLE HOUR
- ▶ DIVERSITY & INCLUSION
- ▶ WOMEN'S EMPOWERMENT AND SUCCESS
- ▶ PROVEN ADVOCACY. PROVEN RESULTS.
- ▶ A MULTIDISCIPLINARY, COLLABORATIVE APPROACH
- ▶ HEAR FROM OUR CLIENTS.
- ▶ COMPASSION AND RESPECT
- ▶ BILINGUAL SERVICES



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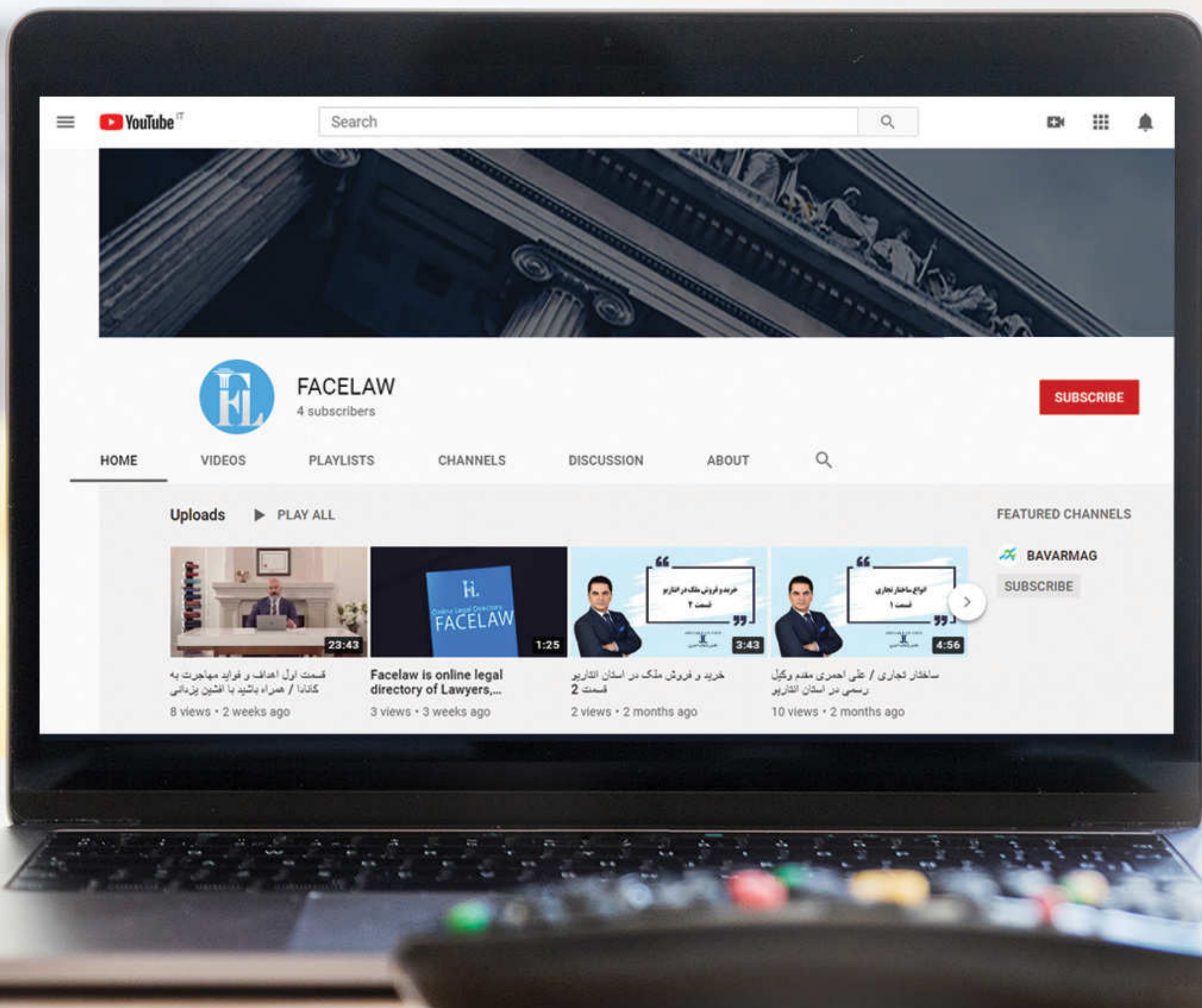


In today's technologically advanced world, social media has become the new phenomenon to connect the world on all levels. The world has technologically moved forward in a way that people no longer just rely on radio or TV to access their favorite program.

Now more than ever, smartphones, tablets, laptops, computers, and any device that connects to the internet have the ability to provide us with the latest information on a given topic within seconds. Likewise, social media platforms, such as internet, TV and radio, are now instrumental for businesses to advertise their services to the public. This process is not only much cheaper than conventional methods of advertising such as radio or TV, but also provides an opportunity for businesses to maintain direct relationship with their audience.

FACELAW INTERNET TV

Radio FACELAW



In this regard, Facelaw has launched its online TV and radio, with the objective of providing reliable legal information, prepared by our members who are trained legal professionals. Information will be provided via video, audio and podcasts to the public on a timely basis.

