

# IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Sandhu v. KCP Heavy Industries Co. Ltd.*,  
2023 BCSC 2189

Date: 20231213  
Docket: S180906  
Registry: Vancouver

Between:

**Gerson Alvarado, Robert Clegg, Henry Brizuela, Steven Sandhu, and Mariana Valencia-Palacio Personal Representative of the Estate of Sebastian Gomez Obando, deceased, on her own behalf and for the benefit of Juan Gomez Valencia and Alicia Gomez Valencia**

Plaintiffs

And

**KCP Heavy Industries Co. Ltd.**

Defendant

Before: The Honourable Justice Mayer

## Reasons for Judgment

Counsel for the Plaintiff, Steven Sandhu:

M. Segal  
A. Johnson

No other appearances:

Place and Date of Trial/Hearing:

Vancouver, B.C.  
November 14, 2023

Place and Date of Judgment:

Vancouver, B.C.  
December 13, 2023

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**INTRODUCTION**

[1] The plaintiff, Steven Sandhu brings this application for a summary assessment of damages for personal injury.

[2] Mr. Sandhu’s claim arises from an accident that occurred at a construction site in Chilliwack on March 11, 2016, when a metal outrigger on a concrete pump truck failed, causing an outstretched boom laden with concrete to fall into the construction site (the “Accident”).

[3] The plaintiffs in this action, including Mr. Sandhu, claimed against three defendants, KCP Heavy Industries Co. Ltd. (“KCP Heavy”), POSCO, a South Korean steel manufacturer which supplied steel to KCP Heavy, and Mario Silva, an agent or representative of KCP Heavy in North America. The plaintiffs subsequently discontinued proceedings, without costs, against POSCO and Mario Silva, leaving KCP Heavy as the sole defendant.

[4] KCP Heavy has failed to file or serve a response to civil claim, and the plaintiffs took default judgement on June 14, 2018. KCP Heavy was ordered to pay damages and costs to be assessed.

[5] To date, damages have been assessed for three of the five workers who sustained damages as a result of the Accident, in separate hybrid-trials. At the start of this application, I granted Mr. Sandhu leave to adduce evidence with respect to his damages through affidavits, pursuant to Rule 3-8 (13)(a).

[6] Mr. Sandhu seeks an order awarding damages for non-pecuniary losses, past income loss, and past care costs. He seeks damages for income loss from the date of the Accident to March 2019, when he moved to Alberta and was able to return to irregular work. He seeks non-pecuniary damages assessed for the period running from the date of the Accident to July 2021, when he was injured in a motor vehicle accident. He concedes that the July 2021 accident caused serious physical and psychological injuries, effectively overcoming the injuries caused by the Accident. He seeks, on behalf of WorkSafeBC, past care costs. Finally, he seeks pre-judgment

interest on past wage loss and costs of care, pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 79 and costs.

**BACKGROUND**

[7] Affidavits concerning the circumstances of the Accident and Mr. Sandhu’s pre-and post-Accident condition were filed by Mr. Sandhu, his mother Carmen Alvarado and his sister Stephanie Sandhu. In addition, affidavits were filed by representatives of WorkSafe BC, and a psychologist, Dr. Shergill, with respect to Mr. Sandhu’s care costs and his post-Accident condition. Finally, an affidavit was filed by Mikaela Ciebien, a representative of Mr. Sandhu’s employer at the time of the Accident with respect to his income earning potential. Relevant evidence is summarized below.

[8] Mr. Sandhu is the second oldest of five children and the oldest of four boys. He was an active child who loved sports—hockey, in particular. During school, Ms. Sandhu helped him get a job at a hotel banquet hall. She describes Mr. Sandhu as a hard worker who was well-liked by his co-workers and manager. He graduated from high school in 2012.

[9] After graduation, Mr. Sandhu’s father helped him get his first job in the concrete business and between 2013 and 2015 he worked for a succession of companies in Calgary, Vancouver and Port McNeil. In mid-November 2015, Mr. Sandhu began to work for a concrete company, PSI, as a concrete placer, eventually earning \$27 per hour, with the opportunity to work overtime.

[10] Mr. Sandhu was 22 years old at the time of the Accident. On that morning he had driven to a jobsite in Chilliwack with his friend Sebastian Obando.

[11] The Accident occurred when the PSI work crew were pouring the roof of an underground parking garage. The foreman of the crew was Gerson Alvarado. Mr. Sandhu’s job was to operate a vibrator to remove bubbles out of the freshly poured concrete. Others, including Mr. Obando, used rakes and shovels to spread and roughly flatten the concrete.

