



DOMESTIC COMMERCIAL ARBITRATION

Shorter Rules of Procedure

(As amended June 1, 1998)

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THE BRITISH COLUMBIA INTERNATIONAL COMMERCIAL ARBITRATION CENTRE

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The Centre encourages the use of these Shorter Rules in as many disputes as possible, and especially where the amount of the claim or counterclaim is under \$50,000.

These Rules are intended to provide a just, speedy, and binding resolution at the lowest possible cost. By using the Shorter Rules, parties make a commitment to minimize the length, complexity and expense of the proceedings. See Rule 3(1).

The Shorter Rules provide for a proceeding conducted by a single arbitrator on the basis of documents and written submissions. However, the parties may agree, or the arbitrator may find it necessary to hold a short hearing to receive oral evidence and/or submissions.

1. Commencement of Arbitration

- (1) Arbitration is commenced with a Notice delivered to the Respondent and the Centre.
- (2) The Notice shall be in the form of the “Notice to Commence an Arbitration under the Shorter Rules” found at the end of these Shorter Rules, or shall contain the information required by that form.
- (3) Together with the Notice, the Claimant shall provide the Centre with:
 - (a) a copy of the parties’ written agreement to arbitrate under the Shorter Rules;
 - (b) the name, address, telephone and fax numbers of the single arbitrator if the parties have appointed one; and
 - (c) payment of the Commencement Fee plus GST (see the current *Fee Schedule for Domestic Commercial Arbitration*).

2. Appointment of Arbitrator

- (1) If the parties have not appointed an arbitrator, the Centre shall promptly appoint a single arbitrator upon receipt of a Notice to Commence. In order to facilitate appointment of the most suitable arbitrator, the Centre may consult with the parties to further ascertain the nature of the dispute.
- (2) The arbitrator shall have the authority to modify these Rules and the time limits stipulated in these Rules.

3. Procedure

- (1) These Rules are intended to provide a just, speedy and binding determination of the dispute at the lowest possible cost by minimizing the length, complexity and expense of the arbitration proceeding. The arbitrator shall conduct the proceeding accordingly.
- (2) The arbitrator shall arrange a preliminary meeting, preferably by telephone conference call, within seven days of appointment. The agenda of the meeting shall include:
 - (a) content and timetable of the parties’ statements of case;

- (b) documents;
 - (c) evidence, including whether a hearing is necessary, and if so, dates and venue;
 - (d) whether, having regard to potential additional cost, the parties require the award to include reasons;
 - (e) the fees of the arbitrator;
 - (f) deposits, if any, to be made by the parties to secure the costs of the arbitration; and
 - (g) any other matter raised by either party or the arbitrator.
- (3) In the event the arbitrator determines that the procedures or time limits set out in these Rules are to be varied, the arbitrator shall set out these variations in written directions to the parties.

4. Statements of Case

- (1) A statement of case shall consist of a concise narrative summary of the facts alleged, the evidence and law on which the party relies, and the relief or result sought. Every statement of case and reply delivered under these Rules shall be as brief as possible given the issues between the parties.
- (2) Unless otherwise agreed or directed:
- (a) the Claimant shall deliver its statement of case setting out its claims within 14 days of the preliminary meeting;
 - (b) the Respondent shall deliver its statement of case setting out its defense and counterclaim, if any, within 14 days of receiving the Claimant's statement of case;
 - (c) the Claimant shall deliver its reply, if any, and defense to counterclaim, if any, within 7 days of receiving the Defendant's statement of case; and
 - (d) if the Respondent wishes to reply to the Claimant's defense to a counterclaim, it shall do so within 7 days.

5. Documents

- (1) Unless otherwise agreed or directed, each party shall deliver copies of the documents on which it relies with its statement of case.
- (2) The arbitrator may, upon the application of a party, direct the disclosure of specific documents in the possession or control of the other party.

6. Evidence

- (1) Within 14 days of delivery of the concluding statement of case, unless otherwise agreed or directed, each party shall
- (a) provide written notice identifying its witnesses of fact and opinion; and
 - (b) deliver a separate written narrative statement of the evidence of each of its witnesses in summary form.

- (2) Upon application, the arbitrator may allow a party to deliver further written statements of evidence.
- (3) Unless the parties agree or the arbitrator directs that a witness shall be required to attend a hearing for oral examination, the arbitrator shall have the authority to receive statements of evidence as evidence in the proceeding. Whether or not there is an oral hearing, the arbitrator shall have the discretion to determine the relevance, weight or utility of any evidence and limit or refuse to receive the evidence of any witness.
- (4) If the parties have agreed or the arbitrator has directed that an oral hearing is required for the reception of oral evidence, the arbitrator shall:
 - (a) endeavour to hold any hearing at a venue which does not entail unnecessary expense to the parties;
 - (b) determine and arrange the venue, date and time of the hearing after consulting with the parties;
 - (c) give the parties not less than 7 days notice of the hearing;
 - (d) endeavour to complete the hearing, including argument, within one day; and
 - (e) endeavour to conclude the hearing within seven days if an additional hearing day is required.

7. Arguments

- (1) Unless otherwise agreed or directed, if there is no oral hearing the parties shall submit written arguments to the arbitrator within seven days of submission of statements. The arbitrator may hear oral argument if the arbitrator determines it will expedite the proceeding.
- (2) Unless otherwise agreed, if there is an oral hearing it shall include oral arguments. The arbitrator may direct the parties to submit written arguments within a specified period of time if it will expedite the proceeding.

8. Default

- (1) The arbitrator is entitled to proceed with the arbitration notwithstanding the failure or refusal of a party to comply with these Rules or with the arbitrator's written orders or directions.
- (2) If a party is properly notified but fails to attend a hearing, the arbitrator may dismiss any claim made by that party.
- (3) If a party fails to deliver its statement of defense or is properly notified but fails to attend a hearing, the arbitrator may proceed to conduct a hearing and/or render an award in relation to the claim(s) against that party on the evidence received.

9. Costs

Unless otherwise agreed, the parties shall bear their own costs. The arbitrator shall determine liability for costs of the arbitration. Costs of the arbitration are the arbitrator's fees and expenses and any other administrative fees.

10. Award

Unless otherwise agreed, the award shall include very brief written reasons. Subject to any extension which may be granted by the Centre in extraordinary circumstances, the arbitrator shall render the award within 21 days of the close of argument.