



CAMVAP
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2010 and 2011 Annual Reports

Canadian Motor Vehicle Arbitration Plan

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THE CANADIAN MOTOR VEHICLE ARBITRATION PLAN



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2010 and 2011 Annual Reports

Member Organizations

Association of International Automobile Manufacturers of Canada (AIAMC)

Canadian Automobile Dealers Association (CADA)

Canadian Vehicle Manufacturers' Association (CVMA)

Consumers' Association of Canada (CAC)

The Governments of (G): British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador, Yukon Territory, Northwest Territories, Nunavut Territory

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For Consumer Information call the CAMVAP Provincial Administrator at 1-800-207-0685.

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



Canadian Motor Vehicle Arbitration Plan

The Canadian Motor Vehicle Arbitration Plan (CAMVAP) is a national dispute resolution program through which disputes between consumers and vehicle manufacturers related to allegations of manufacturing defects or how the manufacturer is implementing the new vehicle warranty can be resolved through binding arbitration.

CAMVAP is a federally incorporated not-for-profit corporation. Its operations are the product of long-term contractual agreements between the associations representing the vehicle manufacturers, consumers, the new vehicle dealers and the thirteen provincial and territorial governments. The program is fully paid for by the manufacturer members of the Association of International Automobile Manufacturers of Canada and the Canadian Vehicle Manufacturers' Association. Consumers are represented by the Consumers' Association of Canada and the dealers are represented through the Canadian Automobile Dealer Association.

CAMVAP is successful because the program addresses the needs of both consumers and vehicle manufacturers when all other means of resolving disputes fail to solve the consumer's problem. The program has retained the commitment of its stakeholders for more than fifteen years. The fact that the program is a voluntary initiative means that it has and can evolve over time to more effectively address the needs of its collective stakeholders.

Program Governance

The CAMVAP Board of Directors provides overall governance and direction for the program and monitors program operations that are managed through the General Manager and with two staff from a Toronto head office.

The CAMVAP team includes Provincial Administrators in seven locations across the country. These administrators, who, while part of the CAMVAP team are independent organizations that provide contract services to CAMVAP. They work to ensure that the consumer and the manufacturer are treated fairly and equitably throughout the arbitration of each and every case. The arbitrators used by CAMVAP are also independent from the program and provide their services on an as needed basis. CAMVAP roster arbitrators are located in all regions of Canada and are assigned cases within their region and occasionally outside their region as program needs require.

Consumer Access to the CAMVAP Program

Consumers can access CAMVAP through the program's website or by contacting the Provincial Administrator for their province or territory through the program's toll-free number 1-800-207-0685.

CAMVAP Arbitrators

The arbitrators who provide services to CAMVAP come from many backgrounds and professions and are completely independent from 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.



THE CANADIAN MOTOR VEHICLE ARBITRATION PLAN

When a case is to go to arbitration, the Provincial Administrator selects the next arbitrator on the roster of arbitrators who is available to hold a hearing in the consumer's home community. A brief resume for the arbitrator is sent to the consumer and the manufacturer.

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 is 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 consumer enquiries to CAMVAP are handled by the Provincial Administrators. The Provincial Administrators are paid a fee to provide service to CAMVAP and an additional fee for each case handled.

CAMVAP Annual Reports

You are invited to review this report for 2010 and 2011. It can also be found, in both official languages, on the CAMVAP website at www.camvap.ca or www.pavac.ca.

2010 and 2011 Program Results

At any given time over six million vehicles are eligible for CAMVAP as vehicles of the current model year and previous four model years are covered by the program. Eligible vehicles must be purchased or leased in Canada. Used vehicles are eligible for the program provided they meet the current and previous four model year criteria.

Program activity in 2010 and 2011 was particularly high with a significant amount of time devoted to the review and amendment of the Agreement for Arbitration. These amendments were approved by the Board of Directors in the spring of 2011 for implementation on December 1st, 2011.