If connecting with legal professionals in divergent fields and learning more about their services is of interest to you, you are encouraged to follow our social media, website, and YouTube channel to have access to our professional programs. Facelaw is excited to introduce this new medium for legal professionals to educate and connect with their audiences.



IRCA WEB

Web Design & Development



CRM



Photo &
Videography



Digital
Marketing



Social Media
Management



SEO

 www.ircaweb.com

 info@ircaweb.com

 6 4 7 8 7 8 9 2 0 2

 4711 Yonge St, Toronto



Are you considering purchasing or selling a property in Ontario?

Are you considering purchasing or selling a property in Ontario? If so, you should consider contacting a real estate lawyer right away. Why? Purchasing or selling a property is a complicated process which involves dealing with many different parties and time sensitive tasks. A seasoned real estate lawyer can assist you to navigate the laws and processes associated with your real estate transaction. Read on to learn more about how real estate lawyers assist clients with the purchase or sale of a property.

ALI AHMARI MOGHADDAM

I have a general corporate and commercial practice that includes incorporation and organizations.

✉ ali@ahmarilawfirm.ca

416-800-0808

☎ 289-597-6700
289-314-7693

📍 #908,909, 7191 Yonge St,
Thornhill, Canada

🌐 www.ahmarilawfirm.ca





Purchasing a Property

Purchasing a home is one of the most important investments you will make. It is imperative that you receive 'good' title to the property. One of the most important parts of a real estate lawyer's job when assisting with your purchase is ensuring that the person who is selling the property has the legal right to sell it and that no one else (e.g. mortgage companies, contractors, tenants) has a claim to the property or a lien on it. A real estate lawyer will also obtain title insurance, which protects you and the mortgage lender against defects with the property's title.

It is important to note that an Agreement of Purchase and Sale (once signed) is a contract that is legally binding on both the purchaser and the vendor. Meeting with a lawyer before you sign can ensure that your rights and interests are protected. For example, a lawyer can advise you to include various conditions that will allow you to cancel your offer if, for example you cannot proceed with the sale of your existing property or are unable to secure mortgage financing to complete the purchase. A real estate lawyer will review the statement of adjustments to ensure that you are paying only the appropriate share of the taxes, condominium common expenses when purchasing a condominium property, as well utility and fuel bills, if applicable. He or she will also discuss and explain the different methods in which you can hold title to the property (e.g. joint tenants vs tenants in common) and will also review the mortgage terms and documentation provided by your lender (if you are obtaining a mortgage) and discuss and explain the terms contained therein with you. He or she will also ensure that you have the appropriate home insurance in place as of the closing date and will hold your funds and the mortgage funds provided by the mortgage lender in their trust account and will facilitate and arrange the transfer of closing funds to the vendor's lawyer on the date of closing and obtain keys to the property to complete the transaction.

Selling A Property

Selling your property can be a smooth transaction with the assistance of the right real estate lawyer. He or she will review the Agreement of Purchase and Sale and note any deadlines to ensure the deal proceeds and is completed as scheduled. If there is a mortgage registered on the property, the lawyer will obtain a mortgage payout statement from the mortgage lender and will obtain property tax information from you or from the relevant tax department. The real estate lawyer will also prepare and review the transfer for the property and receive, review and respond to any title requisitions or issues that the purchaser's lawyer may raise.

The real estate lawyer will prepare and deliver a Statement of Adjustments to the lawyer for the purchaser to ensure that you are all necessary adjustments on closing are accurate. Moreover, a real estate lawyer acting on a sale of a property typically handles delivering required discharge funds to the lender in order to fully pay out the mortgage, payment of the real estate commission and any property taxes or utility bills you may still owe (these are paid from the proceeds of sale).

On the closing date, the real estate lawyer receives the necessary closing funds and purchaser's closing documentation from the lawyer for the purchaser, he or she then delivers the vendor's closing package (including signed documents and the keys to the property) to the purchaser's lawyer. He or she will then electronically release the transfer for registration and once the transaction has been completed, he or she will pay out all encumbrances as well as of any other liens or encumbrances required to be paid from the closing proceeds. Payment of any real estate commission and a delivery of a final report and the net proceeds of sale to the vendor rounds out the sale of a property.



Ontario Real Estate Lawyers: Recommendations

First, find a house in Ontario in your price range. Second, sign an offer that protects you and that is acceptable to the vendor. Third, close the purchase and move in.

We recommend that you get well informed about the process and surround yourself with an experienced team, including a competent real estate lawyer, who can deal with all of the issues and problems that may arise in the process of purchasing or selling a property.

The following are some prudent tips to follow:

1. Get informed. Canada Mortgage and Housing Corporation (“CMHC”) has a guide for new real estate buyers called Homebuying Step-by-Step: A Consumer Guide and Workbook which can be found here:

<https://www.cmhc-schl.gc.ca/en/buying/homebuying-in-canada-a-step-by-step-guide>

2. Retain an informed and experienced Real Estate Agent who will assist you in finding a property in the right location and at the right price for you.

