

2008 Annual Report

Canadian Motor Vehicle Arbitration Plan



2008 Annual Report

2008 Board of Directors

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Member Organizations

Association of International Automobile Manufacturers of Canada
Canadian Automobile Dealers Association
Canadian Vehicle Manufacturers' Association
Consumers' Association of Canada

The Governments of:

British Columbia; Alberta; Saskatchewan; Manitoba; Ontario; Quebec; New Brunswick; Nova Scotia; Prince Edward Island; Newfoundland and Labrador; Yukon Territory; Northwest Territories; Nunavut Territory

Participating Manufacturers

Chrysler Canada Inc.
Ford Motor Company of Canada, Limited
General Motors of Canada Limited
Honda Canada Inc.
Hyundai Auto Canada Corp.
Jaguar Land Rover Canada ULC.
KIA Canada Inc.
Mazda Canada Inc.
Mercedes-Benz Canada Inc.
Nissan Canada Inc.
Porsche Cars Canada Ltd.
Subaru Canada, Inc.
Suzuki Canada Inc.
Toyota Canada Inc.
Volkswagen Group Canada Inc.
Volvo Cars of Canada Corp.

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Arlene Weijers (Program Coordinator)
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For Program Administration information call (416) 490-0615 or facsimile (416) 490-1680.

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Letter from the Chair

In 2008, CAMVAP entered its 14th year of operation. The program provides consumers and the manufacturers of their vehicles with a dispute resolution program that is Canada wide and ensures that consumers' issues with their vehicles are handled the same way across the country.

The 2008 CAMVAP annual report is intended to provide consumers with information about the program and the results that have been achieved over the year. Consumers frequently wonder how well others have done when they have gone to arbitration. This report provides that information.

The annual report is only one source of information to which consumers have access in order to better understand CAMVAP and to prepare for cases. The CAMVAP website at www.camvap.ca is an excellent source of information. Along with this annual report, the consumer can find out whether or not a vehicle has been bought back through the program and the potential amount of a buyback. Doing so helps the consumer to determine whether a buyback may be the best alternative to consider, given their financial situation and the issues that they may bring to arbitration.

CAMVAP also recognizes the industry's ongoing commitment to the program and the services that it provides to consumers. This commitment is one of the elements of the program that makes CAMVAP work for both the manufacturer and the consumer.

I believe the information in this year's report will be helpful to consumers.



James Savary
Chair of the Board of Directors

2008 Operating Statistics

Here is what happened in 2008.....

CAMVAP handled 346 cases in total, of which 309 were fully arbitrated, 21 were conciliated between the time the case was filed and before the actual arbitration hearing could take place and 16 were consent awards under which the manufacturer and the consumer agreed to terms that they negotiated at the hearing. An additional 41 cases were either withdrawn by the consumer or found to be ineligible for CAMVAP. In chart form it looks like this:

	Number of Cases	Number of Arbitrated Cases	Number of Conciliated Cases	Number of Consent Awards
British Columbia	28	26	1	1
Alberta	47	41	0	6
Saskatchewan	13	13	0	0
Manitoba	10	8	1	1
Ontario	147	141	0	6
Québec	59	48	10	1
New Brunswick	10	9	1	0
Nova Scotia	12	11	1	0
Prince Edward Island	0	0	0	0
Newfoundland & Labrador	18	11	7	0
Northwest Territories	1	0	0	1
Nunavut	0	0	0	0
Yukon Territories	1	1	0	0
Totals	346	309	21	16

Arbitrated cases are those that proceed to a hearing at which point the arbitrator makes an award based on the evidence presented by the parties.

Conciliated cases are those where the consumer and the manufacturer agree to resolve the issues without the need for a hearing.

Consent cases are those in which the consumer and manufacturer agree on a settlement at the arbitration hearing and the arbitrator makes that agreement the 'award'

CAMVAP handled forty-four cases more than the 302 cases handled in 2007. This is still significantly under the 479 cases handled in 2005.

Nearly 90 per cent of the cases handled resulted in arbitration where CAMVAP provided an arbitrator to hear the case and make a decision based on the evidence provided by the manufacturer and the consumer.

