

## \$20,000 Pain And Suffering For Substantially Recovered Mild/Moderate Soft Tissue Injury

November 14th, 2008

Reasons for judgement were released today awarding a Plaintiff damages as a result of injuries sustained in a 2005 rear end crash which occurred in Vancouver, BC.

The Plaintiff was received various soft tissue injuries which largely recovered. In awarding \$20,000 for the Plaintiff's pain and suffering the court made the following key findings of fact:

[23] *The plaintiff, who is now 32 years old, suffered a mild to moderate soft tissue injury in the motor vehicle accident. He was doing well within three months and was substantially recovered after six. He has some residual symptoms but they do not restrict the nature of his activities. However, the degree to which he can participate in them is different now.*

[24] *The more importance physical activity has in one's life, the more one feels the loss of that capability. (the Plaintiff's) life largely revolved around sports that required peak physical fitness, and the training required to maintain that level of fitness. Those aspects of his life were seriously disrupted for three to four months, with gradual improvement over the next two or three. His relationships with his friends suffered accordingly over that period. It was clear from his evidence and the evidence of Ms. Fok, his training pal, Mr. Candano-Dalde, and (the Plaintiff's) mother, that (the Plaintiff) felt with some justification that there was nothing he could not do athletically prior to the accident. While he has recovered and is now very active again, it appears that he has lost the edge he once had.*

[25] *The award for non-pecuniary damages should adequately compensate (the Plaintiff) for all of these factors, past and future. I set those damages at \$20,000.*

This case is one of the shorter trial judgements I've read from the BC Supreme Court dealing with quantum of damages in quite some time. This case is worth reading for anyone advancing an ICBC tort claim dealing with mild/moderate soft tissue injuries to see the types of factors considered when awarding money for pain and suffering.