

ELIGIBILITY

Plan Members who are employed by contributing Employers and on whose behalf contributions to the Prepaid Legal Fund have been received, and who are currently eligible for benefit coverage under the Ontario Teamster Construction Benefit Trust Fund, shall be entitled to benefit coverage in the Prepaid Legal Fund. Members and their eligible dependents shall continue to be eligible for legal benefits as long as they remain eligible for benefits in the Ontario Teamster Construction Benefit Trust Fund. The Prepaid Legal Benefit coverage is not provided for Plan Members whose Life and Health Benefits are extended by Fund Assistance, or who elect to continue benefit coverage by paying direct.

COVERAGE SUMMARY

The Plan covers expenses of legal services rendered by Registered Paralegals or Lawyers of any Law Firm up to the limits specified in this brochure, and a calendar year maximum of 30 hours of legal service per Insured Participant. The schedule of fees set-out in this brochure is the maximum amount payable by the Plan for the services described. All additional charges are the responsibility of the Plan Member.

“A” Real Estate		
Code and Name		Max Amount
A1 Purchase Family Dwelling		\$650
A2 Sale of Family Dwelling		\$550
A3 Purchase Lot for Family Dwelling		\$450
A4 Purchase Vacation Property		\$450
A5 Transfer of Title		\$250
A6 Mortgage New or Renewal		\$450
A7 Mortgage Incidental to Purchase		\$150
A8 Discharge of Mortgage		\$100

“B” Divorce and Domestic Proceedings		
Code and Name		Max Amount
B1 Divorce Member		\$550
B2 Divorce Spouse		\$550
B3 Property and Custody Support Member		\$500
B4 Property and Custody Support Spouse		\$500
B5 Separation Agreement Member		\$500
B6 Separation Agreement Spouse		\$500
B7 Modification of Separation Agreement		\$300

“B” continued		
Code and Name		Max Amount
B8 Adoption (Private)		\$300
B9 Guardianship		\$300
B10 Change of Name		\$250
B11 Birth Certificate Assistance/Passport		\$200
B12 Post or Pre-Nuptial Agreement		\$400

“C” Preventive Law		
Code and Name		Max Amount
C1 Preventive Law	2 hrs max \$100/hr (including telephone consultations)	

“D” Non-Complex Legal Documents		
Code and Name		Max Amount
D1 Power of Attorney		\$125
D2 Deeds		\$100
D3 Simple Contract		\$200
D4 Tenant Leases (Residential)		\$150
D5 Notarized Affidavits or Documents		\$25
D6 Other Legal Documents		\$100

“E” Wills and Estates		
Code and Name		Max Amount
E1 Simple Will Member		\$125
E2 Simple Will Spouse		\$125
E3 Revised Will or Codicil Member		\$125
E4 Revised Will or Codicil Spouse		\$125

“F” Landlord and Tenant Matters		
Code and Name		Max Amount
F1 Leases/Tenancy		\$300

“G” Consumer and Personal Property Law		
Code and Name		Max Amount
G1 Contracts/Warranty		\$300
G2 Consumer Protection Act		\$300
G3 Bankruptcy (Personal)		\$400
G4 Garnishment of Wages		\$300
G5 Tax Advice		\$250
G6 Liens (Personal)		\$250

“H” Civil Litigation		
Code and Name		Max Amount
H1 Defendant Representation	20 hrs max.\$100/hr	
H2 Plaintiff Representation (Plan Members only)	20 hrs max.\$100/hr	

“I” Government Programs and Assistance		
Code and Name		Max Amount
I1 Social Assistance		\$150

“I” continued		
Code and Name		Max Amount
I2 Employment Insurance Commission		\$150
I3 Immigration		\$500

“J” Insurance Related Matters		
Code and Name		Max Amount
J1 Accident and Death		\$250
J2 Life and Annuity		\$250
J3 Fire and Homeowners		\$250
J4 Casualty		\$250
J5 Automobile Liability		\$250
J6 Marine		\$250
J7 Other		\$250

“K” Automobile Related Matters		
Code and Name		Max Amount
K1 Civil Actions (Re: Auto Accident)		\$500
K2 Damage and Personal Injury		\$500
K3 Uninsured Motorist (for Passenger and Insured Motorist only)		\$400

