

2009 Annual Report

Canadian Motor Vehicle Arbitration Plan



2009 Annual Report

2009 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 North Canada Ltd.
Subaru Canada, Inc.
Suzuki Canada Inc.
Toyota Canada Inc.
Volkswagen Group Canada Inc.
Volvo Cars of Canada Corp.

Staff

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Letter from the Chair

When consumers are considering CAMVAP, this annual report and those that precede it will provide useful background on how the program works and how consumers have fared over the years.

CAMVAP wants consumers accessing the program to understand the program, how to prepare for the hearings, what to expect as a possible award and the likelihood of success based on the experience of other consumers over the past years.

While the number of cases completed in 2009 decreased, the percentage of consumers who successfully arbitrated their case remains constant year over year. The board of directors is watching these numbers and assessing the trends. It remains important that CAMVAP monitor the level of its awareness while also recognizing that the quality of the vehicles continues to improve each year. Moreover, and perhaps more importantly, manufacturers are changing their strategies to deal with CAMVAP cases. More than ever, manufacturers are working with consumers to try to resolve issues before they become a CAMVAP case. Their objectives are enhanced customer service and keeping the consumer loyal to their product line.

Please take the time to read our report and the results achieved by those using CAMVAP in 2009.



James Savary
Chair of the Board of Directors

2009 Operating Statistics

Case Numbers

CAMVAP handled 285 cases in 2009. This significant drop in the number of cases handled from the 346 cases handled in 2008 represents a reduction of 17.6% in the total number of cases handled. An additional 31 cases were withdrawn during the initial stages of the CAMVAP process and 8 cases were found by arbitrators to be ineligible for the program.

In 2009, about 1.46 million vehicles that could potentially be eligible for CAMVAP were sold in the Canadian market place. When considered as a percentage, only .019% of potentially eligible vehicles ended up in the program.

The distribution of cases between the provinces and territories changed slightly with the percentage of Ontario cases increasing from 42.4% of the cases in 2008 to 53% in 2009. Thus Ontario returned to its traditional position of handling about 50% of CAMVAP cases annually. Distribution of cases shifted in a number of provinces, notably in Alberta which accounted for 20% of the total cases handled in 2009, up from 13.5% in 2008.

	Number of Cases	Number of Arbitrated Cases	Number of Conciliated Cases	Number of Consent Awards
British Columbia	22	19	3	0
Alberta	57	56	0	1
Saskatchewan	16	16	0	0
Manitoba	7	6	1	0
Ontario	105	103	0	2
Québec	47	34	9	4
New Brunswick	9	8	1	0
Nova Scotia	10	10	0	0
Prince Edward Island	1	1	0	0
Newfoundland & Labrador	10	9	1	0
Northwest Territories	1	1	0	0
Nunavut	0	0	0	0
Yukon Territories	0	0	0	0
Totals	285	263	15	7

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 in which 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 the manufacturer agree on a settlement at the arbitration hearing and the arbitrator makes that agreement the 'award'

When the withdrawn and ineligible cases are not included, almost 95% of the cases handled by CAMVAP went to arbitration.

Awareness of the program remains an issue, but a number of other factors also need to be considered, most notably the overall quality of vehicles and the manufacturer's approach to resolving issues before they become a CAMVAP case. Many of the manufacturers use the notification of a CAMVAP case as a tool in their customer satisfaction process that allows them to take extra steps to resolve customer issues. The fact that manufacturers are taking this approach is a clear sign that CAMVAP is working for both the consumer and the manufacturer.

CAMVAP Arbitration Results

Of the 263 arbitrated cases, consumers were successful 62% of the time at arbitration. This result is down 2 per cent from the 64% recorded in 2008. These results are consistent with the past several years. Also 7 cases were settled by consent at the hearing prior to the arbitrator making an award and 15 cases were resolved between the consumer and manufacturer without having to go to an arbitration hearing.

	Buyback No Reduction	Buyback With Reduction	Reimburse For Repairs	Make Repairs	Out of Pockets	No Jurisdiction	No Liability	Totals
British Columbia	2	4	0	2	1	1	10	20
Alberta	7	17	1	16	1	0	18	61
Saskatchewan	2	2	5	2	2	0	8	21
Manitoba	2	2	0	0	0	0	2	6
Ontario	11	31	3	17	4	2	44	114
Québec	0	4	1	15	0	0	17	41
New Brunswick	2	2	0	1	0	0	3	9
Nova Scotia	1	0	0	3	0	0	7	11
Prince Edward Island	0	0	0	1	0	0	0	1
Newfoundland & Labrador	1	0	0	3	0	0	6	10
Northwest Territories	0	0	0	0	0	0	1	1
Nunavut	0	0	0	0	0	0	0	0
Yukon Territories	0	0	0	0	0	0	0	0
Totals	28	62	10	62	8	3	116	287

Buyback Awards In Arbitrated and Consent Cases

CAMVAP buybacks totaled more than \$2.14 million in 2009. The average award was up significantly, largely because one of the vehicles bought back in 2009 was worth more than \$200,000.

There were 27 cars, 13 light trucks, 15 minivans and 38 sport utility vehicles bought back by the manufacturers in 2009. When the arbitrated and consent award cases are considered, buybacks accounted for 34% of the CAMVAP awards. This is two percent more than was the case in 2008.