3. Retain a competent Mortgage Broker who will assist you in obtaining a favourable mortgage rate and term. They can pre-qualify you for a mortgage so you will know how much you can afford while looking for the right property.

4. Retain a Home Inspector with a good reputation who will inspect the home you wish to buy and provide you with a report of any defects, difficulties or problems revealed through the inspection.

5. Retain an experienced and knowledgeable real estate lawyer. Know that lawyers are bound by professional rules that require them to act in your best interests. Therefore, retain a lawyer who has experience in this area of law and who can facilitate the real estate transaction. The lawyer will ensure that your rights are protected throughout the purchase or sale process.



Things to watch out for Home buyers in Ontario should be aware of the following:

- Caveat emptor or "Buyer Beware" is still the law in Ontario. Be sure to inspect the home you are planning to buy very carefully. Also insist on the vendor delivering a completed and signed Vendor Disclosure Statement before your offer to buy.
- Provincial Land Transfer Tax ("LTT") is payable by the purchaser at the time of registration of the transfer for all properties in Ontario. The amount of LTT paid is based on a sliding scale as a percentage of the purchase price for the home. Properties purchased in the City of Toronto are also subject to a Municipal Land Transfer Tax in addition to the Provincial Land Transfer Tax.
- In Ontario, agreements respecting the purchase and sale of land must be in writing, signed and witnessed to be enforceable. Be sure the written offer includes terms, conditions and warranties respecting everything that is important to you.



Fixtures and Chattels. Fixtures are items that are attached to the property, so that they effectively become a permanent part of said property. Fixtures typically require tools and hardware to remove. Chattels are items that are not attached to the property and can be simply picked up and walked away with without mess, damage, or any tools or procedures. While the distinction seems clear, it is important to note that there is confusing case law on the issue, so "when in doubt, spell it out" in the contract. For example, a dishwasher may appear to be a fixture, but it may not be if it can be simply unplugged and moved easily without causing damage, so stipulate in the Agreement that it is a fixture that is included in the purchase.

ONLINE SEMINARS



Facelaw has the technological ability to conduct various seminars for the community in order to increase awareness in the legal field. As well, Facelaw produces private seminars for businesses to educate them in the different areas of law. This has the power to inspire businesses to tackle new projects and to advance their level of knowledge within the law. For these seminars, the speakers will be the direct members of Facelaw who are licensed professionals like that of lawyers, paralegals and immigration consultants.

Depending on the nature of discussion, the seminar may be led by one or more professional.

These seminars will take place in North America. Some will be provided for free and others will require the purchase of a ticket. Facelaw will have all the details including prices, dates, and topics of discussion among other details available on our website for your ease of reference.





Facelaw provides the opportunity for the public to read about the member's legal experience, their desired field of law and their current contact information.

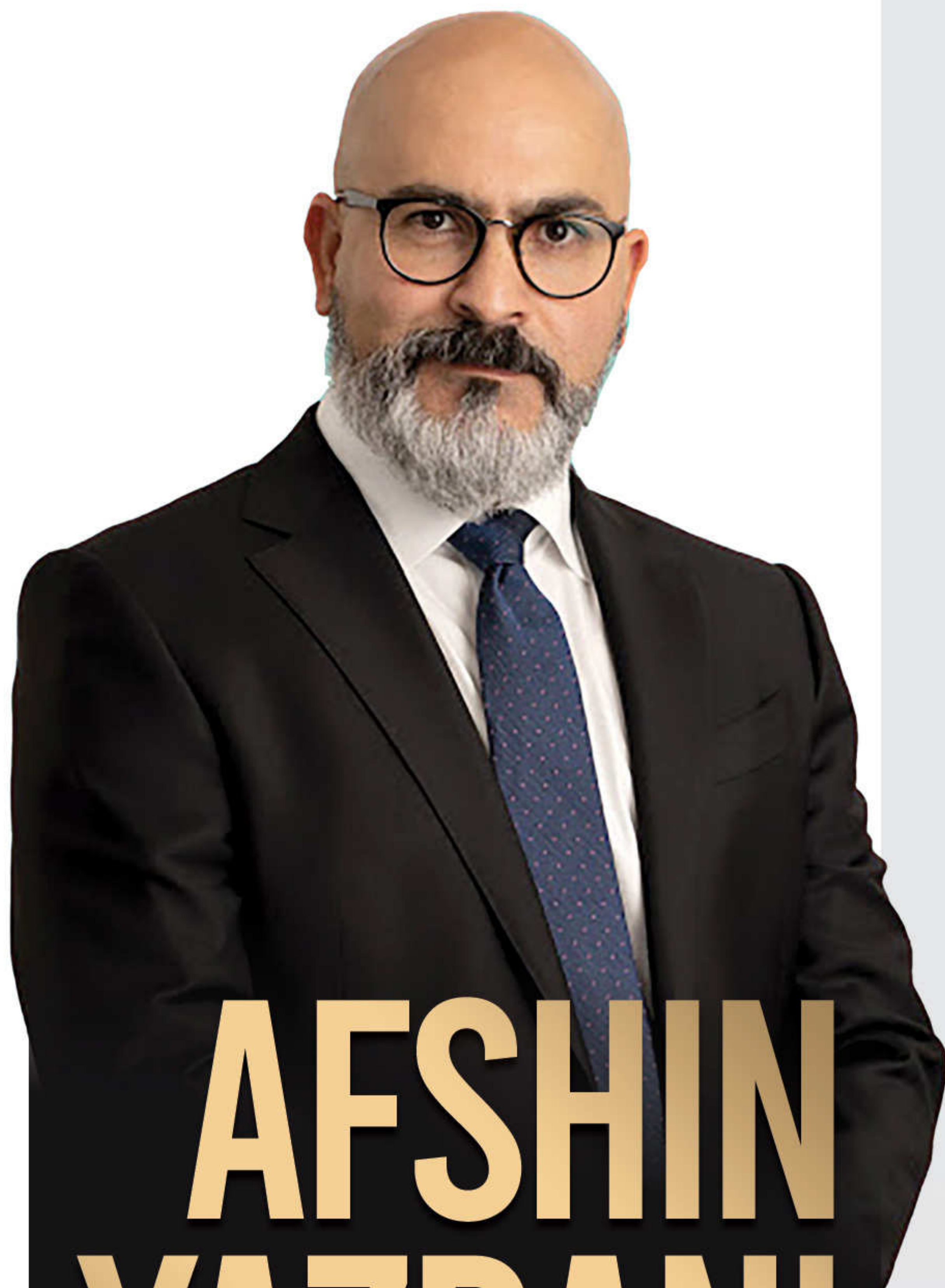
This unique feature will allow people to learn more about the background and professional work of the members who have joined Facelaw.

