



Financial Services
Commission
of Ontario
5160 Yonge Street
Box 85
Toronto ON M2N 6L9

Dispute
Resolution
Services

Notice of Appeal Form I

Guide For Completing Dispute Resolution Services (DRS) Forms

Use this form to appeal an Arbitration decision. **Appeals are only allowed on questions of law.**

You must file your completed *Notice of Appeal* with the Financial Services Commission of Ontario (the "Commission") at the address below, **within 30 days** of the date of the arbitration order you wish to appeal. The Director of Arbitrations may extend the time based on the reasons for the delay and the apparent strength of the appeal. The steps you must take are set out in this form.

Personal information requested on this form is collected under the authority of the *Insurance Act*, R.S.O. 1990, c.1.8, as amended. This information, including documents submitted with this application, will be used in the dispute resolution process for accident benefits. This information will be available to all parties to the proceeding. Any questions about this collection of information may be directed to the Director of Arbitrations, Dispute Resolution Services, at the address below.

If you have any questions or want more information, contact:

Appeals Unit
Dispute Resolution Services
Financial Services Commission of Ontario
5160 Yonge Street, 15th Floor, Box 85
Toronto ON M2N 6L9

In Toronto: (416) 590-7222

Toll Free: 1-800-517-2332, extension 7222

Fax: (416) 590-7077

Commission website: www.fsco.gov.on.ca

Appealing an Arbitration Decision

For a complete set of the rules for appeals, see the *Dispute Resolution Practice Code*.

Step 1

Complete this *Notice of Appeal* form within **30 days** of the date of the Arbitration order. If the *Notice of Appeal* is incomplete, it may be rejected. After completing the form, you must serve a copy on the respondent (the other party). If the respondent was represented at the arbitration hearing by a lawyer, you should serve the *Notice of Appeal* on the lawyer. If not, serve the respondent.

Service may be done by personal delivery, courier, fax, regular mail, registered mail or any other method allowed by the *Dispute Resolution Practice Code*.

Then file the following with the Commission:

- Completed *Notice of Appeal*
- Original *Statement of Service* form stating when and how you served the respondent with the *Notice of Appeal*
- The fee

Step 2

Upon receiving a properly completed *Notice of Appeal*, *Statement of Service* and the application fee, the Commission will promptly acknowledge the appeal.

Step 3

To oppose your appeal, the respondent must file a *Response to Appeal* within **20 days** of receiving acknowledgement of the appeal from the Commission. You will get a copy of the *Response to Appeal* from the respondent.

Step 4

Unless the Director of Arbitrations or an adjudicator delegated by the Director (known as Director's Delegate) advises you differently, your written submissions must be served on the respondent and filed with the Commission within **30 days** of the date the *Response to Appeal* was due. If a transcript is ordered, this time limit is extended to **30 days** from receipt of the transcript.

Step 5

The Director or Director's Delegate may decide the appeal with or without a hearing.

How to Complete the Notice of Appeal

PLEASE PRINT

Arbitration Decision Details

This information can be found in the arbitration decision.

Applicant's Name and Address

Fill in completely. Provide any alternative addresses, phone numbers, fax numbers or electronic mail addresses that will make it easier for us to contact you.

Appellant's Representative

You may choose to have someone represent you. Although many people are represented by a lawyer in an appeal, a lawyer is not required. If you have a representative, fill in the name, address and phone number of your representative. If it is a firm, please give the name of the firm in the box provided. **A minor (a person under the age of 18) or a person who has been declared mentally incapable, must have a representative.**

Reasons for the Appeal

Appeals are only available on questions of law. If your appeal does not involve a question of law, it may be rejected.

Briefly state what part(s) of the Arbitration order you are appealing and the error(s) of law you claim the arbitrator made. Attach extra sheets if necessary. Your *Notice of Appeal* must be sufficiently detailed to allow the other party to respond. It is not necessary, however, for you to file your complete written submissions until later.

Action Sought

Briefly state the remedy or outcome you are seeking in your appeal.

Transcript

Indicate if the Arbitration hearing was recorded by a reporting service. If it was recorded, indicate if you have ordered a transcript of the hearing. If you do not intend to order a transcript, you must state why a transcript is not needed for the appeal.

Stay

The usual rule is that an appeal does not stop the Arbitration order from taking effect. If you are asking that the Arbitration order not go into effect, you must explain why the usual rule should not apply.

It is likely that the stay will be decided without further submissions, so your reasons should be as complete as possible.

Appeal from a Preliminary or Interim Order

The usual rule is that a party may not appeal a preliminary or interim order of an arbitrator until all of the issues in the arbitration dispute have been finally decided. If you are seeking to appeal a preliminary or interim order, you must explain why the usual rule should not apply.

It is likely that this issue will be decided without further submissions so your reasons should be as complete as possible.

Evidence

Appeals are usually decided based on the evidence presented at the arbitration hearing. The Director's Delegate will have access to the arbitration exhibits and, therefore, it is not necessary to refile them.

If you want to rely on any additional or new evidence – documents or witnesses – you must explain what the evidence is and why it should be allowed in the appeal.

This issue may be decided without further submissions so your explanation should be as detailed as possible.

Signature

Sign the form and return it to the Appeals Unit at the Commission.

Fee

If you are an insured person, be sure to enclose the filing fee of \$250 by cheque or money order made out to the **MINISTER OF FINANCE**. **The application will be rejected if the filing fee is not enclosed.**

If you are an insurer, the Commission will invoice your company for the filing fee (**\$250**) and the insurer assessment (**\$500**).

Note: You may settle your dispute with the respondent directly at any time during the appeal process.