Ontario's arbitrated cases were up significantly at 147 compared to 115 in 2007. This increased caseload in Ontario accounts for much of the year over year increase in arbitrated cases.

The CAMVAP board continues to be concerned about case numbers when compared to the number of vehicles potentially eligible for CAMVAP. While it is known that the manufacturers are working diligently to resolve potential CAMVAP cases before they make it into CAMVAP, the Board need to ensure that consumers are aware of the program and that its services remains an important priority for all stakeholders.

CAMVAP Arbitration Results

	Buyback With Reduction	Buyback No Reduction	Reimburse For Repairs	Make Repairs	Out of Pockets	No Jurisdiction	No Liability	Totals
British Columbia	7	1	0	4	0	0	15	27
Alberta	10	1	2	13	1	0	18	45
Saskatchewan	2	0	2	2	1	0	8	15
Manitoba	2	2	0	1	1	0	3	9
Ontario	40	6	3	33	2	0	70	154
Québec	14	2	3	10	2	0	22	53
New Brunswick	0	1	1	2	0	0	5	9
Nova Scotia	4	2	0	3	1	0	3	13
Prince Edward Island	0	0	0	0	0	0	0	0
Newfoundland & Labrador	6	0	1	3	1	0	2	13
Northwest Territories	0	0	0	0	0	0	0	0
Nunavut	0	0	0	0	0	0	0	0
Yukon Territories	0	0	0	1	0	0	0	1
Totals	85	15	12	72	9	0	146	339

When the 309 arbitrated cases are considered, consumers were successful 64% of the time at arbitration. This result is up 2 per cent from the 62% recorded in 2007. These results are consistent with the past several years. Also 16 cases were settled by consent at the hearing prior to the arbitrator making an award and 21 cases were resolved between the consumer and manufacturer without having to go through the CAMVAP process to an arbitration hearing.

When considering all cases in total and considering the consent awards as one award per case, the consumer success rate increases to nearly 60% across all arbitrated issues.

Buyback Awards In Arbitrated and Consent Cases

Number of Buybacks	102
Total Value of Buybacks Paid to Consumers	1,821,147
Average Value of Buybacks (Leased and Owned)	\$17,854

Of the 102 buybacks, 35 were cars, 21 were light trucks, 9 were minivans and 37 were sport utility vehicles. The average buyback amount was \$17,854 and the total amount paid to consumers for the vehicles that were bought back was \$1,821,147.

It should be noted when looking at the total amount of buybacks that this amount also includes leased vehicles under which the consumer is receiving back only a prorated part of the down payment. In such cases the consumer has been taken out of the lease contract; however the actual value of the vehicle cannot be captured through the information that CAMVAP receives as part of its award tracking mechanisms.

When considering the arbitrated and consent cases only, buybacks represent 32% of the awards made in CAMVAP cases.

Buybacks without a reduction for use were awarded in 17 of the cases and buybacks with reduction for use were ordered in the remaining 85 cases. Information on how to calculate a buyback amount is available on the CAMVAP website at www.camvap.ca.

Reimbursement Awards In Arbitrated and Consent Cases

These cases are those in which the consumer is awarded financial compensation for repairs that they have had done to their vehicles at their own expense and the arbitrator has determined that the manufacturer of the vehicle is responsible for those repairs. These cases are frequently those where warranty liability has been denied by the manufacturer, generally when the manufacturer believes that the consumer has abused the vehicle or has not properly kept up the maintenance of the vehicle.

Number of Reimbursements to Consumers	14
Total Value of Reimbursements	\$38,039
Average Reimbursement Per Claim	2,717

