### Index

ADR AGREEMENTS	ARBITRATION ACT (BRITISH
Generally, § 3:1 et seq.	COLUMBIA)
Attendees at ADR, § 3:10	Generally, App N § N:5
Choosing the type, § 3:4	ARBITRATION AGREEMENTS
Continuation of agreement, pending ADR, § 3:11	Generally, § 4:1 et seq.
Disclosure prior to, § 3:8	Abandonment by one party, § 4:31, § 5:16
Final adjudication in the event unsuccessful, § 3:15	Binding, § 5:8, § 5:11
Initiating ADR, § 3:6	Choice of law, § 4:26
Injunctive relief and, § 3:13	Class proceedings, § 4:3
Limitation periods and, § 3:14	Confidentiality, § 4:27, § 5:18, § 5:19
Multi-tiered, § 3:5	Consolidation, § <b>4:29</b> , § <b>5:9</b>
Privilege and confidentiality, § 3:9	Costs and expenses, § 4:13
Risks of ADR too early, § 3:5	Damages, § 4:12
Time frames and, § 3:7 Types of ADR, § 3:3	Dismissal for want of prosecution, § 4:34, § 5:28
Types of ADR, § 3.3  Types of disputes not suited to ADR,	Domestic limitations law, § 5:22
§ 3:13	Governing treaty/legislation, § 5:7
When ADR should occur, § 3:5	Initiating process, § 4:4
Why include in commercial agreement,	Injunctive relief/emergencies, § 4:12
§ 3:2	Institutional v. ad hoc, § 5:23
	Interest, power to award, § 5:21
ADR CHAMBERS	Interim measures, § 5:10, § 5:40
Generally, App L § L:1	law governing the contract and arbitra-
Arbitration Rules, App L § L:1	tion, § 5:32
Expedited Arbitration Rules, App L § L:2	need for detail, § 5:5
International Arbitration Rules, <b>App K</b>	number of arbitrators, § 5:33
§ K:1	place of hearing, § 5:34
AMERICAN ARBITRATION	procedure for arbitration, § 5:40
ASSOCIATION ("AAA")	qualifications of arbitrator, § 5:35
Generally, App J, App K § K:5	International arbitration agreements, § 5:2
Appellate Arbitration Rules, <b>App K</b>	contract review, § 5:2
§ K:11	dispute, definition, § 5:3
Arbitration Rules and Mediation	general considerations, § 5:4
Procedures, Home Construction,	Language of arbitration, § 4:12, § 5:13
App K § K:9	Law including equity, § 4:11
Commercial Arbitration Rules and Mediation Procedures, <b>App K § K:5</b>	Objective standards/terms of reference, § 4:11
Consumer Arbitration Rules, App K	Oppression remedies, and, § 4:12
§ K:7	Parties, § <b>4:2</b>
Consumer Arbitration Rules, Non-Bind-	Pending arbitration, § 4:20
ing, <b>App K § K:8</b>	Performance pending process, § 4:30,
International Dispute Resolution	§ 5:15
Procedures. App K & K:10	Place of arbitration, § 4:25, § 5:6

### ARBITRATION AGREEMENTS —Cont'd

Precedent clauses, App A § A:1

Principles and standards governing the arbitrator's decision, § 4:11

law and equity, § 4:11

objective standards/terms of reference, § 4:11

Procedural rules, § 4:7

Range of remedies which the arbitrator can award, § 4:12

damages, § 4:12

injunctive relief, § 4:4

limitations on the arbitrator's remedies, § 4:12

Real property - ground leases, § 4:11 land appraisal methodology, § 4:11 date of land assessment - options to purchase land, § 4:11

Reasons for award, § 5:20

Seat of arbitration, § 5:5

Sovereign state as opposing party, § 5:17 Successors, § 4:9

Survival of arbitration agreement, § **4:28**, § **5:14** 

Time frames, § 4:10, § 5:12

Unconscionability, § 2:12, § 4:3

Valuation of businesses and shares in privately held companies, § 4:11

Valuation of intellectual property, § 4:11

Valuation of shares in publicly held companies, § 4:11

#### ARBITRATION AND ADR RULES

Appeals, § 4:14

Appeal to arbitral appeal tribunal, § 4:14
Arbitration Act rights, § 4:14
Confidentiality and appeals, § 4:28
Form of appeal, § 4:14
No rights of, § 4:14, § 4:28