Within the seminars, you will have a direct connection with the speakers by having the ability to ask questions during the seminars. The speakers will also provide their contact information so that you can contact them for further legal information and clarification. In doing so, Facelaw will provide a special discount to those who attend the seminars. Please visit our website for further details regarding the discounts. The highlights of each seminar will be displayed on Facelaw's website so that the public can determine if the topics, location, professionals among other details are of interest to them.

Facelaw values education and community and maintains these values at the core of all of its efforts.

As a result, Facelaw will have business-networking events in which all Facelaw members who are experienced professionals in the legal field will have the opportunity to meet and learn from one another. This will allow them to advance their current expertise and to better serve the public as their legal knowledge will be up to date and expanded.





AFSHIN YAZDANI

YLG – Yazdani Law Group is a leading Toronto law firm practicing primarily in the area of immigration, business and Property law for Canada.

Afshin Yazdani LL.M, BCL,
CCLL.M, RCIC, OBA, CBA.

✉ afshin@ylgpc.ca

☎ +1 (855) 954-7222

📍 508 & 509-7191 Yonge St.
Toronto Canada

🌐 www.ylgpc.ca

He is the founder of Yazdani & Associates Immigration Firm as well as YLG – Yazdani Law Group.

He studied a professional Master's degree in Canadian Common Law at York University, graduated from Osgoode Hall Law School in 2016.

He obtained his Certificate of Qualification from the National Committee on Accreditation (NCA).

Helping our clients cross borders for over 15 years. We are a full-service Canadian immigration and business law firm. Mr. Yazdani began his career as a lawyer & a law professor in Iran in 2004. He became a legal advisor and a law professor in Dubai in 2008.

He previously studied an Immigration Consultant Program at Lasalle College in Montreal as well as Civil Law and International Law. He became a member of "ICCRC (Immigration Consultants of Canada Regulatory Council)" in 2016. He was called to the Ontario Bar in 2019 and has been practicing Canada immigration law since establishing his immigration firm in Toronto. Mr. Yazdani is the only lawyer in Canada with an immigration consultant diploma and three law degrees. His high-profile and celebrated cases have attracted international attention, and he is frequently consulted as an immigration expert by televisions, journalists, government and non-governmental organizations (NGOs) on matters pertaining to immigration law and policy. He recently was a television host in a biweekly show known as "Canadian Immigration from Law's Point of View".

He is the author of several articles on matters pertaining to Public International Law, Dubai Property, Arbitration Law, and Canada Immigration Law.



Canada's main VISAS categories

Canada has ten provinces and three territories surrounded by the Atlantic Ocean, the Pacific Ocean and the Arctic Ocean. Canada's political structure is a parliamentary democracy and a constitutional monarchy with a monarch who is Queen Elizabeth II, and a prime minister who serves as the chair of the Cabinet and head of government. In Canada, the Constitution of Canada is the supreme law of the country, and the latest version was enacted in 1982 in which it ended all legislative ties to Britain, as well as adding a constitutional amending formula and the Canadian Charter of Rights and Freedoms. In Canada, there are two levels of governments: provincial and federal. In Canada, jurisdiction over immigration matters is shared between the federal and the provincial and territorial governments under s. 95 of the Constitution Act and runs under Immigration, Refugees and Citizenship Canada "the IRCC".

In Canada, there are ten provinces, with three territories. The provinces are Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island, Quebec, and Saskatchewan. The three territories are Northwest Territories, Nunavut, and Yukon.