Out of Pocket Awards

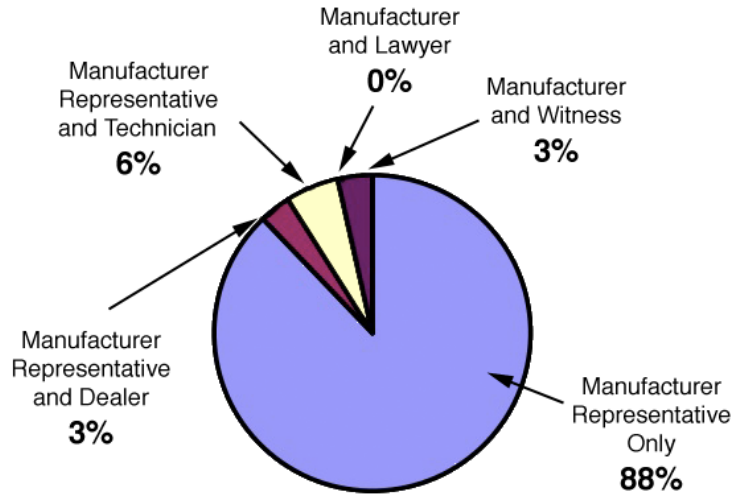
CAMVAP has an out of pocket payment up to \$500 that can be awarded for refunds of reasonable and documented expenses incurred for car rentals, accommodation, towing, taxis, diagnostic testing prior to the date of the hearing, and for weigh scale fees where weighing the vehicle was required to establish eligibility.

Frequently very few consumers apply for this award as these costs have already been covered by the manufacturer as part of their roadside assistance plans. Physically weighing the vehicle can occur when eligibility of a vehicle for the program needs to be determined. The program allows vehicles up to 4,536 kilograms. Some trucks are on the cusp of that weight and require being weighed as part of the process to determine eligibility.

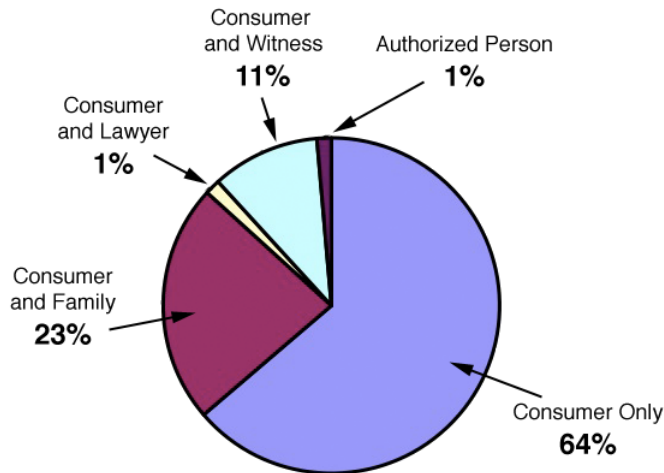
Number of Out of Pocket Allowance Awards Paid	9
Total Value of Out of Pocket Allowance Paid	\$1,934
Average Value of Out of Pocket Allowance Paid	\$215

Who Appears at the CAMVAP Hearings

Frequently, there will only be three people at a CAMVAP arbitration hearing: the consumer, a representative of the manufacturer and the arbitrator. In 88% of the cases the manufacturer's representative appeared alone at the hearing. Manufacturers' representatives appearing alone were up 9% from 2007. The attendance of dealer representatives was down by 3% and the bringing of witnesses was down by 5%.



On the consumers' side, the consumer appeared alone in 64% of the cases and brought a witness in 11% of the cases. Family members participated in 23% of the cases and the consumer was represented by either an authorized person or a lawyer in 2% of the cases.



Consumers are encouraged to bring witnesses and any other people that could assist them to make their case. Information from a witness that has experienced or observed the problem can significantly increase the strength of the consumer's case.

Vehicle Types and Consumer Concerns:

The engine, computer and electrical problems and paint and exterior problems continue to be the main issues on which CAMVAP cases are based. This chart varies only slightly year over year. It is based on the 325 arbitrated and consent award cases only, since information at this level of detail is not available for conciliated cases.

	Total Cases	Accessories	Air/Heat/Cool	Brakes	Computer/Electrical	Engine	Exterior	Interior	Steering/Suspension	Transmission	Total Complaints
Cars	125	8	10	12	26	44	34	11	40	28	213
Light Trucks	65	2	4	4	11	30	10	3	34	15	97
Mini Vans	32	4	3	1	12	10	12	6	8	7	63
Sport Utility	103	5	10	11	28	29	34	12	24	23	176
Totals	325	19	27	28	77	113	90	32	90	73	549

Case Timing

CAMVAP cases that can be completed with only one hearing averaged 67 days from the time the consumer’s application was received to the time the arbitrator’s award was distributed to the parties. However, cases in which there are two or more hearings took on average 79.5 days to complete in 2008. These cases frequently involve issues over the vehicle’s eligibility or where a technical inspection of the vehicle was required to provide the arbitrator with more information. Wherever possible, second hearings were handled by teleconference to speed the process and to minimize the impact on both the consumer and the manufacturer.