[12] When the boom of the concrete pump fell Mr. Obando was killed instantly and Mr. Alvarado was crushed resulting in paralysis from the chest down. Mr. Sandhu was almost directly underneath the boom and saw it crush Mr. Obando and hit Mr. Alvarado and then pin him to the ground. Mr. Sandhu deposed that he knew immediately that Mr. Obando had been killed and tried several times to pull him out from the under the boom. He deposed that a few feet away, Mr. Alvarado was conscious and was screaming for help.

[13] Mr. Sandhu described being in a state of shock and disbelief after the Accident. Another worker drove him home. He has no memory of the drive, but was later told that he was shaking in the car. He describes being unable to believe that he was alive, wanting to cry, but being unable to and needing to be alone.

[14] In the days following the Accident Mr. Sandhu experienced sleeplessness, nightmares and suffered from new anxieties, such as being afraid of the dark and nervous outdoors. He says that he fell into a deep depression, exacerbated by guilt at having survived while his friend Mr. Obando was killed.

[15] Mr. Sandhu attended at various support services that he received through WorkSafe BC including counselling, psychiatric assessments, PTSD therapy, and vocational rehabilitation.

[16] In July 2021, Mr. Sandhu was involved in a car accident in Alberta that left him in a coma for more than a month. He sustained serious physical injuries in this accident including the permanent loss of strength and coordination and profound problems with memory and impulse control.

[17] Ms. Alvarado deposed that before the Accident Mr. Sandhu was a social and helpful young man who enjoyed his work and had ambitions to own his own concrete pump one day. She says that after the Accident Mr. Sandhu would often lock himself in his bedroom alone and drink hard liquor. She also believed he was doing drugs. On one occasion she recalled finding Mr. Sandhu alone in his bedroom drinking and looking at photos of the Accident scene and that Mr. Sandhu told her “it should have

been [me] there dead instead of [Mr. Obando]”. She says that after the Accident Mr. Sandhu withdrew from his friends and was “always alone”, was “withdrawn, irritable and depressed”. She says that on multiple occasions after the Accident Mr. Sandhu violently attacked her and other family members.

[18] Ms. Sandhu described Mr. Sandhu before the Accident as funny and social, and as a reliable, dependable worker. She says that Mr. Sandhu would help his mother by buying her things that she needed and otherwise contributing to the family financially. She says that after the Accident she observed that Mr. Sandhu didn’t shower or eat normally. She recalled that Mr. Sandhu told her that “he didn’t know how to start over” and that he “couldn’t see any joy in life”. She says that Mr. Sandhu spent his days hanging around doing nothing, and he let his hair grow long and often smelled bad. She also suspected that he was using drugs and alcohol regularly.

[19] Ms. Sandhu recalled an incident in December 2016 when Mr. Sandhu attacked her at a family birthday party, and in September 2017 when Mr. Sandhu become aggressive to her and her partner, and then “punch a bunch of holes in the walls” of their home. She recalled another incident in 2018 in which Mr. Sandhu was aggressive towards her and her partner.

[20] Ms. Sandhu’s evidence is that Mr. Sandhu continued to display symptoms resulting from the Accident for several years.

[21] Ms. Ciebien described Mr. Sandhu before the Accident as a good worker, who was reliable, on-time and well-liked by his co-workers. She says that Mr. Sandhu had worked on PSI’s top-performing crew. She provided evidence with respect to his potential to work as a concrete finisher and potential earnings in this role.

[22] Dr. Shergill is a registered psychologist who conducted standardized psychological assessments of Mr. Sandhu in April and October 2016.

[23] In April 2016 Dr. Shergill noted that Mr. Sandhu reported, “frequent and intense depressive and anxiety symptoms” which “gradually improved in frequency

and intensity”. He reported that Mr. Sandhu’s symptoms “seemed to be consistent with Adjustment Disorder with mixed anxiety and depressive mood, mild to moderate severity, in partial remission”.

[24] In October 2016, Dr. Shergill reported that Mr. Sandhu reported that “he was unable to overcome his anxiety and fear of working in proximity to overhead machinery at construction sites, and “continued to experience anxiety and hypervigilance” and “depressed mood, feelings of worthlessness, and anger”.

