

**IN THE MATTER OF** the *Insurance Act*, R.S.O. 1990, c.l.8, as amended (the “Act”), in particular sections 441, 441.2 and 441.3;

**AND IN THE MATTER OF** Happy Future Centre;

**AND IN THE MATTER OF** Nataly Belinska.

**NOTICE OF PROPOSAL TO IMPOSE ADMINISTRATIVE PENALTIES  
AND IMPOSE COMPLIANCE ORDER**

**TO:** Happy Future Centre  
20 Bloor Street, E,  
Toronto, Ontario, M4W 3T3

**AND TO:** Nataly Belinska

**TAKE NOTICE THAT** pursuant to section 441 of the Act, and by delegated authority from the Chief Executive Officer of the Financial Services Regulatory Authority of Ontario (the “Chief Executive Officer”), the Director, Litigation and Enforcement (the “Director”), has made a Report, attached as Schedule “A”, and is proposing to order Nataly Belinska (“Belinska”) and Happy Future Centre to immediately cease the following activities for a period of six months:

- i. charging for any work performed if it is reasonable to expect that all or a portion of such charges will be directly or indirectly paid for by an insurer;
- ii. holding themselves out to consumers as being authorized to perform any work that will be directly or indirectly paid for by an insurer; and
- iii. advertising, soliciting, or offering any services related to any work that will be directly or indirectly paid for by an insurer.

Attached hereto as Schedule “A” to this Notice of Proposal is the Chief Executive Officer’s Report.

**AND TAKE NOTICE THAT** pursuant to section 441.3 of the Act, and by delegated authority from the Chief Executive Officer, the Director is proposing to impose an administrative penalty of \$10,000 on Nataly Belinska (“Belinska”) for charging an amount in consideration for the provision of goods or services to or for the benefit of a person who claims statutory accident benefits or who otherwise claims

**payment under a contract of insurance, if the goods or services are not provided, contrary to paragraph 1 of section 3(2) of Ontario Regulation 7/00.**

Details of these contraventions and reasons for this proposal are described below. This Notice of Proposal includes allegations that may be considered at a hearing.

**SI VOUS DÉSIREZ RECEVOIR CET AVIS EN FRANÇAIS**, veuillez nous envoyer votre demande par courriel immédiatement à: [contactcentre@fsrao.ca](mailto:contactcentre@fsrao.ca).

**YOU ARE ENTITLED TO A HEARING BY THE FINANCIAL SERVICES TRIBUNAL (THE “TRIBUNAL”) PURSUANT TO SECTIONS 441(3), 441(5), 441.3(2) AND 441.3(5) OF THE ACT.** A hearing by the Tribunal about this Notice of Proposal may be requested by completing the enclosed Request for Hearing Form (Form 1) and delivering it to the Tribunal within fifteen (15) days after this Notice of Proposal is received by you. The Request for Hearing Form (Form 1) must be mailed, delivered, faxed or emailed to:

Address: Financial Services Tribunal  
25 Sheppard Avenue West, 7<sup>th</sup> Floor  
Toronto, Ontario  
M2N 6S6

Attention: Registrar

Fax: 416-226-7750

Email: [contact@fstontario.ca](mailto:contact@fstontario.ca)

**TAKE NOTICE THAT if you do not deliver a written request for a hearing to the Tribunal within fifteen (15) days after this Notice of Proposal is received by you, orders will be issued as described in this Notice of Proposal. TAKE FURTHER NOTICE of the payment requirements** in section 5 of Ontario Regulation 408/12, which state that the penalized person or entity shall pay the penalty no later than thirty (30) days after the person or entity is given notice of the order imposing the penalty, after the matter is finally determined if a hearing is requested or such longer time as may be specified in the order.

For additional copies of the Request for Hearing Form (Form 1), visit the Tribunal's website at [www.fstontario.ca](http://www.fstontario.ca)

The hearing before the Tribunal will proceed in accordance with the *Rules of Practice and Procedure for Proceedings before the Financial Services Tribunal* (“Rules”) made under the authority of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22, as amended. The Rules are available at the website of the Tribunal: [www.fstontario.ca](http://www.fstontario.ca). Alternatively, a copy can be obtained by telephoning the Registrar of the Tribunal at 416-590-7294, or toll free at 1-800-668-0128 extension 7294.

At a hearing, your character, conduct and/or competence may be in issue. You may be furnished with further and or other particulars, including further or other grounds, to support this proposal.