The CAMVAP standard for all cases is 70 days. The board of directors is concerned about the slippage in case timing, but also recognizes that some cases are more complex than others.

Hearing Locations

CAMVAP is available to consumers across Canada in their home community. This is one of the features of the program that particularly benefits consumers in rural or remote communities. The program comes to them; they are not required to travel to participate in a CAMVAP hearing.

British Columbia	High River	Barrie	Pembroke	Granby	Haut-Riviere-Du-Portage
108 Mile Ranch	Hinton	Belle River	Penetanguishene	Hébertville	Kedgwick
Abbotsford	Holden	Binbrook	Perth	Joliette	Miramichi
Aldergrove	Leduc	Bloomfield	Peterborough	Jonquière	Moncton
Brentwood Bay	Lethbridge	Blyth	Petrolia	La Ferme	Riverview
Burnaby	Lloydminster	Bracebridge	Pickering	La Baie	Sackville
Campbell River	Medicine Hat	Brampton	Port Colborne	Lac Aux Sables	Saint John
Celista	Mundare	Brantford	Port Elgin	Lac Hunqui	Saint-Norbert
Chetwynd	Olds	Bridgenorth	Port Lambton	Laprairie	Tracadie Sheila
Chilliwack	Peace River	Brockville	Port Perry	Lasalle	
Christina Lake	Red Deer	Burlington	Princeton	L'Assomption	Newfoundland and Labrador
Coquitlam	Sherwood Park	Cache Bay	Richmond Hill	Laterrière	Bay Roberts
Dawson Creek	Spirit River	Caledon	Sarnia	Laval	Bishops Falls
Delta	Spruce Grove	Caledon East	Sault Ste. Marie	Les Escoumins	Burin
Farmington	St. Albert	Callander	Scarborough	Longueuil	Cod Roy Valley
Fort Nelson	St. Paul	Cambridge	Sharon	Maniwaki	Cornerbrook
Fort St. John	Stony Plain	Carp	Smith Falls	Mascouche	Cow Head
Grand Forks	Strathmore	Chatham	Smithville	Matane	Gamble
Kamloops	Vermilion	Cochrane	St Thomas	Mistassini	Gambo
Kelowna	Vilna	Concord	St. Catharines	Montréal	Gander
Ladysmith	Wainwright	Cookstown	St. George	Mont St-Pierre	Grand Falls
Langley	Wembley	Corbell	Stayner	Notre-Dame-du-Lac	Lawn
Maple Ridge	Westlock	Courtice	Stittsfield	Otterburn Park	Long Cove
Montrose	Whitecourt	Cumberland	Stoney Creek	Petit-Matane	Mount Pearl
Nakusp		Drayton	Stoney Point	Québec	Paradise
Nanaimo	Saskatchewan	Dundas	Sudbury	Racine	Placentia
Nanoose Bay	Battleford	Elliot Lake	Tecumseh	Rawdon	Point Leamington
North Vancouver	Big River	Englehart	Thornhill	Repentigny	St. John's
Penticton	Buchanan	Espanola	Thorold	Richelieu	St. Phillips
Port Coquitlam	Buena Vista	Fort Frances	Thunder Bay	Roquemaure	Stephenville
Prince George	Cupar	Gananoque	Tilbury	Rosemont	Windsor
Prince Rupert	Emerald Park	Georgetown	Timmins	Roxboro	
Quesnel	Esterhazy	Geraldton	Toronto	Saguenay	Nova Scotia
Revelstoke	Hudson Bay	Grimsbey	Trenton	Shawinigan Sud	Amherst
Richmond	Humbolt	Guelph	Unionville	Shefford	Annapolis Royal
Saanichton	La Loche	Haileybury	Uxbridge	St-Adèle	Antigonish