## **ANALYSIS**

### **Causation**

[25] A plaintiff must establish on a balance of probabilities that the defendant’s negligence caused or materially contributed to an injury. The defendant’s negligence need not be the sole cause of the injury, so long as it is part of the cause beyond the range of *de minimus*. Causation need not be determined by scientific precision: *Athey v. Leonati*, [1996] 3 S.C.R. 458 at paras. 13–17, 1996 CanLII 183; *Farrant v. Laktin*, 2011 BCCA 336 at para. 9.

[26] The primary test for causation asks: but-for the defendant’s negligence, would the plaintiff have suffered the injury? The “but-for” test recognizes that compensation for negligent conduct should only be made where a substantial connection between the injury and the defendant’s conduct is present: *Resurface Corp. v. Hanke*, 2007 SCC 7 at paras. 21–23.

[27] I have no difficulty concluding that as a result of the Accident, Mr. Sandhu sustained psychological injuries resulting in symptoms including depression and anxiety and continued to be impacted by on-going symptoms until at approximately 2019 or 2020.

### **Non-pecuniary Damages**

[28] Non-pecuniary damages are awarded to compensate the plaintiff for pain, suffering, loss of enjoyment of life, and loss of amenities. The compensation awarded should be fair to all parties, and fairness is measured against awards made

in comparable cases. Such cases, though helpful, serve only as a rough guide. Each case depends on its own unique facts: *Trites v. Penner*, 2010 BCSC 882 at paras. 188–189.

[29] The factors to be considered in an assessment of non-pecuniary damages are those set out at para. 46 of *Stapley v. Hejslet*, 2006 BCCA 34, and they include:

- the age of the plaintiff;
- the nature of the injury;
- severity and duration of pain;
- disability;
- emotional suffering; and
- loss or impairment of life.

[30] Mr. Sandhu submits that his age at the time of the Accident, emotional suffering, impairment of relationships and loss of lifestyle are particularly relevant factors.

[31] The evidence establishes that although he was physically unscathed, Mr. Sandhu experienced significant psychological harm after the Accident as a result of witnessing the gruesome death and injury of a close friend and co-worker.

[32] I am satisfied that Mr. Sandhu had close relationships with Mr. Obando who was his friend and professional peer, and he was deeply affected by his death and Mr. Gerson’s catastrophic injuries.

[33] After the Accident, Mr. Sandhu perceived his trade as far more dangerous than he had previously appreciated. In a progress report to the Workers Compensation Board on June 27, 2016, the staff at Orion Health—the provider of Mr. Sandhu’s PTSD treatment program—noted that he stated that the Accident made him “more aware of the potential dangers associated with his work” and that



he was considering other career paths because “working with concrete is more dangerous than he had realized before the Accident.”

[34] A follow-up report on July 5, 2016 noted that Mr. Sandhu “[continued] to question his ability to return to his pre-injury work as he believes that many of the activities are too dangerous” and was feeling “stuck” and “overwhelmed” by the lack of a clear alternative for his future.

[35] In a clinical interview on October 11, 2016, Mr. Sandhu “reported persistent feelings of sadness, irritability and worry about his future” as well as “depressed mood, feelings of worthlessness and anger”.

[36] Ms. Sandhu’s evidence indicates that Mr. Sandhu’s psychological symptoms persisted for a time after the accident:

For the next few years Mr. Sandhu didn’t take care of how he dressed or how he looked. ... He let his hair grow really long which he had never done before. He often smelled bad. I would tell him to take care of himself and to shower but he would refuse.

Before the accident ... [he] was always busy working and would rush out in the morning to be on time for work. In the years after the accident I observed that he was usually just hanging around and wouldn’t even be awake when I left for work in the morning.

[underline added]

[37] In a clinical interview with a psychiatrist on October 11, 2016, Mr. Sandhu “reported periodic and transient thoughts of self-harm” but denied an intention to act on those thoughts.

[38] Before the Accident Mr. Sandhu smoked marijuana occasionally and would only drink socially, perhaps every month or two. In his affidavit, Mr. Sandhu described how his use of marijuana and alcohol increased dramatically after the Accident. His mother deposed that within weeks of the Accident he began binge drinking.

[39] After the Accident, Mr. Sandhu experienced several symptoms of anxiety. This includes reports made during a clinical interview on April 19, 2016, where

Mr. Sandhu reported nightmares about the Accident, from which he woke up terrified, feeling cold, with a racing heartrate. Ms. Sandhu deposed that Mr. Sandhu told her “that he was anxious about small things like leaving the house that had never bothered him.”

[40] The evidence establishes that his anxiety manifested in intense fears for his personal safety in a range of situations including while visiting construction sites and a heightened sense of fear of harm to those close to him.