Enhancements to the program for consumers include provisions such as the inclusion of cost of manufacturer supported extended service contract as part of the buyback calculation, which means the consumer can be reimbursed some of the costs for the manufacturer's extended warranty should a buy-back be awarded. Additionally, a separate remedy was established to reimburse consumers for any diagnostic testing they undertake to try to identify the problem with the vehicle. This remedy is in addition to the existing remedy for out of pocket expenses.

Program eligibility was also modified under the amendments to the Agreement for Arbitration by requiring that the problem with the vehicle be a current problem and one that remains an issue through the arbitration hearing. Also, allegations relating to the use of non-manufacturer parts (non-OEM) were specifically excluded from the program.



2010 Cases Handled

The overall number of cases handled in 2010 was down sixteen (16) cases from 2009, representing a drop of 5.6% in the cases that proceeded to arbitration. Thirty-eight (38) additional cases were withdrawn in the early stages of the case handling process and six (6) cases were determined to be ineligible for CAMVAP Arbitration.

Distribution of cases remained relatively consistent with previous years.

Province/Territory	Number of Arbitrated Cases	Number of Conciliated Cases	Number of Consent Awards	Total
British Columbia	12	1	0	13
Alberta	48	0	1	49
Saskatchewan	8	0	1	9
Manitoba	4	0	0	4
Ontario	111	0	3	114
Québec	42	11	7	60
New Brunswick	3	0	0	3
Nova Scotia	9	0	0	9
Prince Edward Island	1	0	0	1
Newfoundland & Labrador	6	1	0	7
Northwest Territories	0	0	0	0
Nunavut	0	0	0	0
Yukon Territories	0	0	0	0
2010 Totals	244	13	12	269

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

Conciliated cases are those when 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 manufacture agree on a settlement at the arbitration hearing and the arbitrator makes that agreement the 'award'.

2010 CAMVAP Award Results

(Based on 244 Arbitrated cases and 12 Consent Awards)

Province or Territory	Buyback with Reduction for Use	Buyback with No Reduction for Use	Reimbursement for Repairs	Make Repairs	Out-of-Pocket	Other Consent Award	Manufacturer has No Liability in all Matters Brought Forward	Arbitrator has No Jurisdiction	Number of Awards Issued
British Columbia	2	2	0	3	1	0	6	1	15
Alberta	10	1	3	11	2	1	24	1	53
Saskatchewan	3	1	1	2	2	0	3	0	12
Manitoba	2	1	1	1	1	0	0	0	6
Ontario	31	1	5	32	5	0	45	3	122
Québec	8	1	2	20	1	0	17	0	49
New Brunswick	2	0	0	1	0	0	0	0	3
Nova Scotia	0	0	2	0	1	0	7	0	10
Prince Edward Island	1	0	0	0	0	0	0	0	1
Newfoundland & Labrador	0	1	0	2	0	0	3	0	6
Northwest Territories	0	0	0	0	0	0	0	0	0
Nunavut	0	0	0	0	0	0	0	0	0



THE CANADIAN MOTOR VEHICLE ARBITRATION PLAN

The consumer success rate is 59% when the 256 arbitrated and consent cases are contrasted against the 105 cases where the manufacturer was successful in all of the issues brought forward at arbitration.

2010 Buyback Awards

Number of Buybacks	67
Total Value of Buybacks Paid to Consumers	\$1,714,689
Average Value of Buybacks (Leased and Owned)	\$25,592

The overall number of buyback awards was down significantly from the previous year. Some of this change may be linked to the improved quality of vehicles from all manufacturers together with the fact that many of the manufacturers are investing heavily at the front end of the program to try and resolve issues before they reach arbitration. There were no changes in the rules of the program in 2010 that affected buybacks.

2010 Reimbursement for Repair Awards

Number of Reimbursements to Consumers	14
Total Value of Reimbursements	\$19,918
Average Reimbursement Per Claim	\$1,433

The number of reimbursement for repair awards was up by four over 2009. These are cases where the consumer has paid for repairs to their vehicle and then claimed the cost of these repairs as part of their CAMVAP case.

