



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

Dispute
Resolution
Services

Response to Appeal Form J

Guide For Completing Dispute Resolution Services (DRS) Forms

Use this form if you want to oppose a *Notice of Appeal* filed by another party to the arbitration hearing.

You must file this *Response to Appeal* with the Commission (address below) within **20 days** of receiving a letter from the Commission acknowledging the appeal. The Director of Arbitrations may extend the time limit 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

Responding to an Appeal

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

Upon receiving a properly completed *Notice of Appeal*, the Commission will promptly acknowledge the appeal by sending letters to all parties to the arbitration hearing.

If you want to oppose the *Notice of Appeal*, you must respond within **20 days** of receiving a letter from the Commission acknowledging the appeal. The Director of Arbitrations can extend the time limit based on the reasons for the delay and the apparent strength of the appeal.

Step 1

Complete this *Response to Appeal* form. After completing the form, you must serve a copy on the appellant. If the *Notice of Appeal* shows that the appellant is represented, you must serve the representative. If not, serve the appellant.

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 *Response to Appeal*
- Original *Statement of Service* form stating when and how you served the appellant with the *Response to Appeal*

Fee

If you are an insured person, there is no fee for filing a *Response to Appeal*.

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

Cross-appeals

If, in addition to responding to the *Notice of Appeal*, you also want to appeal any part of the arbitration order, you must file your own *Notice of Appeal*. The rules for appeals apply to "cross-appeals" including time limits and filing fee (**\$250**) and insurer assessment.

Step 2

When you receive the appellant's written submissions, your written submissions must then be served on the appellant and filed with the Commission within **20 days**.

Step 3

The Director or Adjudicator delegated or appointed by the Director of Arbitrations (known as the Director's Delegate) may decide the appeal with or without a hearing.

How to Complete the Response to Appeal

PLEASE PRINT

Appellant

This information can be found in the *Notice of Appeal*.

Respondent's Name and Address

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

Respondent'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 state the name of the firm. **A minor (a person under the age of 18) or a person who has been declared mentally incapable, must have a representative.**

Response to Appeal

Briefly state your response to the reasons for appeal set out in the *Notice of Appeal*. Attach extra sheets if necessary. Although you should state your position, it is not necessary for you to file your complete written submissions until later.

Response to Preliminary Matters

Provide your response to the preliminary matters raised in the *Notice of Appeal* (transcript, stay, preliminary or interim order, new evidence). The Director of Arbitrations or Director's Delegate may decide the preliminary matters without further submissions, so your response should be set out in detail. Attach extra sheets if necessary.

Transcript

If the appellant does not intend to order a transcript, you may state whether you think a transcript is needed for the appeal.

Stay of the Arbitration Order

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 dispute in the arbitration have been finally decided. If you object to the appeal of the preliminary or interim order, you must explain your objection.

It is likely that the issue of the right to appeal from a preliminary or interim order 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.

If you object to the introduction of new evidence, you should explain why you object.

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.

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