[41] In summary, I am satisfied that as a result of the Accident, until approximately 2019 or 2020, the impacts of the Accident to Mr. Sandhu included:

- a) psychological trauma after witnessing the gruesome death of one close friend and the catastrophic injury of another, including symptoms of anxiety and depression;
- b) the onset of substance abuse; and
- c) impact to his relationships with friends and family; and the inability to pursue work in the concrete industry.

**Relevant Authorities**

[42] In *Burdeniuk v. Christie*, 2020 BCSC 217, a 22 year-old plaintiff suffered a minor physical injury which “resulted in a constellation of psychological symptoms” which caused “a significant degree of emotional suffering”, as well as social isolation, depression, anxiety and suicidal ideation. Justice Harvey accepted that awards of non-pecuniary damages for the type of injuries suffered by the plaintiff in this case ranged from a low of \$99,000 (in 2023 dollars) in *Smith v. Williams*, 2011 BCSC 1806—in which a car crash caused a young plaintiff to suffer two years of anxiety, mild PTSD and disrupted sleep—to a high of \$175,000 (in 2023 dollars) in *Verjee v. Dunbrak*, 2019 BCSC 1696, in which an elderly plaintiff’s chronic pain made her anxious, withdrawn and depressed, resulting in diagnoses of depression

and impairing her previous enjoyment of her work, volunteerism, faith community and family relationships.

[43] In *Carreon-Rivera v. Zhang*, 2014 BCSC 709, a “very fit and active” 45-year-old plaintiff sustained soft tissue injuries which caused headaches and depression which impaired her social, recreational and family life. The court awarded \$101,000 (in 2023 dollars, prior to a deduction for failure to mitigate) in non-pecuniary damages.

[44] In *Johnstone v. H.M.T.Q.*, 2006 BCSC 1867, a young man involved in a bicycle accident suffered minor back pain and psychological symptoms of post-traumatic stress including “anxiety concerns about personal safety ... and physical symptoms of anxiety, where his heart was pounding and he felt sweaty and fidgety”. The court awarded \$145,000 (in 2023 dollars) in non-pecuniary damages.

[45] In *Prince-Wright v. Copeman*, 2005 BCSC 1306, an active 39-year-old plaintiff suffered continual pain in her neck and head which impaired her ability to concentrate, work and enjoy physical activity. She reported trouble sleeping, difficulty concentrating, and symptoms of post-traumatic stress such as intrusive memories of the accident. She suffered persistent clinical depression, “has lost much of the joy of work, socializing and physical activity”, and was “continually fatigued”. The court awarded \$146,000 (in 2023 dollars) in non-pecuniary damages.

[46] In *Deol v. Narcisse*, 2002 BCSC 1748, the plaintiff suffered insignificant physical injuries in a car accident. After several months, he was diagnosed with post-traumatic stress disorder and depression. After two years, his depression was in partial remission, but his treating psychiatrist warned that medication and counselling would continue to be required for 2-5 years, if not indefinitely. The court accepted that the accident had caused significant changes in the plaintiff’s life and personality: where previously he was an outgoing, fun-loving family man he had become withdrawn from his family and church community. The court awarded \$157,000 (in 2023 dollars) in non-pecuniary damages.

[47] In *Kim v. Khaw*, 2014 BCSC 2221, the plaintiff suffered minor pain for several months after a car accident but developed significant psychological injuries. He had trouble sleeping and had nightmares about an alternate version of the accident in which his son was killed. He had difficulty controlling his emotions: yelling and arguing in a way he had not done previously, impairing his family relationships. He became deeply depressed and “felt his world was crumbling”. A psychologist diagnosed severe depressive symptoms and moderate to severe PTSD. The plaintiff “grieve[d] the loss of his career”. He experienced a general loss of interest and energy, sleep disturbances, increased irritability, emotional detachment from his family, pessimism about his ability to live a normal life, and suicidal ideation. The court awarded \$164,000 (in 2023 dollars) in non-pecuniary damages.

[48] In *Mullens v. Toor*, 2016 BCSC 1645, aff’d 2017 BCCA 384, the court found that “from a purely physical point of view [the plaintiff] ought to have recovered from her injuries long ago” but “clearly, the major consequence of the accident is that it triggered a psychiatric reaction in the plaintiff which persists”. The court noted symptoms which included depression on the milder end of the spectrum, anxiety, and occasional panic attacks. The plaintiff experienced social isolation, frustration and guilt about her dysfunction, disrupted sleep and low energy, and an impaired relationship with her husband. The court awarded \$172,000 in non-pecuniary damages (in 2023 dollars, prior to a deduction for failure to mitigate).