DEFINITIONS

Definition of “A” Real Estate

A Plan Member and/or their dependent spouse shall be provided with legal assistance in connection with the sale or purchase of a family dwelling, which shall be used by the Plan Member's family as a dwelling place; the purchase of a lot on which to build a family dwelling (provided a building permit is issued within 1 year) and the purchase of a vacation property. Assistance in the arrangement of new or renewal of mortgage is also covered under the Plan insofar as they relate to the principal family residence. A Plan Member and their dependent spouse shall not be entitled to assistance in connection with commercial or income producing property. Maximums include 1 sale, 1 purchase and 1 new or renewal of mortgage in any 12-month period. Vacation property shall be limited to a lifetime maximum of 1 purchase. Benefits relating to the sale, purchase, mortgage (new or renewal) or discharge on vacation or recreational property are limited to a lifetime maximum of 1 per Plan Member.

Definition of “B” Divorce and Domestic Proceedings

The Plan Member and the spouse of the Plan Member (i.e., the spouse of the Plan Member in respect of whom the contributions are being made

for coverage under their Plan) shall be entitled to representation in connection with any matrimonial or divorce proceedings. Representation of the Plan Member and spouse shall include preparation of a separation agreement, filing a petition of divorce or separation and all other acts necessary for terminating the relationship, establishing the custody of the children and effecting an equitable distribution of property. If proceedings are non-contested, the spouse of the Plan Member will be encouraged to seek the advice and consultation of separate counsel. In the event of a contested divorce where the services exceed the limit of the Plan, the Law Firm may assess a separate fee upon prior mutual agreement of the parties and the Plan will only be responsible for the maximum allowable amounts as herein set-out. Cheques for legal services for a Plan Member's dependent in divorce or separation matters will be mailed directly to the dependent or the dependent's lawyer.

Definition of “C” Preventive Law

Each Plan Member and their eligible dependents shall be entitled to receive legal advice by telephone or direct office consultation on any problem that the Plan Member believes to be of a legal nature.

Definition of “D” Non-Complex Legal Documents

Legal documents which are not deemed to be excessively complex will be prepared for the Plan Member and their eligible dependents.

Definition of “E” Wills and Estates

Plan Members and/or their spouse shall be entitled to have prepared what is commonly regarded as a Simple Will (i.e. a Will which does not include the creation of any trust or other estate). A Plan Member and/or their spouse shall, for the duration of membership in the Plan, be entitled to the periodic review and amendment of all testamentary instruments, including the preparation of revised Wills and Codicils, not to exceed 1 revision in any 12 consecutive months.

Definition of “F” Landlord and Tenant Matters

A Plan Member, as lessee, shall be represented in connection with any claims or controversies arising out of a tenant lessor - lessee relationship in respect of their apartment or dwelling. Proceedings in which the Plan Member and/or their eligible dependents are the landlord will not be a covered benefit under this Plan.

Definition of “G” Consumer and Personal Property Law

A Plan Member and their eligible dependents shall be entitled to legal representation in connection with any claim against a manufacturer, distributor or retailer for defects in any merchandise, article or service or in a recovery on any warranty given in connection with the sale of merchandise, article or service, where such claim is in excess of \$100. The Plan shall not be obliged to litigate on any claim unless the dollar value shall exceed \$300.

Definition of “H” Civil Litigation (Defendant)

A Plan Member and their eligible dependents shall be represented in connection with any civil action or civil administrative proceeding in which the Plan Member, spouse or other eligible dependent is named as a defendant or respondent, provided that such representation shall not exceed 20 hours in a calendar year. The Plan shall be under no duty to provide legal representation to a Plan Member or their eligible dependents where representation is provided for under statutory programs. Plan Members shall be required to pay any disbursements in connection with such defensive litigation including the costs of discovery, witness fees, etc.

