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Section A - Rules of Procedure

PART 5 – VARIATION OR REVOCATION OF AN ORDER

61. APPLICATION FOR VARIATION /REVOCATION

61.1 Either the insured person or the insurer may apply to the Director to vary or revoke an arbitration order or an appeal order if:

- (a) there has been a material change in the circumstances of the insured;
- (b) evidence not available on the arbitration or appeal has become available; or
- (c) there is an error in the order.

61.2 A party may not apply to vary or revoke a preliminary or interim order of an adjudicator until all of the issues in dispute in the proceeding have been finally decided, unless the Director orders otherwise.

61.3 A party seeking to have an arbitration order or an appeal order varied or revoked must:

- (a) complete an **Application for Variation/Revocation** in **Form L**;
- (b) serve a copy of the **Application** on the respondent's lawyer or, if not represented by a lawyer, on the respondent;
- (c) file the **Application** and a **Statement of Service** in **FORM F**; and
- (d) pay the application filing fee set out in **Section D** of the **Code**.

61.4 The **Application for Variation/Revocation** may be rejected if:

- (a) it is from a preliminary or interim order that does not finally decide the issues in dispute;
- (b) it is incomplete or lacks sufficient details to allow the other party to respond;
- (c) it is in respect of an order that has been appealed, and the appeal is pending; or
- (d) the applicant does not pay the required application filing fee.

61.5 If the Director determines that the **Application for Variation/Revocation** is incomplete or is rejected under **Rule 61.4**, the Director will notify the parties and their representatives of the rejection.

61.6 The Director will promptly acknowledge the **Application for Variation/Revocation** upon receipt of a properly completed **Application, Statement of Service** and the application filing fee.

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62. Response to the application for variation / revocation

62.1 Within **20 days** of receiving the Director's acknowledgment of the **Application for Variation /Revocation** (see **Rule 61.6**), a respondent must:

- (a) complete a Response to **Application for Variation/Revocation** in **Form M**;

- (b) serve the **Response** on the applicant's representative or if not represented, on the applicant; and
- (c) file a copy of the **Response** and a **Statement of Service** in **Form F**.

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63. The variation / revocation process

63.1 The Director may:

- (a) decide the **Application for Variation / Revocation**;
- (b) delegate a person to decide the **Application for Variation / Revocation** on his or her behalf and to exercise the powers and perform the duties of the Director in relation to the **Application**; or
- (c) appoint the same adjudicator who made the original order or another adjudicator to decide the **Application for Variation / Revocation**.

63.2 **Rules 54, 57 and 58** apply to an **Application for Variation / Revocation** with necessary changes.

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