2010 Out of Pocket Allowance

Number of Out of Pocket Allowance Awards Paid	13
Total Value of Out of Pocket Allowance Paid	\$3,622
Average Value of Out of Pocket Allowance Paid	\$279

This award is requested the least often. It covers diagnostic testing that may be done by the consumer in advance of filing a CAMVAP claim as well as vehicle rentals, taxis, towing, accommodation and weigh scale fees.

2010 Who Appears at CAMVAP Hearings?

Consumers appear alone in 57% of the cases. Each side may bring people to assist them.

Consumers bring a family member in 23% of the time, a witness in 19% of the cases, and an authorized person to assist them in 1%.

Manufacturers appear alone in 81% cases, and bring the dealer in 7% of their cases, a technician in 5% of the cases and a witness in 7% of the cases.

Neither consumers nor manufacturers used lawyers to present their case in 2010.



2010 Consumer Representation

Province/Territory	Number of Arbitrated Cases	Consumer Only	Consumer and Family	Consumer and Lawyer	Consumer and Witness	Authorized Person
British Columbia	\$12	8	2	0	2	
Alberta	\$48	27	11		10	
Saskatchewan	8	1	4	0	3	
Manitoba	4	3	1			
Ontario	111	60	25		24	2
Québec	42	31	7		4	
New Brunswick	3	1	2			
Nova Scotia	9	6	2		1	
Prince Edward Island	1	0			1	
Newfoundland & Labrador	6	3	2		1	
Northwest Territories	0	0				
Nunavut	0					
Yukon	0					
2010 Totals	244	140	56	0	46	2

2010 Manufacturer Representation

Province/Territory	Number of Arbitrated Cases	Manufacturer Only	Manufacturer and Dealer	Manufacturer and Technician	Manufacturer and Lawyer	Manufacturer and Witness
British Columbia	12	8	4	0		
Alberta	48	36	1	4		7
Saskatchewan	8	5	1			2
Manitoba	4	3	1			
Ontario	111	99	2	5		5
Québec	42	29	9	2		2
New Brunswick	3	2		1		
Nova Scotia	9	9				
Prince Edward Island	1	1				
Newfoundland & Labrador	6	6				
Northwest Territories	0					
Nunavut	0					
Yukon	0					
2010 Totals	244	198	18	12	0	16



2010 Vehicle Types and Consumer Concerns

Total Cases	Accessories	Air/Heat/Cool	Brakes	Computer/Electrical	Engine	Exterior	Interior	Steering/Suspension	Suspensino	Trans-mission	Total
Cars	121	4	6	9	24	37	28	13	30	26	177
Light Trucks	37	1	3	2	3	12	7	1	10	9	48
Mini Vans	18	1	0	3	8	6	6	2	3	4	33
Sport Utility	80	4	3	9	14	20	26	6	16	23	121
2010 Totals	256	10	12	23	49	75	67	22	59	62	379

*Based on 244 Arbitrated Cases and 12 Consent Awards. Red – Highest number of issues; Green, 2nd highest

The consumer concerns that are the subject of CAMVAP claims remain relatively stable year over year with engine, exterior, steering/suspension and computer/electrical being the key concerns raised.

2010 Case Timing

Cases in which there was only one hearing and no technical inspection ordered by the arbitrator were handled within 62.9 days, this being an improvement of 7.6 days from the 2009 results. The overall average case handling for all cases including those with technical inspections and with multiple hearings was 76.8 days, down 2.7 days from the previous year.

A number of changes were made to internal processes in the fourth quarter of 2010 to try to reduce the overall case timing to the 70 day standard set when the program first began operation in 1994.

2011 Cases Handled

Province/Territory	Number of Arbitrated Cases	Number of Conciliated Cases	Number of Consent Awards	Total Cases Handled
British Columbia	19	0	0	19
Alberta	44	0	4	48
Saskatchewan	7	0	0	7
Manitoba	2	0	1	3
Ontario	98	0	5	103
Québec	44	6	10	60
New Brunswick	7	2	1	10
Nova Scotia	14	2	1	17
Prince Edward Island	3	0	0	3
Newfoundland & Labrador	9	4	0	13
Northwest Territories	0	0	0	0
Nunavut	0	0	0	0
Yukon	0	0	0	0
2011 Totals	247	14	22	283

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

Conciliated cases are those when 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 manufacture agree on a settlement at the arbitration hearing and the arbitrator makes that agreement the 'award'.



