



**Canadian Motor Vehicle Arbitration Plan COVID-19 Hearing, Vehicle Inspection
and Test Drive Protocol and Waiver of Liability for COVID-19
Updated August 1, 2022**

This COVID-19 Hearing Protocol (“Protocol”) outlines how Canadian Motor Vehicle Arbitration Plan (“CAMVAP”) arbitration hearings will continue to be conducted across Canada with respect to mitigating the effects of COVID-19. All hearings will continue to be governed by the Agreement for Arbitration and Provincial or Territorial health directions as they may affect CAMVAP Hearings if their requirements exceed those set by CAMVAP.

This protocol sets out certain requirements to be met as part of the hearing process. CAMVAP will continue to revise and amend these requirements in accordance with advice from public health authorities.

CAMVAP is taking all reasonable steps to provide a safe environment for in-person hearings to be held. CAMVAP accepts no liability or responsibility with respect to any possible COVID-19 infection that you believe may have occurred through your attendance at this in-person hearing.

As a requirement when setting up the hearing, the Provincial Administrator will,

- Always book the hearings in a room large enough to maintain physical distancing of at least 2 metres between each participant. This is mandatory and smaller rooms are not allowed. Hearing rooms will be booked based on five (5) persons in attendance with full physical distancing unless the Provincial Administrator determines that a larger room is required.
- Review the COVID-19 protocol with the hotel or facility providing the room to ensure that all COVID-19 protocols, including the sanitization of the room and the availability of hand sanitizer are met.

On the day before the hearing,

- **If any of the parties scheduled to attend a CAMVAP hearing has or believes that he or she might have COVID-19 or COVID-19 symptoms (not related to other pre-existing conditions) on the day prior to the CAMVAP hearing, you must contact the Provincial Administrator so that the hearing can be rescheduled. If you are unsure about having contracted COVID-19 use of a self-administered Rapid Antigen Test is recommended.**
- It is each party’s responsibility to ensure that any of their witnesses or persons who will be assisting them do not appear to have contracted COVID-19.

Prior to the parties arriving for the hearing,

- The arbitrator must self-evaluate his or her health in accordance with the screening tool.
- An in-person hearing will not proceed if the arbitrator determines that the conditions as set out in this protocol are not properly met.

When the parties arrive for the hearing,

- The arbitrator will orally confirm that each of the parties do not appear to have COVID-19 symptoms. Should any of the parties have any of the COVID-19 symptoms on the day of the hearing, that person may not enter the hearing room unless allowed to do so by the arbitrator. If any party is excluded because of COVID-19 symptoms, after consultation with the other parties, the arbitrator will decide on whether to continue the hearing in the absence of the excluded party. That person may attend the hearing by telephone if doing so is possible. **The decision to proceed with the hearing is solely the arbitrators to make.**

The following are known COVID-19 symptoms.

- Fever and/or chills
- Cough or barking cough
- Shortness of breath
- Sore throat
- Decrease or loss of sense of taste or smell
- Headaches
- Unexplained fatigue or muscle aches/joint pain
- Nausea/vomiting, diarrhea, or abdominal pain (not related to pre-existing conditions)
- Runny nose or nasal congestion without other known cause.

At the Hearing,

- **Parties may not enter the hearing room until allowed to do so by the arbitrator.**
- The arbitrator has full discretion to exclude from the hearing any person who is not required for the purpose of determining the outcome in the hearing. This will be done to ensure the minimum number of persons in the hearing room at any time.
- If, at any time, any of the participants begins to experience COVID-19 symptoms, that person should leave the room and may rejoin the hearing by telephone if it is possible for them to do so.
- **While inside the hearing room and while viewing the vehicle, participants may self-determine whether or not to wear a mask or a facial covering.**
- The hearing room should be equipped with hand sanitizer for the use of participants.
- Documents may be exchanged between the parties at the hearing.

Inspection of the Vehicle and Test Drives at Hearings

- **The arbitrator may conduct a test drive (whether alone, or with the parties to the hearing) at the arbitrator's sole discretion. When doing so, the arbitrator should wear a mask or face covering and should consider wearing gloves so as not to touch surfaces.**
- **The consumer and the manufacturer may, at the arbitrator's sole discretion, be present and participate in the test drive at the hearing. Due to the parties being in close proximity to each other, masks must be worn during the vehicle inspection and test drive.**
- **The arbitrator may decline to enter the vehicle should they wish to do so with respect to their own health requirements. Similarly, the manufacturer may also make that determination.**

Vehicle Inspection

- The Vehicle Inspection Form for condition of the vehicle will be completed. The form requiring the signatures and dating of the form by the consumer, manufacturer and arbitrator will be used.

If any of the parties cannot attend the hearing due to COVID-19 restrictions,

- The matter will be referred to the arbitrator. The arbitrator may call for a teleconference hearing to best determine how to move the case forward.