For whoever wants to immigrate to Canada must be eligible under one of the following four main categories. The candidate must either have a set of skills that Canada needs, or a certain level of wealth and business management experiences that Canada seeks, or having a family member in Canada who can sponsor you, or you are under particular circumstances within the definition of Canadian immigration rules. The categories are the skilled basis, or the business basis, or the family basis, or the social basis.



1

Skilled workers can immigrate to Canada and become permanent residents based on their ability to settle in Canada and take part in the Canadian economy. Express Entry is a system to manage all skilled based categories: Federal Skilled Worker, Federal Skilled Trade, Canadian Experience Class, and Express Entry Provincial Nominees Programs. Quebec also has QC skilled worker program.

Skilled Basis Immigrants

2

Business-class federal category contains three programs: Investors, Entrepreneurs, and Self Employed; while it is a point basis system, the passing mark is 35 points. The main eligibility criteria are the net worth of the applicant, intent to invest or run a business in Canada, work experience, and language proficiency. Quebec and Canadian provinces also have a business class category.

Business Basis Immigrants

3

Canadian Citizens or Permanent Residents can sponsor their family members to become permanent residents in Canada: spouse, parent, grandparent, child, grandchild, and some other family members under certain situations.

Family Basis Immigrants

4

In social class, immigration, refugee sponsorship, and the right to become a permanent resident for Live-in Caregivers are two programs. Canadian Citizens or permanent residents, and also Canadian corporations can sponsor refugees privately. Sponsorship Agreement Holders, Blended Visa Office-Referred Program, Groups of five, Community sponsors, and Joint Assistance Sponsorship Program. Live-in caregivers are individuals who are qualified to provide care for children, elderly persons or persons with disabilities in private homes without supervision. They must live in a private home where they work in Canada

Social Basis Immigrants



B

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&
ARTICLE
FACELAW



In this section of Facelaw you can access useful legal information, and articles you may wish to read that have been published by our members, comprised of lawyers, paralegals and immigration consultants.

The intent of Facelaw is to provide a platform to educate the public and to provide a medium for legal needs to be properly addressed pursuant to the laws of Ontario.

The blog is sectioned into different legal topics in which information is provided from different professionals. Facelaw strives to provide you with a wholesome perspective so that you can be guided by different professionals in order to make the best possible decisions involving your legal matters. In doing so, if you have questions you can directly contact the professionals with their information provided on Facelaw. The professionals can help answer your legal questions and guide you in the right direction with respect to your legal matter.

Facelaw has provided an easy access search function that with a simple keyword search you can locate useful information on the legal topic you require. We are grateful that we have connected with these professionals to compile valuable resources to share with the public to ensure that you are provided proper guidance and information for all your legal needs.



Should I Get a Lawyer for a Car Accident?



**CHARLES
E. GLUCKSTEIN**
Gluckstein Lawyers

✉ info@gluckstein.com

☎ 416-788-4851
416-408-4252 Ext 269

📍 595 Bay Street,
Suite 301, Toronto

🌐 www.gluckstein.com



You may find yourself considering whether you need to hire a personal injury lawyer to represent you because you suffered severe injuries resulting from a car accident. You know the law is complicated. In this blog post, I will go over some of the factors to consider when contemplating hiring a personal injury lawyer. In these cases, hiring a car accident lawyer will be well worth the fees paid to advance your best interests. This is because, in many situations, mainly where serious injuries are involved, only a qualified personal injury lawyer can obtain the compensation you deserve and may require for the rest of your life.

Protecting Your Rights

In Ontario, there is a unique system for obtaining compensation for car accident injuries.

Although quite complicated, an experienced Personal Injury Lawyer can inform you of your rights, assist you in navigating your claim through the complex system, and help you obtain full and just compensation.

Here are five factors you should consider if you are thinking about hiring a personal injury lawyer:

“ The Severity of Your Injuries

If you were involved in a motor vehicle accident, and neither party suffered injuries, and there was little to no property damage, hiring an injury lawyer may not be necessary. However, if you sustained severe injuries as a result of an accident that will require long-term care or have left you with permanent disabilities, you should immediately hire a lawyer. To get the most out of your personal injury case or lawsuit, you need a lawyer who can pursue all available compensation forms for your injuries and other losses. Moreover, figuring out how your injuries will impact your present and future earning capacity can be difficult and generally requires expert assistance.

The amount of compensation you ultimately receive for your injuries largely depends on the degree of severity of the injuries and impairments. Insurance companies measure the severity of your impairments by the extent of treatment reasonably necessary, the length of your recovery time, and the impact the injuries have had and will continue to have on your income earning ability and your quality of life.

“ Liability is Not Clear

The term “no-fault insurance” can be a misleading term for many people. However, no-fault insurance does not mean those drivers involved in car accidents are never at fault. Someone is usually at fault in a car accident. A driver can be anywhere between 100% and 0% at fault. Who is at fault will be a major factor in how you proceed through the insurance claim. Be aware that anything you say to your own insurer will be considered by the insurer in determining your entitlement to benefits. Contact a Personal Injury Lawyer to discuss your legal rights before you fill out the insurance forms. You will have 30 days to send back the forms to the insurance company.