[49] In *Khosa v. Kalamatimaleki*, 2014 BCSC 2060, a 33-year-old nurse suffered soft tissue injuries, depression and anxiety but was “impaired largely due to her psychological injuries”. She attempted to return to working full-time as a licensed practical nurse but was unable to do so, eventually abandoning her plan to become a registered nurse and settling for working part-time and at a lower rate of pay. Her self-image and her family relationships were profoundly impaired. Weighing the “probability of eventual recovery and the possibility of persistent symptoms”, the court awarded \$176,000 (in 2023 dollars) in non-pecuniary damages.

**Conclusion on non-pecuniary damages**

[50] In this case I consider the following factors in determining an appropriate award for non-pecuniary damages in this case:

- a) At the time of the Accident Mr. Sandhu was very young, having just celebrated his 22<sup>nd</sup> birthday.
- b) In 2016 he experienced significant emotional suffering after witnessing a traumatic, fatal accident. In particular, he experienced acute anxiety—both specific phobias relating to the Accident and generalized anxiety, including various fears for his personal safety—as well as intrusive thoughts and images of the Accident itself.
- c) For several years after the Accident he experienced depression, suicidal ideation, substance abuse and survival guilt, the latter accentuated by the particular circumstances of the Accident.
- d) His psychological injuries lessened somewhat between 2016 and approximately 2019 and 2020. The severity of these symptoms after this time is uncertain.
- e) Mr. Sandhu suffered an independent, non-tortious injury in 2021 that substantially overwhelmed the psychological effects of the Accident.
- f) Mr. Sandhu did not sustain concurrent physical injuries in the Accident.
- g) He lost the ability to pursue a trade which provided stable income and a source of pride and purpose – although he was able to return to work in 2019.
- h) His closest relationships with both friends and immediate family were impacted. He lost his best friend.
- i) Until approximately 2019 or 2020, his engagement in social, professional and personal activities was impaired but not precluded. Depression and

anxiety impaired aspects of his daily living, but did not disable him from carrying out some limited activities of daily living.

[51] In this case, given that Mr. Sandhu only seeks non-pecuniary damages until his accident in 2021, it is inappropriate to award damages in consideration of persistent psychological symptoms extending beyond 2021. In any case, I am not satisfied that such symptoms continue to exist.

[52] Given all of the circumstances, and in consideration of the range of damages set out in the authorities referenced above, I award Mr. Sandhu non-pecuniary damages of \$120,000.

### **Income Loss**

[53] Mr. Sandhu claims past income losses within a finite period which begins on the day of the Accident and ends in March 2019, when he moved out-of-province and returned to his pre-accident level of earning. Mr. Sandhu seeks damages for past loss of income earning capacity of \$180,176.00.

[54] Despite participation in a vocational rehabilitation program, as a result of the psychological symptoms caused by the Accident, Mr. Sandhu was not able to return to his former employment as a concrete placer.

[55] I am satisfied that between the Accident and February 2019, Mr. Sandhu was unable to work at all as a result of his Accident related symptoms and because he was engaged in treatment and vocational rehabilitation through WorkSafeBC.

[56] Prior to the Accident Mr. Sandhu was earning \$27.50/hour and \$40.50/hour for overtime hours. He worked an average of 27 regular and 3 overtime hours per week.

[57] The evidence of Ms. Ciebien establishes that at the time of the Accident Mr. Sandhu had stable employment with PSI, was a well-regarded employee and that there is a real and substantial possibility that he would have been promoted to

the position of “junior” concrete finisher by approximately May 2017, which is 15 months after the Accident.

[58] Junior finishers at PSI earned a regular rate of \$35 per hour and an overtime rate of \$48.00 per hour in 2017 and 2018, and also worked longer hours including more overtime (approximately 32 regular and 5 overtime hours per week).

[59] I find that there is a real and substantial possibility that had Mr. Sandhu not been injured in the Accident that he would have worked for the same approximate number of hours at the same hourly rate as the other junior finishers employed at PSI.

***Quantification of Income Loss***

[60] I find that there is a real and substantial possibility that but for the Accident, Mr. Sandhu would have earned:

- From the date of the Accident (March 2016) until when Mr. Sandhu would have been promoted to a concrete finisher (May 2017): \$50,976.00; and
- From his promotion to concrete finisher until his move to Alberta at the end of February 2019: \$130,106.

