

INSTRUCTIONS

- 1. This form is to be used when the representatives in a Dispute Resolution Process failed to appoint an umpire or cannot agree on the appointment of an umpire, or a chosen umpire cannot fulfill their duties, in accordance with Section 12 of the Insurance Act.
2. Detailed instructions can be found at the end of the form.
3. Please contact us at 604 398-5067 or insurance@bcfsa.ca if you have any questions in regard to this process.

Freedom of Information and Protection of Privacy Act (FOIPPA)
The information requested on this form is collected under the authority of section 26(c) of the Freedom of Information and Protection of Privacy Act. The information is collected for the purpose of processing your umpire appointment application. If you have any questions about the collection or use of this information, please contact the Privacy Officer at 604-660-3555, 600 - 750 West Pender Street, Vancouver, BC, V6C 2T8

PART 1 - YOUR INFORMATION (APPOINTED REPRESENTATIVE)

Form fields for Part 1: First Name, Last Name, Email Address, Phone Number, Business Name (if applicable), Party representing (Insurer/Insured), and a confirmation checkbox for Section 12(5) of the Insurance Act.

PART 2 - CLAIM INFORMATION

Form fields for Part 2: Insured, Insurer, Claim Number, Brief Description of Claim, date of notice delivery, and a checkbox for providing candidates for umpire.

Based on the representations made by the candidates, personal knowledge, experience, or by other means, I am of the opinion the three candidates I have named are qualified and competent to act as an umpire in this matter.

- The three candidates are:
1.
2.
3.

As a representative appointed under Section 12(4) of the Insurance Act, I request the appointment of an umpire and certify that the information provided is accurate and true.

Name and Signature of the Representative Date

## Checklist of attachments to be submitted with your request:

- Credentials of three candidates including a curriculum vitae and a signed *Conflict of Interest Declaration* (see below), that supports their qualifications to act as umpire in this matter. Note that failure to provide the declaration will result in the disqualification of the candidate.
- A copy of proof and loss and a brief description of the claim
- A copy of the notice to the other party's representative with confirmation of the date that notice was provided

**UMPIRE CANDIDATE CONFLICT OF INTEREST DECLARATION**

I, \_\_\_\_\_, as a candidate as an umpire, pursuant to section 12(10) of the *Insurance Act*, in the matter involving:

\_\_\_\_\_ and

\_\_\_\_\_ have the following interest, relationship (past, current, personal or business) or will receive, directly or indirectly a financial benefit from the outcome of this dispute, with or from any of the parties named above, that may impact, or be perceived to impact my ability to perform the umpire duties in this matter in an objective, unbiased and impartial manner:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

I understand that failing to provide this form, as well as having a real, or perceived conflict of interest in this matter may disqualify me as an umpire in this matter.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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The following information provides an overview of the dispute resolution process under the *Insurance Act* for resolving property claim disputes between insureds and insurers, and for requesting that the Superintendent of Financial Institutions appoint an umpire to resolve the dispute ([general information on the process](#)). **Applicants should review relevant sections of the *Insurance Act* before making any submissions.**

## **Legislation**

[Section 12 of the \*Insurance Act\*](#) (“IA”) establishes a mandatory dispute resolution process in the event of a dispute between an insured and insurer in a property claim. The dispute may relate to:

- the value of insured property;
- the value of the property saved;
- the nature and extent of the repairs or replacements; or
- the amount of the loss or damage.

Under section 12(4) of the IA, each party of the dispute must name a dispute resolution representative who, in turn, must appoint an umpire within 15 days after their appointment.

According to section 12(10) of the IA, either representative may make an application to the Superintendent of Insurance for the appointment of an umpire, if:

- a. The representatives fail to appoint an umpire in accordance with section 12(4) of the IA, or
- b. The umpire fails, or refuses to act, or is incapable of acting.

## **Application to the Superintendent to Appoint an Umpire**

After giving written notice to the other representative of the intention to make the application to the Superintendent, the representative is requested to complete an application form, or by providing the following information:

1. Confirmation that as a representative you are not the:
  - a. Insured;
  - b. Insurer;
  - c. Employee of the insured; or
  - d. Employee of the insurer
2. A brief description of the claim and the principle issue(s)
3. A copy of the notice provided to the other representative and confirmation of the date it was given

4. The names of up to three (3) candidates for umpire
5. The credentials of the three (3) candidates, which demonstrate their competency to act as an umpire, include:
  - Professional or technical qualifications
  - Experience in quantitative and qualitative appraisals
  - Knowledge and experience related to the specific issue(s) under dispute
  - Experience in dispute resolution or mediation processes
  - Signed Conflict of Interest Declaration that verifies there is no actual or apparent conflict of interest of the umpire candidate.

### **What Happens Next**

If the other party's representative also wishes to submit up to three (3) candidates for the umpire, they must do so within 15 days after receiving a notice under section 12(11) of the IA.

Once both parties have provided their candidates, or the 15 days elapses without submissions by the other representative, the Superintendent will assess the qualifications of the persons and appoint one candidate to be the umpire. The Superintendent's assessment will be based on the submissions provided. The Superintendent will appoint an umpire from the names provided as soon as practicable.

### **Assessment Framework and Appointment of an Umpire**

The legislation does not prescribe evaluation criteria or qualification requirements for an umpire. The Superintendent evaluates candidates based on the extent to which their submitted credentials and disclosures demonstrate a candidate is:

1. Competent to act as an umpire in this dispute; and
2. Can carry out their role as an umpire in an independent and objective manner, free from apparent or actual bias.

Once an umpire is identified by the Superintendent, both parties will be notified in writing.

### **Contact Us**

Any questions concerning the statutory dispute resolution process can be directed to [insurance@bcfsa.ca](mailto:insurance@bcfsa.ca) or at 604 398-5067.