“ There Are Multiple Parties Involved in the Accident

If you were involved in a car accident where multiple parties may be liable for your injuries, you should contact a lawyer. When multiple parties are involved in an accident, dealings with insurance companies can be very complicated. Because several people may have been injured, there may not be as much settlement money to cover all claims fully. You could also be alleged by another party to be partially at fault, ultimately having your settlement reduced because of your proportional fault for the accident. You should always contact a personal injury lawyer if you have been injured in a car accident and may be partially at fault for the accident. A car accident lawyer can help protect you against legal claims by the other parties involved in the accident.

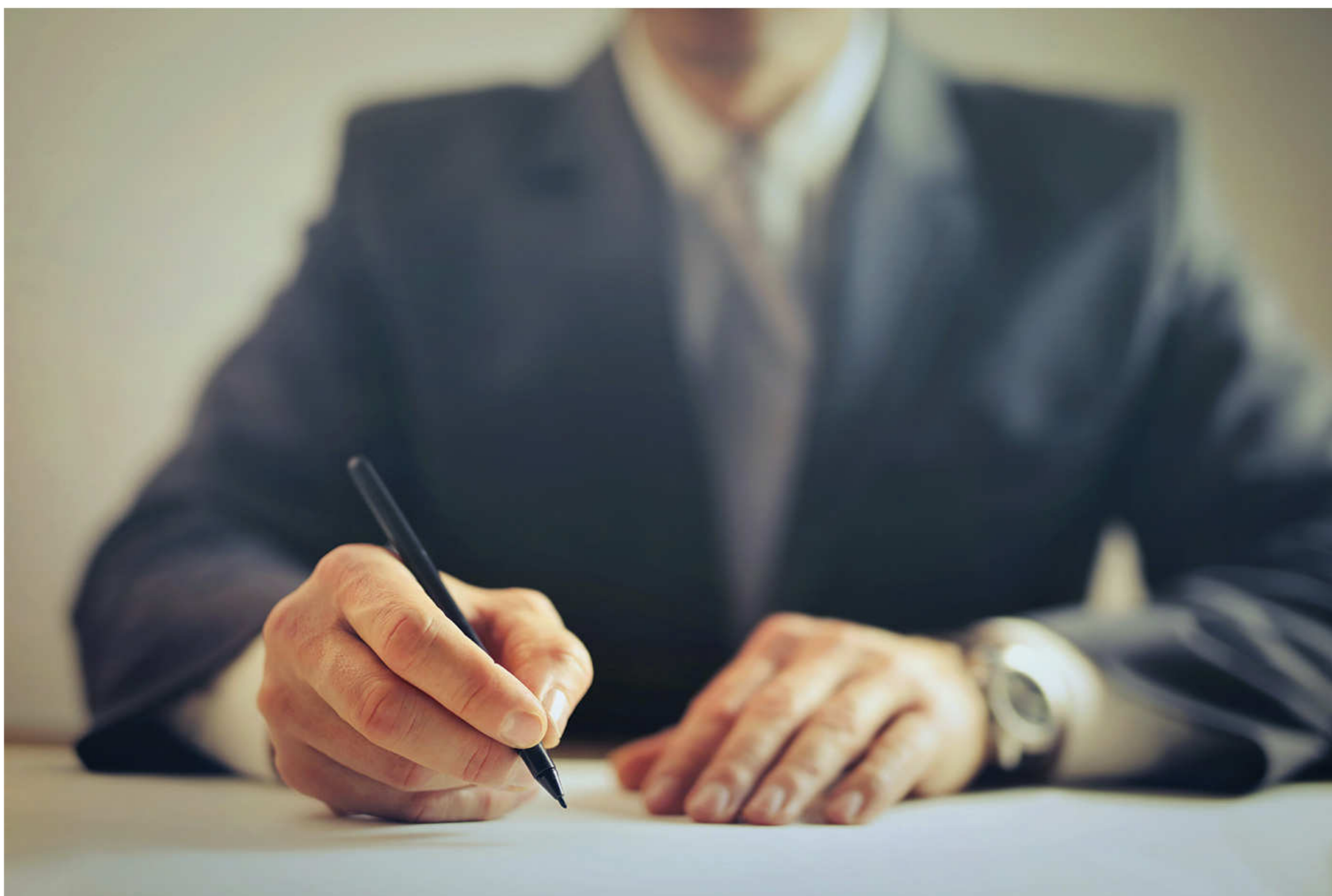
“ Economic Loss & Non-Economic Loss

If you have missed more than a couple of days of work or school, or if you can't engage in your usual activities, it may be worth considering hiring a personal injury lawyer. Non-economic losses such as pain and suffering damages, damages for emotional trauma, and loss of companionship, are typical but complex claims under Ontario's compensation system. In these types of cases, you should hire a personal injury lawyer to ensure you receive the total amount of compensation for which you are entitled.