Sidney	La Ronge	Haliburton	Verner	St-Appolinaire	Bedford
Sooke	Livelong	Hamilton	Vineland	St-Barnabé Sud	Boutilliers Point
Squamish	Maidstone	Havelock	Wasaga Beach	St-Bazile le Grand	Bridgewater
Surrey	Mervin	Holland Landing	Waterdown	St-Calixte	Caledonia
Taylor	Mortlach	Huntsville	Waterloo	St-Constant	Campbellton
Terrace	Nipawin	Innisfil	Welland	Ste-Foy	Chester Basin
Trail	Pierceland	Iron Bridge	Wendover	Ste-Hubert	Church Point
Ucluelet	Prince Albert	Kanata	Whitby	Ste-Sophie	Cleveland
Vancouver	Punnichy	Kincardine	White River	St-Étienne de Lauzon	Coldbrook
Vernon	Regina	Kitchener	Willowdale	St-Eustache	Crossroads Country Harbour
Victoria	Saskatoon	Kleinburg	Windsor	St-Félicien	Dartmouth
Williams Lake	Unity	La Salle	Woodbridge	St-Hyacinthe	Eastern Passage
Wynndel	White City	Leamington	Woodstock	St-Henri Lévis	Englishtown
		Listowel		St-Hubert	Florence
Yukon Territory	Manitoba	Little Britain	Québec	St-Isidore de Clifton	Grand Pre
Dawson City	Beausejour	Locust Hill	Alma	St-Jacques de Montcalm	Halifax
Whitehorse	Dauphin	London	Aylmer	St-Jacques Le Mineur	L'Ardoise
	Libau	Manitowaning	Baie-Comeau	St-Jérôme	Lower Sackville
Northwest Territory	Lorette	Manotick	Beauce	St-Martine	Lower Wedgeport
Yellowknife	McCreary	Maple	Beauport	St-Maurice	Marion Bridge
	Miami	Markham	Belcourt	St-Nicholas	New Glasgow
Alberta	Notre Dame	Meaford	Beloel	Stoneham	New Waterford
Airdrie	Souris	Midland	Blainville	St-Sophie	Port Hawkesbury
Bentley	St. Malo	Milton	Boucherville	St-Valérien	Shubenacadie
Beaumont	Steinbach	Mississauga	Bois -des -Filion	Terrebonne	Springfield
Breton	Stonewall	Mountain	Brossard	Trois-Rivieres	Sydney
Calgary	The Pas	Napanee	Canton Magog	Val-Bélair	Timberlea
Canmore	Virden	New Liskard	Chapais	Valleyfield	Truro
Canyon Creek	West St. Paul	Newmarket	Charlesmagne	Vaudreuil-Dorion	Tusket
Carvel	Winnipeg	Niagara Falls	Châteauguay	Verchères	Wellington
Cochrane		Nobleton	Chicoutimi		West Pubnico
Cold Lake	Ontario	North Bay	Chute-aux-outardes	New Brunswick	Western Shore
Drayton Valley	Acton	Oakville	Cowansville	Acadiaville	Williamstown
Edmonton	Ajax	Omeme	D'Anjou	Boucotoche	
Edson	Alfred	Orangeville	Deux-Montagnes	Bathurst	Prince Edward Island
Fort Saskatchewan	Alliston	Orians	Dolbeau-Mitassini	Burton	Corwall
Fort McMurray	Amherstburg	Osgoode	Gaspé	Dalhousie	Montague
Fort Vermilion	Amherstview	Oshawa	Gatineau	Dieppe	O'Leary
Grande Prairie	Ancaster	Ottawa		Edmundston	South Freetown
Grimshaw	Ayr	Owen Sound		Escuminac	
	Bancroft	Paris		Fredericton	

CAMVAP Governance

CAMVAP is a federally incorporated not-for-profit corporation. The 15 Associations and Governments that make up the CAMVAP organization are all members with voting rights at the Annual General Meeting.