#### ARBITRATION AWARDS

Generally, § 4:12

Challenges to arbitral awards, § 4:14 Enforcing the award, § 4:20 Interest on an arbitral award, § 4:18 Reasons for the award, § 4:29

#### ARBITRATION INSTITUTIONS

Generally, § 4:5 ADR Chambers, App J, App L § L:1

#### ARBITRATION INSTITUTIONS

-Cont'd

ADR Chambers International, App J, App K § K:1

ADR Institute of Canada, Inc. (ADRIC)/ Institut d'Arbitrage et de M0197diation du Canada, Inc. (IAMC), **App J, App L § L:3** 

ADR Institute of Ontario, Inc. (ADRIO), App J

ADR Institute of Saskatchewan (ADRIS), App J

Alberta Arbitration and Mediation Society (AAMS), **App J** 

American Arbitration Association ("AAA"), App J, App K § K:10

Arbitration and Mediation Institute of Manitoba Inc. (AMIM), **App J** 

Arbitration Institute of Stockholm Chamber of Commerce (AISCC), **App J** 

Asian International Arbitration Centre (AIAC) Rules, **App K § K:41 § K:41** 

British Columbia Arbitration and Mediation Institute (BCAMI), **App J, App L § L:6** 

Canadian Commercial Arbitration Centre, App J, App K § K:4

Canadian Dispute Resolution Corporation (Calgary), App J

Canadian Dispute Resolution Corporation (Ontario) Toronto, App J

Canadian Dispute Resolution Corporation (CDRC) Vancouver, App J

Canadian Institute for Conflict Resolution (CICR), App J

Centre for Dispute Resolution (CFDR), App J

Chartered Institute of Arbitrators, App G, App K § K:17

CPR International Institute for Conflict Administered Arbitration Rules, App H-US

prevention and resolution, App J Rules, App K § K:14

CPR International Institute for Conflict Prevention & Resolution, Inc., CPR European Mediation and ADR Guide, App K § K:26

Industry Canada, Arbitration Rules and Procedures, **App L § L:10** 

### ARBITRATION INSTITUTIONS —Cont'd

Institut de Mediation et d'Arbitrage du Quebec (IMAQ), **App J** 

International Arbitral Centre of the Austrian Federal Economic Chamber, App J

International Chamber of Commerce, App J, App K § K:29

International Council of Arbitration for Sport, **App K § K:34** 

International Court of Arbitration, App K § K:34

International Institute for Conflict Prevention and Resolution, **App K § K:26** 

Internet Corporation for Assigned Names and Numbers, **App Q § Q:5** 

London Court of International Arbitration (LCIA), App J

Med-Arb Rules, App L § L:4:50

Quebec National and International Commercial Arbitration Centre, App J

Singapore International Arbitration Centre (SIAC) Rules, App K § K:44

Swiss, Chambers Court of Arbitration and Mediation, App J, App K § K:32

The City Dispute Panel Limited (CDP), App K § K:18

#### ARBITRATION/MEDIATION/"MED/ARB"

Generally, § 1:14

ARBITRATION RULES OF EUROPEAN COURT OF ARBITRATION

Generally, App K § K:21

#### ARBITRATION SUBMISSION

Generally, § 4:2

#### **ARBITRATORS**

Independence and impartiality, § 4:6 Number, § 4:4, § 5:33

Party-appointed arbitrators, § 4:6

Roster, § 4:5

Selection, § 4:5

Special expertise or technical knowledge, 8 4.5

### ARTHUR WISHART (FRANCHISE DISCLOSURE)

Generally, § 2:13

#### ASIAN INTERNATIONAL ARBITRATION CENTRE (AIAC) RULES

Generally, App K § K:41

## AUSTRALIAN CENTRE FOR INTERNATIONAL COMMERCIAL ARBITRATION

Generally, App J, App K § K:42

#### **BOOK VALUE**

Generally, § 4:11

#### **BRITISH COLUMBIA**

INTERNATIONAL COMMERCIAL ARBITRATION CENTRE (BCICAC)