“ Insurance Company refuses to Pay

Sometimes, insurance companies simply refuse to make a fair settlement offer or refuse to make any settlement offer at all. It is not recommended that you settle a serious personal injury claim on your own, directly with the insurer. However, if you trying to do so and are unable to secure a fair settlement offer, or negotiations with the insurance company have broken down, you should contact a personal injury lawyer. There is also a chance that an insurance company, in responding to your claim, is engaged in a bad faith or unfair practice. In that case, you will need assistance from a lawyer who has experience litigating such insurance claims.

How to Hire a Personal Injury Lawyer



If you were involved in any of the scenarios discussed above, you should contact a personal injury lawyer. Hiring a personal injury lawyer is an important decision. Your lawyer will represent your interests in settlement negotiations with the at-fault party's insurance company, and will do so in court should you and your lawyer agree that filing a personal injury lawsuit is necessary.

How Long After a Car Accident Can I Make A Claim?

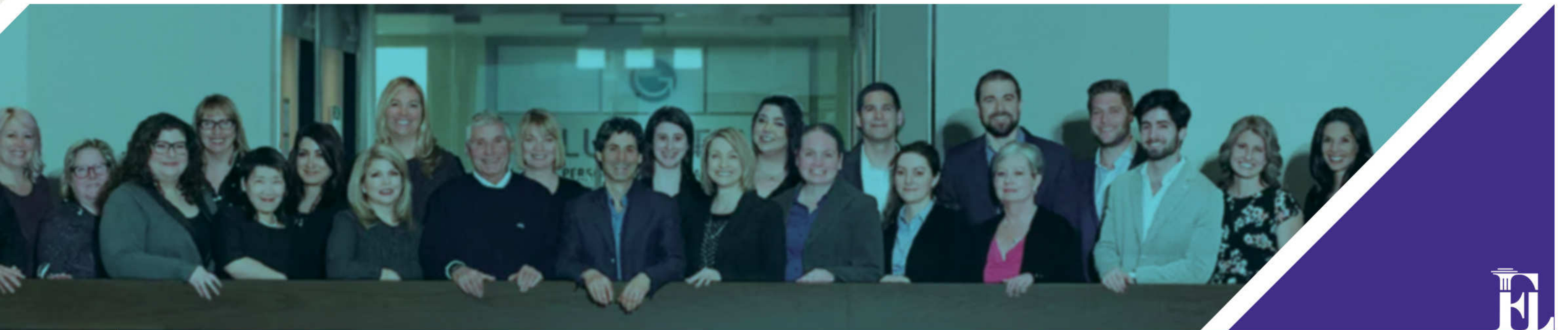
You must notify your own insurance company within seven days, or as soon as reasonably possible, that you wish to apply for no-fault accident benefits. You must file a completed Application for Accident Benefits with your insurance company within 30 days after receiving it. You have two years in Ontario within which to bring a lawsuit against the at-fault party for a personal injury claim. It is best to contact a lawyer early to ensure that proper steps are taken, notices are given, and deadlines are not missed. You do not have to retain a lawyer right away, but it can help you learn about your legal rights.





Our Commitment to Full Circle Care

If you or a loved one have been involved in a motor vehicle accident, we can walk you through the various legal resources available and explain how they relate to your case. To learn more about how we can help you navigate the steps to recovery after a personal injury, please contact Vafa Nematy at (416) 788-4851.



SMALL CLAIMS COURT PROCEDURE

Is the Small Claims Court right for you?

The Small Claims Court (SCC) is able to streamline and fast-track cases. The SCC is built to address claims seeking money and/or property owed under a variety of agreements such as Rent Agreements, Loan Agreements, etc. However, the major constraint with the SCC is that it has a low monetary limit. All Claims in the SCC are capped at \$35,000.00, which was recently increased in January 2020. As a result, anyone seeking damages exceeding the abovementioned monetary limit should pursue other courts.



SUBRAMANYAM NARASIMHAN

Subu specializes in Corporate & Commercial law with a focus on corporate governance, litigation, employment law and risk management.

✉ subu@snlawoffice.ca

☎ 416 948 4006

📍 200 Consumers Road,
Toronto, ON M2J 4R4

🌐 www.snlawoffice.ca



How to initiate a Claim in the Small Claims Court?

Understanding the basic terminology used in the Small Claims Court is essential. The Plaintiff is the one who has initiated the suing and the Defendant is the one who is being sued.

The Plaintiff then has to prepare a document called the Plaintiff's Claim. The Plaintiff's Claim is the document that the Plaintiff must complete in order to start a small claim against a person or business. The Claim will be filed with the Court first, followed by delivery to each of the people and/or businesses that are being sued. There are different methods of filing the Claim: online, in person, or by mail.

Within the Plaintiff's Claim, a short and clear summary of the events that took place and a strong rationale behind the claim needs to be written. The Court must understand why the Plaintiff is asking for money and/or property. The Plaintiff must also consider the witnesses and evidence that may support the case. In addition, it is imperative that the Plaintiff knows the legal name and address of the person or business being sued in order to prepare and serve the Plaintiff's Claim, and to enforce a judgment if the Claim is successful. It is imperative that the Plaintiff understand the time limitations before commencing a Claim. In most cases, a Claim cannot be filed if more than two years have passed since the incident.

