



Canadian Motor Vehicle Arbitration Plan COVID-19 Hearing Protocol Updated February 25, 2022

This COVID-19 Hearing Protocol (“Protocol”) outlines how Canadian Motor Vehicle Arbitration Plan (“CAMVAP”) arbitration hearings will be conducted across Canada during the COVID-19 pandemic. All hearings will continue to be governed by the Agreement for Arbitration.

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

This CAMVAP in-person hearing is being held while the COVID-19 pandemic continues to affect CAMVAP’s operations. 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. The Provincial Administrator will also advise the parties of any additional public health restrictions that are required by the hotel or facility providing the room.

On the day before the hearing,

- The arbitrator and parties are to self-administer the COVID-19 Screening tool attached to this protocol. If the answer to any of the questions is YES, the party is to contact the Provincial Administrator for the hearing to be rescheduled.
- It is each party’s responsibility to ensure that any of their witnesses or persons who will be assisting them also self-administer the screening tool.

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 the screening tool are not properly met.

When the parties arrive for the hearing,

- The arbitrator will orally complete the screening tool one by one with each party.
- Should any of the parties answer YES to any of the questions set out in the screening tool below or have any of the COVID-19 symptoms on the day of the hearing, that person may not enter the hearing room. 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 be able to attend the hearing by telephone or virtual video if doing so is possible. The decision to proceed with the hearing is solely the arbitrator's to make.

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, the hearing should be immediately adjourned.
- **While inside the hearing room and while viewing the vehicle, participants must always wear a mask or a facial covering.**
- Masks should be made of quality materials, fit snugly, and cover one's nose and mouth.
- The hearing room should be equipped with hand sanitizer for the use of participants.
- No documents are to be exchanged between the parties at the hearing. All documents must have been filed in advance.

Temporary suspension of test drives

- **The arbitrator may not conduct a test drive (whether alone, or with the parties to the hearing).**
- If a physical inspection of the interior of the vehicle is found to be necessary, the arbitrator will order a technical inspection of the vehicle through the regular process for ordering a technical inspection.

Vehicle Inspection

- The Vehicle Inspection Form for condition of the vehicle will continue to be completed. Internal inspection of the vehicle must be completed without entering the vehicle.
- **The odometer reading shall be taken from outside of the vehicle. If not readable, a camera may be used to record the reading.**

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.

COVID-19 Screening Tool

1. Have you travelled outside of Canada in the past 14 days and been told to quarantine (per the federal requirements)?

YES or NO

2. Has a doctor, health care provider, or public health unit told you that you should currently be isolating?

YES or NO

3. Do any of the following apply?

- a. You live with someone who is currently isolating because of a positive COVID-19 test?
- b. You live with someone who is currently isolating because of COVID-19 symptoms?
- c. You live with someone who is waiting for a COVID-19 test result?

YES or NO

4. In the last 10 days, have you tested positive on a rapid antigen test or home-based self-testing kit?

YES or NO

5. In the last 10 days, have you been identified as a “close contact” of someone who currently has COVID-19 or has symptoms of COVID-19?

YES or NO

6. Do you have any of the following symptoms:

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

YES or NO

To proceed with an in-person hearing, the answer to all of the above questions must be NO.

- If a party to the hearing answers YES to any of the above questions, the hearing must be postponed.
- If a potential witness or participant in the hearing answers YES to any of the above questions, and the parties require that person to be in attendance, the hearing must be postponed.