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Revisions to the Fourth Edition of the Dispute Resolution Practice Code and Revised Forms

Bulletin
No. [A-04/11]
-Auto
Property & Casualty

To the attention of all insurance companies licensed to transact automobile insurance in Ontario

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With this Bulletin, the Dispute Resolution Services Branch (DRS) of the Financial Services Commission of Ontario (FSCO) is highlighting revisions to the Fourth Edition of the Dispute Resolution Practice Code (Code) and issuing revised dispute resolution forms.

The Code and forms have been revised to set out rules for the use of the Dispute Resolution (DR) electronic calendar system (eCalendar) to book dates for DR proceedings where required by DRS, and to reflect recent amendments to the Statutory Accident Benefits Schedule – Effective September 1, 2010 (SABS). The revisions also correct typographical errors and make miscellaneous housekeeping changes.

FSCO reviews the Code on an ongoing basis to ensure that the rules continue to support a just, expeditious and cost effective resolution for all disputes. FSCO will also be undertaking a comprehensive revision aimed at creating more simplified, user-friendly forms and guides.

Key Changes to the Dispute Resolution Practice Code

Key changes to the Code are:

- Rule 5: Dispute Resolution Services and Documents - adding a new subsection 5.8, providing for the mandatory use of the eCalendar where required by DRS.
- Rule 7: Service of Documents - adding a new subsection 7.3, providing for mandatory information to be included in an email when a document is served by email.
- Rule 12: Application for Mediation - adding a new subsection 12.2 (e), requiring that the email addresses of the applicant and the applicant's representative be included in the Application.
- Rule 16: The Mediation Process - adding new subsections 16.1, 16.2, and 16.3, setting out rules for use of the eCalendar in mediations where required by DRS.
- Rule 25: Application for Arbitration - adding new subsections 25.1 (g) and (h), requiring that the email addresses of the applicant and the applicant's representative be included in the Application.
- Rule 33: Pre-Hearing Discussion - adding new subsections 33.4 and 33.5, setting out rules for use of the eCalendar in arbitration pre-hearing discussions, and in preliminary appeal conferences under Rule 57, where required by DRS.
- Rule 37: Hearings - adding new subsections 37.6 and 37.7, setting out rules for use of the eCalendar in arbitration hearings where required by DRS.
- Form A (Application for Mediation) and Form B (Response to an Application for Mediation) have been amended to include new fields requiring the applicant and the insurer to provide information relevant to the determination of whether the applicant is entitled to commence a mediation proceeding under section 55 of the SABS.
- All DR forms have been amended to provide for the mandatory inclusion of email addresses of the parties' representatives in DR proceedings.

A Practice Note explaining key elements of the eCalendar system will be issued at a later date.

Effective Dates

The revised Code and forms are effective August 2, 2011.

The revised forms may be used beginning August 2, 2011, and must be used on and after October 1, 2011. The earlier versions of the forms will continue to be accepted by FSCO for a two-month grace period (from August 2, 2011 to September 30, 2011). After October 1, 2011, any old forms submitted will be returned, and the parties will be required to re-submit the revised forms.

Copies of the Code and Revised Forms

The revised Code and revised forms will be available on FSCO's website by August 2, 2011, at www.fSCO.gov.on.ca <<http://www.fSCO.gov.on.ca/en/forms/Pages/default.aspx>> .

Philip Howell
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August 2, 2011