[61] I award Mr. Sandhu damages for past loss of income earning capacity of \$180,176.

**Past Cost of Care**

***Legal Principles***

[62] An injured person is entitled to recover the reasonable out-of-pocket expenses that they incurred as a result of the defendants’ negligence. The overarching legal principle informing this head of damage, is consistent with the recovery under tort law generally, is that the plaintiff is entitled to compensation to be restored to the position he or she would have been in had the accident not occurred.

In this case, there is a single source of past expenses: those incurred by WorkSafeBC.

***Expenses recoverable under the Workers Compensation Act***

[63] As a consequence of WorkSafeBC paying compensation to Mr. Sandhu, this action was subrogated to WorkSafeBC pursuant to s. 130 of the *Workers Compensation Act*, R.S.B.C. 2019, c. 1 [Act].

[64] The Act came into force on April 6, 2020. Prior to that date the applicable legislation was the *Workers' Compensation Act*, R.S.B.C. 1996, c. 492 [Former Act]. Recovery of healthcare costs is the same under both the Act and the Former Act, and so it is not necessary to decide which applies to this action. However, the plaintiff submits that it is most accurate to refer to and apply the Act, rather than the Former Act.

[65] The Accident at issue in this claim occurred on March 11, 2016, the claim was filed on January 4, 2018, and default judgment was issued on June 22, 2018. The Act came into force as a revision of the Former Act on April 6, 2020, pursuant to the *Statute Revision Act*, R.S.B.C. 1996, c. 440.

[66] Section 8(2) of the *Statute Revision Act* provides that, "if a revised provision has the same effect as a provision replaced by the revision":

- a) the revised provision operates retrospectively as well as prospectively;  
and
- b) is deemed to have been enacted and to have come into force on the day on which the provision replaced by the revision came into force.

[67] On the other hand, s. 8(3) provides that, "if a revised provision does not have the same effect as a provision replaced by the revision":

- a) the provision replaced by the revision governs all transactions, matters and things before the revision comes into force, and



- b) the revised provision governs all transactions, matters and things after the revision comes into force.

[68] In this case, the relevant provisions in the *Act* have the same effect as the replaced provisions in the *Former Act*. As a result, in accordance with s. 8(2), the provisions from the *Act* apply and are deemed to have been in force at the time of the Accident and the filing of the claim.

[69] Health care costs, including vocational rehabilitation costs, paid by the WCB are recoverable: *Alvarado v. KCP Heavy Industries Co. Ltd.*, 2022 BCSC 1668 at para. 88.

[70] Section 133 of the *Act* provides that an award for damages is to include health care provided under Part 4.

[71] Under s. 1 of the *Act*, “health care”, when used in a compensation provision, includes things which WorkSafeBC is empowered to provide to injured workers. It therefore has a broader definition than simply medical care.

[72] Under s. 1 of the *Act*, “compensation provisions” means a provision of Part 3 or Part 4 of the *Act*. Because s. 133 is in Part 3, it is a compensation provision and the broad definition of “health care” applies.

[73] As stated above, under s. 1 health care includes things that the Board is empowered under the *Act* to provide for injured workers. Under s. 155 of the *Act*, which is in Part 4, WorkSafeBC is empowered to provide vocational rehabilitation to an injured worker.

### ***Quantification of Past Care Costs***

[74] Harminder Bumra, legal administrative assistant to the Director of Legal Claims, Law and Policy Division at the Board has sworn an affidavit in Mr. Sandhu’s case regarding these payments. As of October 24, 2023, WorkSafeBC has paid \$30,673.67 in health care costs for Mr. Sandhu. The expenses include therapy with

a psychologist, social worker services and travel expenses to and from appointments.

[75] WorkSafeBC has paid \$38,314.48 towards Mr. Sandhu’s vocational rehabilitation, which included consultations with a vocational rehabilitation consultant, tuition, job placement and license fees.

[76] I find that the recoverable past care costs incurred by WorkSafeBC are \$68,988.15.

**Conclusion**

[77] I award Mr. Sandhu damages as follows:

Non-pecuniary losses	\$120,000.00
Past income losses	\$180,176.00
Past care costs incurred by WorkSafeBC	\$ 68,988.15
<b>Total:</b>	<b>\$369,164.15</b>

[78] Pursuant to the *Court Order Interest Act*, Mr. Sandhu shall be paid prejudgement interest, to be assessed, on the amounts awarded for past income loss and past care costs.

[79] Mr. Sandhu is entitled to costs in the action, including this application, at Scale B.

“Mayer J.”