CAMVAP handled 283 arbitrated, conciliated and consent award cases in 2011, which was up fourteen (14) cases over 2010. An additional thirty-nine (39) cases were withdrawn by the consumer at various points during the process and five (5) cases were found to be ineligible. The withdrawn and ineligible cases track similarly to the 2010 results.

Cases were up notably in Atlantic Canada, with Newfoundland and Labrador up from seven (7) cases in 2010 to thirteen (13) cases in 2011, New Brunswick from three (3) cases in 2010 to seventeen (17) cases in 2011. Distribution of cases among the other Provinces and Territories remained relatively consistent with previous years.

2011 CAMVAP Award Results

(Based on 247 arbitrated awards and 22 consent awards)

Province or Territory	Buyback with Reduction for Use	Buyback with No Reduction for Use	Reimbursement for Repairs	Make Repairs	Out-of-Pocket	Other Consent Award	Manufacturer has No Liability in all Matters Brought Forward	Arbitrator has No Jurisdiction	Number of Awards Issued
British Columbia	5	0	0	4	0	0	6	0	15
Alberta	12	5	0	15	3	3	24	0	62
Saskatchewan	0	0	1	3	0	0	3	0	7
Manitoba	1	0	0	2	0	0	1	0	4
Ontario	20	6	6	33	2	4	45	0	116
Québec	11	3	2	19	2	5	17	0	59
New Brunswick	3	1	1	1	0	2	0	0	8
Nova Scotia	3	0	1	5	0	0	9	0	18
Prince Edward Island	0	0	0	1	0	0	2	0	3
Newfoundland & Labrador	0	0	0	2	0	0	7	0	9
Northwest Territories	0	0	0	0	0	0	0	0	0
Nunavut	0	0	0	0	0	0	0	0	0
Yukon	0	0	0	0	0	0	0	0	0
2011 Totals	55	15	11	85	7	14	114	0	301

The consumer success rate is **57.6%% when the 269 arbitrated** and consent cases are contrasted against the 114 cases where the manufacturer was successful in all of the issues brought forward at arbitration.

2011 Buyback Awards

Number of Buybacks	70
Total Value of Buybacks Paid to Consumers	\$1,930,402
Average Value of Buybacks (Leased and Owned)	\$27,577

There were three (3) more buyback awards in 2011 over the sixty-nine (69) that was ordered in 2010. The value of the buyback awards increased significantly in 2011. This is can be attributed to the number of owned vehicles arbitrated versus the number of leased vehicles for which issues were arbitrated.



2011 Reimbursement for Repair Awards

Number of Reimbursements to Consumers	11
Total Value of Reimbursements	\$17,112
Average Reimbursement Per Claim	\$1,556

The number of reimbursement for repair awards ordered in 2011 is down two (2) cases from the thirteen 13 ordered in 2010. In these cases, the consumers were awarded repayment for repairs that had already been completed and paid for prior to the arbitration.

2011 Out of Pocket Allowance

This category of awards covers reasonable and documented expenses that occur prior to the hearing including vehicle rentals, diagnostic testing, accommodation, towing, taxis and weigh scale fees. As previously noted, under the changes to the Agreement for Arbitration implemented in December 2011, a separate award for diagnostic testing was established with consumers now being eligible to claim up to \$500 for diagnostic expenses completed prior to the hearing.

Number of Out of Pocket Allowance Awards Paid	7
Total Value of Out of Pocket Allowance Paid	\$1,787
Average Value of Out of Pocket Allowance Paid	\$255

2011 Who Appears at Camvap Hearings?

Consumers appeared alone in 52% of the 247 arbitrated cases and with family members in 31% of the cases.

Notably, two (2) consumers used counsel in 2011, a change from 2010 in which counsel was not present to represent consumers in any cases. The number of cases where the consumer brought witnesses decreased slightly in 2011 to thirty-seven (37) from the forty-six (46) cases in 2010. More emphasis by the program on the value of witnesses is needed as witnesses can assist in making the consumer’s case.