Domestic Commercial Arbitration Rules, App L § L:6

International Commercial Arbitration Rules, App K § K:3

International Rules, App J, App K § K:3 Shorter Rules of Procedure, App L § L:7

### BUSINESS CORPORATIONS ACT (ONTARIO)

Generally, § 4:12

#### CANADA BUSINESS CORPORATIONS ACT

Generally, § 4:11, § 4:12

### CANADIAN COMMERCIAL ARBITRATION CENTRE

Generally, App J

General commercial arbitration rules, **App L § L:8** 

International arbitration rules, App K § K:4

#### **CERTIFICATE/CERTIFY**

Generally, § 4:2

Class proceedings, arbitrations and avoidance, § 2:11

### CLASS PROCEEDINGS ACT (ONTARIO)

Generally, § 2:13, § 4:3

#### **CLICKNSETTLE.COM**

Generally, § 1:7

#### COLLABORATION

Generally, § 1:6

Precedent clauses, App A § A:66

### COMMERCIAL MEDIATION ACT, 2010 (ONTARIO)

Generally, § 3:20

### COMMERCIAL TENANCIES ACT (ONTARIO)

Generally, § 4:12

#### COMPARABLE SALES METHODOLOGY

Generally, § 4:11

#### **CONCILIATOR**

Generally, § 3:18

#### CONFIDENTIALITY

Generally, § 4:27

ADR clauses, § 3:9

Arbitrator's Award - see also Appeals, § 4:14

Between parties, § 4:27

Intellectual property, § 4:27

Pleadings and evidence, § 4:27

Sanctions for breach, § 4:27

#### **CONFIDENTIAL LISTENING**

Generally, § 1:9

Precedent clauses, App A § A:68

#### CONSOLIDATION OF ARBITRATIONS

Generally, § 4:29, § 5:9

### CONSTRUCTION ACT (SELECTED SECTIONS)

Generally, App R § R:1

Adjudications under Part II.1 of the Act, Ont. Reg. 306/18, **App R § R:2** 

### CONSUMER PROTECTION ACT, 2002 (ONTARIO)

Generally, § 2.12, § 4:2

#### CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Generally, § 5:4

### COURT-ANNEXED DISPUTE RESOLUTION

Generally, § 1:18

#### **COURT-MANDATED MEDIATION**

Generally, § 1:19

#### CPR INTERNATIONAL INSTITUTE FOR CONFLICT PREVENTION & RESOLUTION

Generally, App K § K:12

#### **CYBERSETTLE.COM**

Generally, § 1:8

#### **DAMAGES**

Generally, § 4:12

#### **DIS ARBITRATION RULES 2018**

Generally, App K § K:27

### DISMISSAL FOR WANT OF PROSECUTION

Generally, § 4:34, § 5:28

#### DUBAI INTERNATIONAL FINANCIAL CENTRE — LONDON COURT OF INTERNATIONAL ARBITRATION (DIFC-LCIA) RULES

Generally, App K § K:43

Arbitration rules, App K § K:43

### EARLY NEUTRAL EVALUATION / ENE

Generally, § 1:16, § 3:19

Costs, § 3:19

Fairness and procedural steps, § 3:19

Precedent clauses, App A § A:69

Status of report/recommendation, § 3:19

Subsequent proceedings and, § 3:19

### EARLY NEUTRAL EVALUATOR ("ENE")

Generally, § 3:19

Responsibilities, § 3:19

Selection and qualifications, § 3:19

Status of report, § 3:19

### EXTRA-PROVINCIAL CORPORATIONS ACT

Generally, § **4:20** 

#### **FACILITATOR**

Generally, § 1:17

#### **FACT FINDER**

Generally, § 4:2

#### FAIR MARKET VALUE

Generally, **§ 4:11** 

#### **FAIR VALUE**

Generally, § 4:11

Index-4

#### FAMILY ARBITRATIONS

Generally, § 2:20

#### FAMILY STATUTE LAW **AMENDMENT ACT, 2006**

Generally, § 2.19

#### FEDERAL PROMPT PAYMENT FOR CONSTRUCTION WORK

Generally, App R § R:3

#### FRANCHISES

See Arthur Wishart (Franchise Disclosure)