Definition of “H” Civil Litigation (Plaintiff, Plan Member Only)

A Plan Member shall be represented in connection with the filing of a civil or administrative action for and on behalf of the Plan Member in connection with any material injury to person or property for the deprivation or injury of any constitutionally or statutorily guaranteed right, any right conferred at common law or for the adjustment of any grievance both recognizable and actionable in either law or equity. No representation shall be available under this item for any action that is either non-meritorious, calculated to be vexatious only, or a non-material or non-consequential nature or would be contrary to Public Policy. In the event any damages are recovered, or some form of monetary claim effected, the first \$4,000 excluding damages for property replacement and/or medical expenses of any such recovery shall be free of any assessment by the Plan for legal costs expended on the Plan Members behalf. The Plan shall be entitled to recover any legal costs expended on behalf of the Plan Member from costs awarded by the court and from any monetary settlement in excess of \$4,000.

Definition of “I” Government Programs and Assistance

A Plan Member shall be entitled to legal representation on behalf of themselves or their eligible dependents in any matter requiring legal assistance arising out of disputes or appeals with Social Assistance or Employment Insurance. A Plan Member shall be entitled to legal representation in matters of immigration on behalf of himself or his dependents, or on behalf of any other relative who the Member has directly sponsored immigration into Canada.

Definition of “J” Insurance Related Matters

Plan Members and their eligible dependents shall be represented in connection with any claim against his Insurer (except for benefits provided by the Teamster Construction Benefit Trust Fund or benefits provided by a contributing Employer to this Prepaid Legal Fund) by reason of failure to provide or pay the benefits as contracted for or to render advice in the interpretation of any Policy Provision.

Definition of “K” Automobile Related Matters

Plan Members and their eligible dependents shall be represented in connection with some automobile related events. Parking violations are excluded from coverage under this item.

EXCLUSIONS

The following services are excluded from coverage under the Plan:

- Disbursements, retainer fees, court costs, filing fees, land transfer taxes, registration fees, including mortgage registration fees, G.S.T.;
- Title searches and survey fees;
- Fines and penalties, whether civil or criminal;
- Any judgment for damages, including judicially awarded costs;
- Any proceedings or dispute involving an Employer or their Officers, Agents, Representatives or Employees;
- Any proceedings or dispute involving the Union, its Officers, Agents, Representatives or Employees;
- Any proceedings, including Appeals, arising under the Ontario Labour Relations Act or any other statute that relates to labour relations or terms and conditions of employment, including but not limited to W.S.I.B., Employment Insurance, the Occupational Health and Safety Act or the Ontario Human Rights Code in matters involving the Employer;

- Any dispute involving this Plan, the Benefit Plan or any other Plan or Trust Fund provided by a contributing Employer or a Teamsters Local;
- Matters involving election to any public office;
- Non-personal legal services (i.e.: any business-related matters);
- Any controversy between a Member and his/her spouse or any dependents, apart from divorce, separation or annulment;
- No service shall be provided that will violate Public or Statutory Law;
- Any case in which defense or other legal representation is provided through insurance or other indemnification;
- Action instituted prior to becoming a Plan Member or civil actions requested to file arising out of pre-existing conditions. Exceptions may be waived by the Board of Trustees;
- Class actions or interventions or *amicus curiae* filings in any suit or controversy among other parties not involving the immediate and direct interest of a Plan Member;
- Any case in which defence or other legal representation is provided through any government agency, which will represent a Plan Member without charge;
- Any representation required by reason of any acts committed, or acts which a Plan Member omitted to perform, giving rise to tort, negligence, or criminal claims;
- Court appearance in connection with small claims involving an amount less than \$300;
- Stale dated claims which were incurred over 24 months prior to their submission;
- Legal services in excess of 30 hours in any calendar year.

TERMINATION

Your Prepaid Legal Benefit will terminate on the same date that the Plan Member ceases to be eligible for benefits in the Benefit Trust Fund. Legal services which commence following this date will be ineligible for coverage.

CLAIMS

Plan Members may obtain a claim form from Benefit Plan Administrators Ltd, the Ontario Teamster Construction website or the eClaims app and website at www.bpaclaims.com. This form must be completed and submitted by mail or email to the Administrator, with an itemized statement of account from the Law Firm providing the legal services.

ONTARIO TEAMSTER CONSTRUCTION PREPAID LEGAL FUND



JANUARY 1, 2020

TRUST FUND’S WEBSITE
www.otcbenefits.ca

BENEFIT PLAN ADMINISTRATORS LTD
P.O. Box 3071, Station “A”
Mississauga, Ontario L5A 3A4

Tel: (905) 275-6466
Toll Free: 1-800-867-5615
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