

## Dispute Resolution

**519 (1)** In this section, “representative” means a dispute resolution representative appointed under subsection (5).

**(2)** This section applies to disputes between an insurer and an insured about a matter that under Statutory Condition 11 set out in section 540 or another condition of the contract must be determined using this dispute resolution process.

**(3)** This section does not apply to a contract of hail insurance.

**(4)** Either the insured or the insurer may demand in writing the other’s participation in a dispute resolution process after proof of loss has been delivered to the insurer.

**(5)** Within 7 days after receiving or giving a demand under subsection (4), the insured and the insurer must each appoint a dispute resolution representative, and within 15 days after their appointment, the 2 representatives must appoint an umpire.

**(6)** A person may not be appointed as a representative if the person is

- (a) the insured or the insurer, or
- (b) an employee of the insured or the insurer.

**(7)** The representatives must determine the matters in dispute by agreement and, if they fail to agree, submit their differences to the umpire, and the written determination of any 2 of them determines the matters.

**(8)** Each party to the dispute resolution process must pay the representative whom the party appointed, and each party must bear equally the expense of the dispute resolution process and the umpire.

**(9)** If

- (a) a party to a dispute resolution process fails to appoint a representative in accordance with subsection (5), or
- (b) a representative fails or refuses to act or is incapable of acting and the party that appointed that representative has not appointed another representative within 7 days after the failure, refusal or incapacity, on application of the insurer or the insured on 2 days’ notice to the other, the Court may appoint a representative.

**(10)** On an application under subsection (9), the Court may award costs on a solicitor and client basis against the person whose representative is appointed by the Court, whether or not that person appeared on the application.

**(11)** If

- (a) the representatives fail to appoint an umpire in accordance with subsection (5), or
- (b) the umpire fails or refuses to act or is incapable of acting, either representative may make an application to the Superintendent for the appointment of an umpire, containing
- (c) the names of 3 persons the applicant believes are capable of performing the functions of the umpire, and

(d) the credentials of the 3 persons.

**(12)** Before making an application under subsection (11), the applicant must give notice in writing to the other representative of the intention to make the application, which notice must contain the names and credentials the applicant is submitting to the Superintendent under subsection (11).

**(13)** An application under subsection (11) must be accompanied with a copy of the notice, and the date it was given, under subsection (12).

**(14)** Within 15 days after receiving a notice under subsection (12), the other representative may give the Superintendent and the applicant

- (a) the names of 3 persons the representative believes are capable of performing the functions of the umpire, and
- (b) the credentials of the 3 persons.

**(15)** The Superintendent must appoint an umpire from the names submitted under subsection (11) or (14) as soon as practicable after the earlier of the following occurs:

- (a) the Superintendent receives names and credentials under subsection (14);
- (b) the period for providing names and credentials under subsection (14) expires.

**(16)** An umpire is bound by the rules of procedural fairness in carrying out the umpire's functions under this section.