#### **GROUND LEASES**

See Real Property

#### **GUIDED CHOICE DISPUTE** RESOLUTION

Generally, § 1:13

#### **ICSID**

Regulations and rules, App O § O:6

#### INCOME APPROACH—LAND

Generally, § 4:11

#### INJUNCTIVE RELIEF

Generally, § 4:12

#### INSTITUTE OF ARBITRATION

Generally, App J, App K § K:28

#### INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION (ICDR)

Generally, App K § K:10

Interim Supplementary Procedures for Internet Corporation for Assigned Names and Numbers Independent Review Process, App Q § Q:9

#### INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT **DISPUTES (ICSID)**

Generally, **App O § O:1, § 5:43** 

#### INTERNATIONAL CHAMBER OF **COMMERCE (ICC)**

Generally, App K § K:29 2021 Arbitration Rules, App K § K: 21:50

#### INTERNATIONAL COMMERCIAL ARBITRATION ACT (BRITISH COLUMBIA)

Generally, App N § N:2

#### INTERNATIONAL COMMERCIAL ARBITRATION ACT (ONTARIO)

Generally, § 5:4

#### INTERNATIONAL COMMERCIAL ARBITRATION ACT (ONTARIO) (NEW)

Generally, App N § N:6

#### INTERNATIONAL COURT OF **ARBITRATION**

Generally, App K § K:29

#### INTERNET MEDIATION

Generally, § 1:8

#### INVESTMENT

VALUE—SHARES/BUSINESS

Generally, § 4:11

#### JAMS ADR

Generally, App K § K:15

#### LAND APPRAISAL

Methodology—see Real Property

#### **LIMITATIONS ACT, 2002**

Generally, § 4:33

#### LONDON COURT OF INTERNATIONAL ARBITRATION

See also Dubai International Financial Centre London Court of International Arbitration (DIFC-LCIA) Rules

Generally, App K § K:19

#### **MEDIATION**

See also ADR

Generally, § 1:11

Confidentiality, § 1:11, § 1:12, § 3:9

Guided choice dispute resolution ("guided choice"), § 1:13

Interest-based mediation, § 1:12 Precedent clauses, App A § A:70

Privilege, § 3:9

Process, § 1:12

#### **MEDIATION-ARBITRATION**

Generally, § 1:14

#### **MEDIATORS**

See Neutrals

#### MINI-TRIAL

Generally, § 1:15, § 3:17

Precedent clauses, App A § A:86

#### MULTI-TIERED ADR CLAUSES

Generally, § 3:5

Precedent clauses, App A § A:88

#### **MUNICIPALITIES**

Ontario Municipal Arbitrations Act, § 4:35

#### NEGOTIATION

Generally, § 3:17

Agreement to negotiate, § 3:3
Duty to negotiate in good faith, § 3:5
Failure of negotiations, § 3:17
Interest-based negotiations, § 1:4
Manner of negotiations, § 3:17
Negotiating individuals, § 3:17
Precedent clauses, App A § A:101
Step negotiations, § 1:5, § 3:17
Structured negotiation, § 1:3

