

**Financial Services
Commission
of Ontario**

Dispute Resolution Services
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de l'Ontario**

Services de règlement des différends
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December 11, 2014

Ms. Rhona DesRoches
Board Chair
FAIR
579A Lakeshore Road E
PO Box 39522
Mississauga, ON L5G 4S6

Dear Ms. DesRoches,

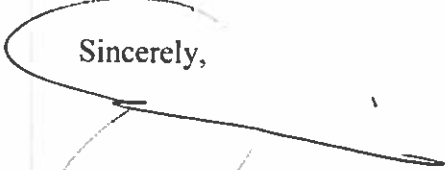
Thank you for your email of December 5, 2014, in which you express concerns about the handling of evidence during arbitration hearings. I appreciate the time and effort you took to do so.

The rules and procedures for conducting arbitration proceedings are set out in the *Insurance Act*, the *Statutory Accident Benefits Schedule* and the Dispute Resolution Practice Code. Arbitrators are also obliged to comply with the *Statutory Powers Procedures Act* and the common law.

There is no policy in Dispute Resolution Services that instructs an arbitrator on how to deal with specific pieces of evidence, and an arbitrator has no formal duty to report his or her findings to another party. An arbitrator is bound by the Rules of Natural Justice to consider all the evidence in a given case and to decide what weight to assign to particular pieces of evidence. Finally, the arbitrator is empowered to address all issues at a hearing and can award costs where he or she believes it appropriate. The parties at a hearing also have avenues that they are entitled to pursue where they believe there has been a breach of the law or any policy.

Once again, thank you for bringing your concerns to my attention.

Sincerely,


Lloyd (J.R.) Richards
Senior Arbitrator
Dispute Resolution Services