## **REASONS FOR PROPOSAL**

### **I. INTRODUCTION**

1. These are reasons for the proposal by the Director to:
  - i. Impose an administrative penalty of \$10,000 and a compliance order on Nataly Belinska (“Belinska”); and
  - ii. Impose a compliance order on Happy Future Centre (“HFC”);

### **II. BACKGROUND**

2. Belinska is the owner of HFC, an agency that provides in-home personal support services to people who have been injured as the result of a motor vehicle collision and require attendant care pursuant to the Statutory Accident Benefit Schedule (SABS). HFC and Belinska are not licenced under the Act.
3. EL was a Personal Support Worker employed by HFC. EL is not licensed under the Act.

#### **Charges for Goods and Services Not Provided**

4. From February 2020 to May 2021, Belinska, on behalf of HFC, submitted numerous invoices (the “Invoices”) to Desjardins General Insurance Group (“DGIG”) in the approximate total amount of \$50,000 for personal support services that were not provided. The Invoices listed EL as the service provider.
5. In February 2020, DGIG investigated EL and HFC after identifying inaccuracies in the Invoices.
6. Surveillance arranged by DGIG confirmed that the Invoices included charges to DGIG for the following personal support services that were not provided to HFC clients:
  - i. Personal support services for IS in March, April, and May 2020;
  - ii. Personal support services for SZ in April 2021;
  - iii. Personal support services for AA in April 2021; and
  - iv. Personal support services for PH in April 2021.
7. DGIG obtained a statutory declaration from PH which confirmed that the Invoices included charges to DGIG for personal support services that were not provided to PH in April and May 2021.
8. DGIG also found that the Invoices included charges to DGIG for personal support services on multiple dates and times for different clients in different locations, with overlap that rendered it impossible for the services to have been provided as claimed.

9. DGIG reported the results of their investigation to FSRA on or about March 9, 2023.

### **III. CONTRAVENTIONS OR FAILURES TO COMPLY WITH THE ACT**

#### **A. Charging for Goods and Services Not Provided**

10. Section 439 of the Act states that no person shall engage in any unfair or deceptive act or practice.
11. When Belinska submitted the Invoices to DGIG, paragraph 1 of section 3(2) of Ontario Regulation 7/00 (now repealed) stated that it was an unfair or deceptive act or practice for a person to charge an amount in consideration for the provision of goods or services to or for the benefit of a person who claims statutory accident benefits or who otherwise claims payment under a contract of insurance, if the goods or services are not provided.
12. Belinska, on behalf of HFC, charged DGIG for personal support services to persons who claimed statutory accident benefits. These services were not provided, as the statutory declarations and surveillance obtained by DGIG showed.
13. The Director is satisfied that Belinska and HFC committed an unfair or deceptive act or practice by repeatedly invoicing DGIG for personal support services not provided by EL in the Invoices.

### **IV. GROUNDS FOR IMPOSING COMPLIANCE ORDER**

14. Section 441(1) of the Act provides that upon examination or investigation, or upon any other evidence, the Chief Executive Officer shall make a report if they are of the opinion that a person has committed or is committing any act, or has pursued or is pursuing any course of conduct, that is an unfair or deceptive act or practice or might reasonably be expected to result in a state of affairs that would constitute an unfair or deceptive act or practice.
15. Section 441(2)(a) of the Act provides that the Chief Executive Officer may order the person identified in the report to cease or refrain from doing any act or pursuing any course of conduct identified by the Chief Executive Officer, after giving notice in writing.
16. Given the evidence described in Schedule "A" to this Notice of Proposal, the Director is of the opinion that Belinska, on behalf of HFC, committed acts or pursued courses of conduct that constitute unfair or deceptive acts or practices, or might reasonably be expected to result in a state of affairs that would constitute unfair or deceptive acts or practices, under the Act. Specifically, Belinska charged DGIG for personal support services which were not provided to persons who claimed statutory accident benefits.

17. The inaccurate billing persisted from February 2020 to May 2021 across numerous invoices and multiple clients. Accordingly, the Director is further satisfied that Belinska, on behalf of HFC, will continue to engage in activities that will result in further unfair or deceptive acts or practices if the proposed order is not issued.
18. The order is appropriate to protect the public, insurers, and maintain confidence in the regulatory regime under the Act.
19. The Director is therefore satisfied that there are sufficient grounds to impose the compliance order described in this Notice of Proposal.

## **V. GROUNDS FOR IMPOSING ADMINISTRATIVE PENALTIES**

20. The Director is satisfied that imposing an administrative penalty on Belinska under section 441.3(1) of the Act will satisfy one or both of the following purposes under section 441.2(1) of the Act:
  1. To promote compliance with the requirements established under the Act.
  2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening or failing to comply with a requirement established under this Act.
21. The Director is satisfied that one administrative penalty totaling \$10,000 should be imposed on Belinska;
  - i. An administrative penalty in the amount of \$10,000 for charging an amount in consideration for the provision of goods or services to or for the benefit of a person who claims statutory accident benefits or who otherwise claims payment under a contract of insurance, if the goods or services are not provided, contrary to paragraph 1 of section 3(2) of Ontario Regulation 7/00.
22. In determining the amount of the administrative penalty, the Director has considered the following criteria as required by section 4(2) of Ontario Regulation 408/12:
  1. The degree to which the contravention or failure was intentional, reckless or negligent.
  2. The extent of the harm or potential harm to others resulting from the contravention or failure.
  3. The extent to which the person or entity tried to mitigate any loss or take other remedial action.
  4. The extent to which the person or entity derived or reasonably might have expected to derive, directly or indirectly, any

economic benefit from the contravention or failure.