Where can you file a Claim?

The location of the courthouse in which the Plaintiff files the Claim depends on the following:

- where the problem outlined the Claim occurred (the location of the cause of action); or
- where the Defendant is located; or
- where the Plaintiff is located.

What are the costs of a Plaintiff's Claim?

It is important to note that there is a filing fee when the Claim is filed in Court. The fee is \$102.00 for an infrequent claimant and \$215.00 for a frequent claimant.

How to serve the Claim to the Defendant(s)?

After filing the Claim in Court, the Plaintiff must serve the Claim on the Defendant(s) within six (6) months of the Court filing. The service must be completed by the way of Personal Service (unless the Court orders otherwise). After serving the Defendant(s), a sworn Affidavit of Service must be signed and filed in the Court where the Claim resides. In special circumstances where service of the Claim cannot be done in person, the Court may issue an Order to serve the Defendant(s) using alternative means.

How can the Defendant(s) respond to the Claim?

The Defendant(s) will have a chance to present their version of events when they respond to the Claim. The Defendant(s) has twenty (20) days from receiving the Plaintiff's Claim to file and serve their Statement of Defence. Similar to the Plaintiff, the Defendant(s) will also have to sign and file an Affidavit of Service in Court and pay a filing fee of \$73. As the Plaintiff, it is important to note that the Defendant(s) also counterclaim by filing the Defendant's Claim against the Plaintiff within twenty (20) days of serving and filing a statement of Defence.

What happens if the Defendant(s) does not respond to the Claim?

If no Statement of Defence is served to the Plaintiff within twenty (20) days of the service of Plaintiff's Claim, then the Plaintiff can request a Default Judgment against the Defendant(s). The Plaintiff can request the Court to note the Defendant(s) in default by filing a Request to Clerk and paying a fee of \$89 (for an infrequent claimant) or \$121 (for a frequent claimant).



■ Attending a Settlement Conference. A Settlement Conference is a meeting where the Plaintiff(s) and Defendant(s) will try to resolve the issues outlined in their respective claims before going to a full trial. These conferences are mandatory and will be presided by a judge.

■ If no settlement at the Conference, all parties will go to trial. Anytime before a judgement is issued, all parties can settle the matter by making an Offer to Settle. In the event the Offer is not accepted, the trial will run its course.

■ At the end of the trial, the Court will issue a decision.

■ If the Plaintiff(s) or Defendant(s) feels that the law was not applied properly in their case, then either party can file to appeal the Court's decision.

■ A Defendant could ask the court for more time to send in a Defence or a Defendant's Claim.

■ A party could ask the court to resolve a specific issue in the case, for example, to extend the time to pay costs ordered by the court.

■ A party could ask the court to change an order that has already been made. For example, the defendant could ask the judge for an order to overturn the default judgment granted against him or her.

■ The defendant could ask the judge for an order stating that the money owed has been paid in full, or goods have been returned.



What are the next steps after the Defendant(s) files a response?

The next steps in the Small Claims Court process are the following:

What are motions?

Another integral part of the Small Claims Court process is motions. A motion is a formal request to a judge to issue an order regarding a case. Any individual or entity who is a party in a case can file a motion. Examples of motions in small claims court are the following:

Where can you find more information about the rules and procedures of the Small Claims Court?

All of the abovementioned rules and procedures pertaining to the Small Claims Court are outlined by the Rules of the Small Claims Court, O Reg 258/98.



Barrister & Solicitor



ARYAN KAMYAB

 www.kamyablaw.com

289-597-4902 | ✉ aryan@kamyablaw.com
☎ 289-597-4953 | 📍 7191 Yonge Street, Suite 611, Thornhill
647-388-2121 | 🏠 L3T 0C4



Lawyers Directory

Subramanyam Narasimhan

snlawoffice.ca
 416 948 4006
subu@snlawoffice.ca
 200 Consumers Road,
 Toronto, ON M2J 4R4

Charles E. Gluckstein

www.gluckstein.com
 416-408-4252 Ext 269
nematy@gluckstein.com
 595 Bay Street, Suite 301, Toronto

Ali Ani Irani

www.ahmarilawfirm.ca
 416-800-0808 - 289-597-6700
irani@ahmarilawfirm.ca
 #908,909, 7191 Yonge Street,
 Thornhill, ON L3T 0C4

Afshin Yazdani

snlawoffice.ca
 +1 (855) 954-7222
afshin@ylgpc.ca
 508 & 509-7191 Yonge St.
 Toronto Canada

Aryan Kamyab

www.kamyablaw.com
 289-597-4902 / 289-597-4953
aryan@kamyablaw.com
 7191 Yonge Street,
 Suite 611, Thornhill

ALI Ahmari Moghaddam

www.ahmarilawfirm.ca
 416-800-0808 / 289-597-6700
ali@ahmarilawfirm.ca
 #908,909, 7191 Yonge Street,
 Thornhill, Toronto Canada



ONLINE LEGAL DIRECTORY OF LAWYERS PARALEGALS & IMMIGRATION CONSULTANTS

www.facelaw.ca
info@Facelaw.co
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CANADA / USA

