

## RULES FOR CLAIMS OVER \$50,000

*Effective August 1, 2016*

### **Purpose**

Hassell Arbitration's rules are designed to keep arbitration simple and enable swift justice. Hearings occur within 4 weeks and are 1 day long.

### **Timeline**

The organisation of the rules generally follows the timeline below:

|           |                      |   |
|-----------|----------------------|---|
| Start Day | Notice to Arbitrate  |   |
| Day 3     | Claimant's Summary   |   |
| Day 6     | Respondent's Summary |   |
| Day 10    | Documents            | <i>Note: the arbitration fee is due by day 10</i> |
| Day 20    | Witness Statements   |   |
| Day 25+/- | Hearing              |   |
| Day 28    | Final Decision       |   |

Note: there are additional rules at the end that apply at all times.

### **Start Day - Notice to Arbitrate**

Arbitration starts when a notice to arbitrate is completed, filed by email to [arbitrate@hassellarbitration.ca](mailto:arbitrate@hassellarbitration.ca) or fax to 416-342-1776 and accepted by the arbitrator (following a conflict check). Acceptance will be confirmed by email.

Once the notice to arbitrate is filed and accepted, the parties are committed to the arbitration process and cannot reverse their decision to arbitrate.

All aspects of the arbitration and its outcome are confidential.

The arbitrator will not act as mediator or mediator-arbitrator. Parties can settle at any time, but should be ready to proceed in the absence of settlement.

### **Days 3 and 6 - Summaries**

The claimant's summary is due on day 3. The respondent's summary is due on day 6. There is no reply. Summaries are to be served and filed by email to the arbitrator at [arbitrate@hassellarbitration.ca](mailto:arbitrate@hassellarbitration.ca) copying the other party.

Summaries should explain who, what, when, where and why. Summaries adopted by a witness in a witness statement or at a hearing become evidence unless the arbitrator rules otherwise.

Summaries should outline what order the party wants from the arbitrator. Both the claimant and respondent can ask the arbitrator for an order. Summaries do not require any formality. Summaries shall be no more than 2 pages long using double spacing and a 12 point font.

### **Day 10 - Documents**

Documents from both parties are due on day 10. All documents shall be served and filed by email to the arbitrator at [arbitrate@hassellarbitration.ca](mailto:arbitrate@hassellarbitration.ca) copying the other party.

If the combined size of all files is too large for email, a usb drive containing the documents shall be delivered to the arbitrator and other party.

All documents will be considered evidence at the hearing unless the arbitrator rules otherwise. Each party is entitled to a maximum of 15 documents and 150 pages of documents. Excerpts of documents are permissible. An email chain is one document.

### **Day 20 - Witness Statements**

All witness statements shall be served and filed by email to the arbitrator at [arbitrate@hassellarbitration.ca](mailto:arbitrate@hassellarbitration.ca) copying the other party.

Witness statements should outline key facts and will be considered evidence at the hearing unless the arbitrator rules otherwise.

Each party is entitled to a maximum of 3 witnesses, including the party. Each witness statement shall be no more than 1 page long using double spacing and a 12 point font.

## **Day 25+/- Hearing**

The arbitrator will schedule the hearing on a convenient day around day 25. The hearing will be one full day. Subject to any changes determined by the arbitrator, each party will present its case in the usual manner with the following time limits:

- |               |   |
|---------------|---|
| 9:30 – 10:00  | Opening statements and preliminary issues, if any.  |
| 10:00 – 12:00 | Claimant's case:<br>40 minutes direct examination(s) of claimant witness(es)<br>60 minutes cross-examination(s) by respondent<br>20 minutes arbitrator's questions(s)   |
| 12:00 – 1:00  | Lunch   |
| 1:00 – 3:00   | Respondent's case:<br>40 minutes direct examination(s) of respondent witness(es)<br>60 minutes cross-examination(s) by claimant<br>20 minutes arbitrator's questions(s) |
| 3:00 – 5:00   | Closing arguments and flexible time.  |

## **Day 28 – Final Decision**

All decisions are confidential, final and binding. The decision may not be appealed for any reason including on a question of law.

A written decision will be released to the parties with reasons.

## **Interim Decisions**

Each party is entitled to up to 2 meaningful pre-hearing requests for an interim decision. Such a request should be made by email to the arbitrator, copying the other party. The other party should reply as soon as possible and ideally within 24-48 hours.

The arbitrator will release interim decisions in writing and may reserve on reasons until the final decision.

## **Representation and Costs**

A party may be self-represented (includes an officer or employee of a corporation), represented by a paralegal or represented by a lawyer.

The arbitrator can make an award of costs, including arbitration costs, lost opportunity cost and legal costs.

## **Arbitrator, Law and Evidence**

The arbitration will be before a single arbitrator of Hassell Arbitration, who is an independent and impartial person who does not represent any party and does not have any legal advice for any party. Unless he is in a conflict or cannot act, Mick Hassell will be appointed arbitrator. If Mick Hassell cannot act as arbitrator for any reason, he will appoint an arbitrator. If Mick Hassell cannot appoint an arbitrator for any reason, the appointment of an arbitrator will be done pursuant to the arbitration rules of the ADR Institute of Canada.

Unless the parties agree otherwise, the arbitration shall be conducted in accordance with the laws of the Province of Ontario and the arbitration shall be held in Ontario.

Hassell Arbitration's rules may be amended from time to time and the rules in place at the time the notice to arbitrate is filed apply. The arbitrator may deviate from the rules in the arbitrator's own discretion to facilitate swift justice. Any party may request clarification of a rule by email to the arbitrator copied to the other party. The arbitrator may direct a telephone or videoconference.

Formal rules of evidence need not be followed and the arbitrator will determine what evidence is admissible and how much weight to give to the evidence. The arbitrator may question witnesses from either side at any time.

For arbitrations involving more than two parties, the arbitrator will circulate a revised hearing schedule to account for the additional parties.

No party may compel the arbitrator and/or the arbitrator's staff to testify in any proceeding. Hassell Arbitration will not be liable to any party or person for any act or omission relating to the arbitration. The parties jointly and severally indemnify and hold harmless Hassell Arbitration. The arbitrator will have the same protections and immunities as a Judge of a Superior Court.

Only the arbitrator may record the hearing and no party has any entitlement to the recording.