



Property Value Protection Program

Claimant's Guide to the Arbitration Process

Purpose of arbitration

Arbitration is the second and final stage available in the PVP Program appeal process. It is separate and distinct from the mediation process.

Arbitration is a final and binding independent decision-making process that will determine whether an Error was made by a Claim Examiner in making a Claim Decision under the Standard Route. The arbitration will be conducted in writing, based upon the material contained in the Claim File. There will be no oral hearing and no new evidence can be filed by either party in connection with the arbitration.

Arbitrations will be conducted in accordance with the PVP Program Arbitration Agreement. The PHAI MO will be under no obligation to change an arbitration agreement to suit the requirements of individual Claimants.

Any offers of increased compensation that may have been received during the mediation process do not extend into the arbitration process. This is why claimants are encouraged to try to resolve disputes during mediation, where both parties are assisted, through an independent mediator, to try to reach a compromise.

Compensation officer

A Compensation Officer will be assigned to conduct the arbitration hearing. Compensation Officers are local individuals who have been nominated by the municipalities of Port Hope and Clarington and appointed by the Government of Canada to act as fair, impartial, independent arbiters of disputed claims. The Compensation Officer's decision is binding on both parties. There is no further appeal possible through the PVP appeal process.

Arbitration steps

1. Request to enter into Arbitration:

A claimant may request that the Review proceed:

- i. Directly to arbitration, without mediation, by filing a Request for Review Arbitration form no later than 20 business days from the date of mailing the claim decision; or
- ii. To arbitration after mediation by filing a Request for Arbitration no later than 10 business days from the date the Mediator's Report is signed.

2. Appointment of Arbitrator:

The PHAI MO will appoint the next available Compensation Officer from their roster to act as a single Arbitrator within ten business days of executing the Arbitration Agreement. Any Request for Arbitration must be accompanied by a certified cheque in the amount of \$2,000 to CNL representing security for approximately one half of the costs of the Arbitration. This amount may be returned to the Claimant if the Claimant's position on the review is determined to be reasonable by the Arbitrator.

The PVP Office shall appoint a PHAI MO employee or contractor to act as Review Clerk within five days of execution of the Agreement. The Review Clerk shall be responsible to the Arbitrator to carry out the clerical requests of the Arbitrator. The Review Clerk has no administrative responsibilities to the Parties by virtue of this Agreement.

*Please note that this is an overview and not the Program Rules themselves.
For the complete PVP Program Rules, please visit the PHAI MO or www.phai.ca.*

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3. Filing written materials:

Unless mutually agreed upon by both parties in writing, the Claimant will file written submissions setting out their position on the issues and explain why they believe that there exists an Error in the Claim Decision along with reference to any documents from the Claim File that a party intends to rely on in the arbitration. The Claimant must file their written materials within 20 business days of receipt from the PHAI MO of a fully executed Arbitration Agreement.

4. No Discovery and Other Limitations:

For greater certainty, there will be no oral or documentary discovery in the arbitration. The Arbitrator shall not have the power to appoint an expert to assist in his or her determination of the issues, award interest, or request from a court in Canada assistance in taking evidence.

5. Clarification:

Prior to completing the decision, the Arbitrator has the discretion to arrange for a teleconference with all parties (expected to last one hour) in order to seek clarification on any submissions.

6. Arbitration decision:

The Arbitrator will provide the parties with a written arbitration decision within 15 business days of the Arbitrator receiving all written material from the Review Clerk. The decision of the Arbitrator is final and binding on the parties and is subject only to judicial review, which may be available through the courts.

Reimbursement of costs

The Arbitrator can award reimbursement of reasonable costs to the claimant, not to exceed \$1,500, except in exceptional circumstances which must be agreed to in advance by the PHAI MO. Reimbursable costs are those directly incurred by the claimant to prepare and defend the claim for arbitration and must be supported by copies of original, third-party receipts to the Arbitrator and PHAI MO.