5. Any other contraventions or failures to comply with a requirement established under the Act or with any other financial services legislation of Ontario or of any jurisdiction during the preceding five years by the person or entity.
23. In respect of the **first criterion**, the Director is satisfied that Belinska's conduct was intentional and negligent.
24. Belinska intentionally provided false billings by invoicing DGIG for personal support services not provided. Belinska also negligently failed to ensure the accuracy of the Invoices she submitted to DGIG.
25. In respect of the **second criterion**, the Director is satisfied that Belinska caused harm to others. Belinska caused potential harm to her personal support clients as it is not possible to tell whether they received the personal support services that they were entitled to under their treatment plans.
26. Belinska also caused economic harm to DGIG by obtaining payments from DGIG for personal support services that were not provided to HFC clients. There was greater potential economic harm to DGIG had it not identified the false charges and refused to pay them.
27. In respect of the **third criterion**, the Director is unaware of any steps taken by Belinska to remedy the contraventions described in this proposal.
28. In respect of the **fourth criterion**, the Director is satisfied that Belinska expected to derive, and did derive, direct economic benefit from the submission of the Invoices to DGIG for services not provided.
29. The Invoices were for the approximate total amount of \$50,000, which well exceeded the value of services actually provided.
30. In respect of the **fifth criterion**, the Director is unaware of any further contraventions or failures to comply with a requirement under the Act or with any other financial services legislation in Ontario or of any jurisdiction during the preceding five years by Belinska.
31. Such further and other reasons as may come to my attention.

**DATED** at Toronto, Ontario, \_\_\_\_\_,

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Elissa Sinha

Director, Litigation and Enforcement  
By delegated Authority from the Chief Executive Officer



**SCHEDULE “A”  
REPORT OF THE CHIEF EXECUTIVE OFFICER**

**I. INTRODUCTION**

1. The Director, by delegated authority from the Chief Executive Officer, is of the opinion that Happy Future Centre (“HFC”) and Nataly Belinska (“Belinska”) are committing acts or pursuing a course of conduct that constitutes an unfair or deceptive act or practice under the Act. This is the Director’s report pursuant to section 441 of the Act.

**II. FACTS**

2. The Director is satisfied of the facts as outlined in the Notice of Proposal, above.
3. Belinska is the owner of HFC, an agency that provides in-home personal support services to people who have been injured as the result of a motor vehicle collision and require attendant care pursuant to the Statutory Accident Benefit Schedule (SABS). HFC and Belinska are not licenced under the Act.
4. From February 2020 to May 2021, Belinska, on behalf of HFC, submitted numerous invoices (the “Invoices”) to Desjardins General Insurance Group (“DGIG”) in the approximate total amount of \$50,000 for personal support services that were not provided.
5. DGIG obtained surveillance and information which showed that the Invoices charged DGIG for personal support services that were not provided.

**III. UNFAIR OR DECEPTIVE ACTS OR PRACTICES**

7. Section 439 of the Act states that no person shall engage in an unfair or deceptive act or practice. Section 438 of the Act defines unfair or deceptive act or practice as any activity or failure to act that is prescribed by the Authority rules as an unfair or deceptive act or practice.
8. When Belinska submitted the Invoices to DGIG, paragraph 1 of section 3(2) of Ontario Regulation 7/00 (now repealed) stated that it was an unfair or deceptive act or practice for a person to charge an amount in consideration for the provision of goods or services to or for the benefit of a person who claims statutory accident benefits or who otherwise claims payment under a contract of insurance, if the goods or services are not provided.
9. Belinska, on behalf of HFC, sought payment from DGIG in connection with a claim for personal support services not provided.

10. Accordingly, the Director is of the opinion that Belinska and HFC have committed unfair or deceptive acts or practices and should be ordered to immediately cease the following activities for a period of six months:

- i. charging for any work performed if it is reasonable to expect that all or a portion of such charges will be directly or indirectly paid for by an insurer
- ii. holding themselves out to consumers as being authorized to perform any work that will be directly or indirectly paid for by an insurer;
- iii. advertising, soliciting, or offering any services related to any work that that will be directly or indirectly paid for by an insurer.