The members of CAMVAP are the:

- Association of International Automobile Manufacturers of Canada (AIAMC)
- Canadian Automobile Dealers Association (CADA)
- Canadian Vehicle Manufacturers' Association (CVMA)
- Consumers' Association of Canada
- Provincial and Territorial Governments

An 11 member Board of Directors governs CAMVAP. The Board of Directors establishes policy and monitors the financial, administrative and operational performance of CAMVAP. The eleven members consist of two directors representing the AIAMC members, one director representing the CADA members, two directors representing the CVMA members, two directors representing the Consumers' Association of Canada and four Government directors representing the provincial and territorial governments.

The General Manager reports to the Board of Directors and is responsible for the day-to-day operational, administrative and financial management of the corporation. The General Manager is also Secretary to the Board of Directors and an officer of the corporation. The General Manager also served as Treasurer for all of 2008. The Program Coordinator and the Administrative Assistant/Bookkeeper provide support to the General Manager and to the Board of Directors.

CAMVAP Funding

CAMVAP is fully funded by the vehicle manufacturers through a formula that reflect each company's market share and past CAMVAP experience. Each manufacturer's payment for the program is calculated one year in advance. There is no connection between CAMVAP's funding and any individual case.

CAMVAP Arbitrators

The arbitrators who provide service to CAMVAP come from many backgrounds and professions. The arbitrators are completely independent of the program. The manufacturers are not involved in their appointment to the CAMVAP roster, their training, or their case selection. The arbitrators are paid a flat fee plus expenses for each case that they conduct.

When a case is to go to arbitration, the Provincial Administrator selects three names from the roster of arbitrators who are available to hold a hearing in the consumer's home community. The three names, each accompanied by a brief resume, are sent to the consumer who then selects one of the arbitrators to conduct the hearing.

The CAMVAP Agreement for Arbitration, together with the Arbitration Act and the applicable consumer protection legislation in the Province or Territory where the Arbitration is held, govern CAMVAP cases. In Quebec, the Civil Code governs arbitrations.

Provincial Administrators

The public face of CAMVAP are the Provincial Administrators who deliver the program across Canada. The Provincial Administrators are responsible for receiving and responding to enquiries, processing claim forms and applications for arbitration, scheduling hearings and technical inspections and communicating the results of hearings to the parties. All enquiries to CAMVAP's toll-free services are handled by the Provincial Administrators. The Provincial Administrators are paid a base fee to provide service to CAMVAP and an additional fee for each case handled.

Atlantic Canada

Better Business Bureau of the Maritime Provinces Inc.

1888 Brunswick Street, Suite 805, Halifax NS B3J 3B7

Tel: 1-800-207-0685 or Halifax area 902-422-2230 • Fax: 902-429-6457

Québec

Soreconi Inc.

35, 3107 avenue des Hôtels, Québec, (Québec) G1W 4W5

Tel: 1-800-207-0685 or Québec area 418-649-9292 • Fax: 1-418-649-0845

Ontario

T.O. Corporate Services

55 St. Clair Avenue West, Ste 255, Toronto, ON M4V 2Y7

Tel: 1-800-207-0685 or Toronto area: 416-921-2686 • Fax 416-967-6320

Manitoba

Better Business Bureau of Manitoba Inc.

1030-B Empress Street, Winnipeg MB R3G 3H4

Tel: 1-800-207-0685 or Winnipeg area 204-989-9017 • Fax: 204-989-9016

Saskatchewan

Better Business Bureau of Saskatchewan Inc.

980 Alberta Street, Regina SK S4R 2P7

Tel: 1-800-207-0685 or Regina area 306-352-7602 • Fax: 306-565-6236

Alberta & Northwest Territories

Alberta Arbitration & Mediation Services Inc.

10707-100 Avenue, Suite 605

University of Lethbridge Bldg, Edmonton AB T5J 3M1

Tel: 1-800-207-0685 or Edmonton area 780-439-9359 • Fax: 780-433-9024

British Columbia & The Yukon

Better Business Bureau of Mainland BC

788 Beatty Street, Suite 404, Vancouver BC V6B 2M1

Tel: 1-800-207-0685 or Vancouver area 604-682-6280 • Fax: 604-681-1544