Manufacturers appeared alone in 78% of the cases handled, down slightly from the 81% noted in 2010. The other representatives brought to the hearing by the manufacturer remained consistent with previous years.



2011 Consumer Representation

Province/Territory	Number of Arbitrated Cases	Consumer Only	Consumer and Family	Consumer and Lawyer	Consumer and Witness	Authorized Person
British Columbia	19	8	8	1	1	1
Alberta	44	18	21	0	5	0
Saskatchewan	7	6	1	0	0	0
Manitoba	2	0	2	0	0	0
Ontario	98	58	20	0	19	1
Québec	44	25	9	0	10	0
New Brunswick	7	2	5	0	0	0
Nova Scotia	14	6	6	1	1	0
Prince Edward Island	3	1	2	0	0	0
Newfoundland & Labrador	9	6	2	0	1	0
Northwest Territories	0	0	0	0	0	0
Nunavut	0	0	0	0	0	0
Yukon Territory	0	0	0	0	0	0
2011 Totals	247	130	76	2	37	2

2011 Manufacturer Representation

Province/Territory	Number of Arbitrated Cases	Manufacturer Only	Manufacturer and Dealer	Manufacturer and Technician	Manufacturer and Lawyer	Manufacturer and Witness
British Columbia	19	14	2	2		1
Alberta	44	28	11	1		4
Saskatchewan	7	3	0	0		4
Manitoba	2	1	1	0		0
Ontario	98	87	3	5		3
Québec	44	33	6	3		2
New Brunswick	7	6	1	0		
Nova Scotia	14	12	2	0		
Prince Edward Island	3	3	0	0		
Newfoundland & Labrador	9	6	2	1		
Northwest Territories	0					
Nunavut	0					
Yukon	0					
2011 Totals	247	193	28	12	0	14



2011 Vehicle Types and Consumer Concerns

Total Cases	Accessories	Air/Hear/Cool	Brakes	Computer/Electrical	Engine	Exterior	Interior	Steering/Suspension	Transmission	Total Complaints	Total
Cars	102	3	3	7	14	31	20	7	30	26	141
Light Trucks	63	2	0	1	8	14	17	1	11	20	74
Mini Vans	22	0	1	5	5	11	3	1	3	6	35
Sport Utility	82	2	5	4	12	23	17	6	19	27	115
2011 Totals	269	7	9	17	39	79	57	15	63	79	365

These consumer concern results remained relatively consistent for 2011 with engine issues remaining the most frequent concern cited in claims for cars. Transmission issues were up significantly for light trucks at 20 in 2011 and 9 in 2010.

2011 Case Timing

Significant effort and attention was placed on improving case timing in 2011 with the one hearing and no technical inspection cases being handled in an average of 53 days, down an average 9.6 days from the 2010 results. The overall case handling averaged 70 days for cases that had one hearing and one or more technical inspection. Cases that had multiple hearings with one or more technical inspections averaged 84.7 days.



Provincial Administrator Contact Information

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.

1800 avenue industrielle, Suite 102, Québec, (Québec) G3K 1L8
Tel: 418-9159292 - Toll-free: 1-800-207-0685 • Fax: 1-418-915-9449

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.

2080 Broad Street, Suite 201, Regina SK S4P 1Y3
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
or Victoria area 250-386-6347 • Fax: 250-386-2367



Participating Manufacturers

Chrysler Canada Limited

Ford Motor Company of Canada, Limited

General Motors of Canada Limited

Honda Canada Inc.

Hyundai Auto Canada Corp.

Jaguar Canada Inc.

KIA Canada Inc.

Land Rover Group Canada Inc.

Mazda Canada Inc.

Mercedes-Benz Canada Inc.

Nissan Canada Inc.

Porsche Cars North America, Inc.

Subaru Canada, Inc.

Suzuki Canada Inc. (2010 Only)

Toyota Canada Inc.

Volkswagen Group Canada Inc.

Volvo Cars of Canada Corp.



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