Using "best efforts" to settle, § 3:5

#### **NEUTRALS**

ADR involving, § 3:18 Confidentiality, § 3:18

Costs of, § 3:18

Duties and responsibilities, § 3:18

Insurance, § 3:18

Media/public, § 3:19

Privilege, § 3:9

Qualifications of neutral, § 3:18

Recommendations to senior representatives, § 3:18

Reports to judge or arbitrator, § 3:19

Selecting a neutral, § 3:18

Speaking with parties in absence of counsel, § 3:19

Special powers, § 3:18

Various roles of, § 3:18

#### **NEW YORK CONVENTION**

See Convention

#### **OMBUSDMAN**

Generally, § 1:17

#### ONLINE DISPUTE RESOLUTION

See Internet Mediation

#### ONTARIO DISPUTE ADJUDICATION FOR CONSTRUCTION CONTRACTS (ODACC)

Adjudicator's Code of Conduct, **App R** § **R:4** 

#### ONTARIO DISPUTE ADJUDICATION FOR CONSTRUCTION CONTRACTS (ODACC)—Cont'd

ADR Chambers: The Authorized
Nominating Authority for Construction Disputes in Ontario, **App R**§ **R:5** 

Certification Process, App R § R:6

#### **OPPRESSION REMEDIES**

See Arbitration Agreements

#### OPTIONS TO PURCHASE LAND

Generally, § 4:11

#### **PARTNERING**

Generally, § 1:9

#### PRECEDENT CLAUSES

Generally, App A § A:1

### PRE-TRIAL CONFERENCE/JUDICIAL SETTLEMENT CONFERENCE

Generally, § 1:2

#### REAL PROPERTY

Generally, § 4:11

Ground leases, § 4:11

Land Appraisal Methodology, § 4:11

### RELIGIOUS/ETHNIC ARBITRATIONS INSTITUTION

Generally, § 2:20

#### REPLACEMENT COST

Generally, § 4:11

#### REPLACEMENT VALUE

Generally, **§ 4:11** 

#### SETTLEMENT COUNSEL

Generally, § 1:7

#### **SETTLEMENTONLINE.COM**

Generally, § 1:7

#### SHARE VALUATION APPROACHES

Generally, § 4:11

Capitalization of maintainable earnings, **§ 4:11** 

Market price, § 4:11

Net assets/liquidation, § 4:11

"Stepped" ADR Agreement, § 3:5

#### SPORT DISPUTE RESOLUTION CENTRE OF CANADA

Annotated version of 2015 Canadian sport dispute resolution code, App L § L:11

Appeal policy, guide to development of appeal policy (standard version), App L § L:12

# STATUTES OF THE BODIES WORKING FOR THE SETTLEMENT OF SPORTS-RELATED DISPUTES

Generally, App K § K:34

Court of Arbitration for Sport, App K

§ K:34

#### STOCKHOLM CHAMBER OF COMMERCE, ARBITRATION INSTITUTE OF THE

Generally, App J, App K § K:21

### SWISS CHAMBERS' COURT OF ARBITRATION

Generally, App J, App K § K:32

#### TOLLING AGREEMENTS

Generally, § 3:14

#### UNCITRAL MODEL LAW AS AMENDED IN 2006

See also International Commercial Arbitration Act (Ontario) Generally, **App J** 

#### UNCONSCIONABILITY

See Arbitration Agreements

#### UNIFORM DOMAIN NAME RESOLUTION POLICY

Generally, **App Q § Q:5**Rules, **App Q § Q:6** 

#### **VALUATION CONCEPTS**

Cost concept, § 4:11 Income concept, § 4:11 Market concept, § 4:11

#### **VALUE**

Book Value, § 4:11
Fair Market Value, § 4:11
Fair Value, § 4:11
Investment Value, § 4:11
Replacement Value—land, § 4:11

#### **VALUER**

Generally, § 4:2, § 4:4

### VANCOUVER INTERNATIONAL ARBITRATION CENTRE

International Commercial Arbitration Rules of Procedure, **App K § K:4** 

### VIENNA INTERNATIONAL ARBITRATION CENTRE

Generally, **App K § K:33**Rules of Arbitration, **App K § K:33** 

### WORLD INTELLECTUAL PROPERTY ORGANIZATION

Generally, **App K § K:38**Mediation and Expedited Arbitration
Rules for Film and Media, **App K**§ **K:39**