Number of Buybacks	93
Total Value of Buybacks Paid to Consumers	\$2,143,899
Average Value of Buybacks (Leased and Owned)	\$23,053

Buybacks are an important award in the range of awards that consumers can get through the CAMVAP process. However, consumers need to consider carefully whether a buyback is the best award in their circumstances. Repair awards (see below) are an important alternative, particularly when the deficiencies in the vehicle can be resolved. Anecdotally, it is known that many consumers like and want to keep the vehicle that is the subject of arbitration; they simply would like it repaired and that it remain trouble-free.

Reimbursement Awards In Arbitrated and Consent Cases

It may occur that the issues with the vehicle have been resolved previously, but the arbitrator is asked to consider who should pay the costs of the repairs. This situation can arise when the manufacturer declines warranty repairs, frequently because there is a dispute about abuse of the vehicle or its past maintenance.

Number of Reimbursements to Consumers	10
Total Value of Reimbursements	\$17,825
Average Reimbursement Per Claim	\$1,782

Out of Pocket Allowance In Arbitrated and Consent Cases

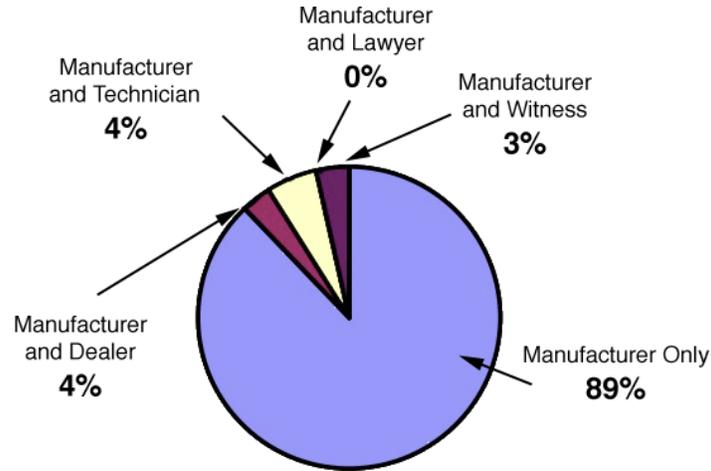
Out of pocket payments are covered in the CAMVAP program. Consumers can claim expenses up to a total of \$500 for documented expenses that include car rentals, accommodations, towing, taxis, diagnostic testing prior to the date of the hearing and for weigh scale fees where weighing the vehicle was required to establish eligibility of the vehicle.

Very few consumers make claims under this segment of the program, partially because many of the expenses may have already been covered through the vehicle manufacturer's roadside assistance program. Using this expense category for obtaining preliminary diagnostic testing of the vehicle could assist the consumer in determining whether he or she has a provable case.

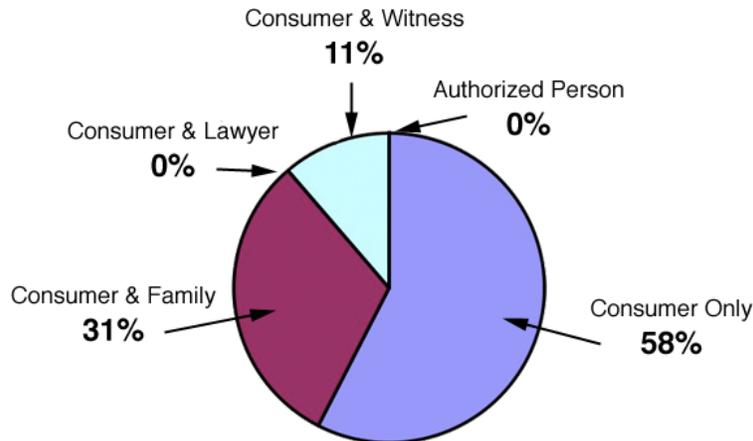
Number of Out of Pocket Allowance Awards Paid	8
Total Value of Out of Pocket Allowance Paid	\$2,114
Average Value of Out of Pocket Allowance Paid	\$264

Who Appears at CAMVAP Hearings?

CAMVAP tracks who appears at hearings using the information included in the arbitrator's written award. Prior to the arbitration both parties are required to provide the names of who will be attending the hearing and what their role will be at the hearing. This way both sides, the manufacturer and the consumer, can better prepare for the hearing.



The manufacturer's representative appeared alone at the hearing in 89% of the cases in 2009. This is up by one per cent from 2008. The other participant combinations for the manufacturer are also consistent with 2008.



Consumers represented themselves in 58% of the cases. This is down from the 64% of consumers doing the same in 2008. On the other hand, consumers and family members were up by eight percent over 2008. Often the family member assists in presenting the case and may appear as a witness. Witnesses are an important element in a case and can serve to corroborate the case being made by adding first hand testimony.

Vehicle Types and Consumer Concerns

CAMVAP tracks complaints made by consumers. There is very little variation in the charts year over year. Consumers may have one or more than one complaint about the vehicle. Issues involving engine complaints accounts for the greatest number of complaints received, followed by exterior, steering and suspension and transmission issues with the numbers and percentages being relatively similar year over year. This information is from the arbitrated and consent cases only.

	Total Cases	Accessories	Air/Heat/Cool	Brakes	Computer/Electrical	Engine	Exterior	Interior	Steering/Suspension	Transmission	Total Complaints
Cars	108	2	1	7	14	38	28	6	20	27	143
Light Trucks	48	1	2	2	7	19	5	3	13	13	65
Mini Vans	33	4	3	6	14	9	11	2	8	13	70
Sport Utility	81	4	4	7	24	29	23	5	19	20	135
Totals	270	11	10	22	59	95	67	16	60	73	413

Case Timing

Cases in which there was only one hearing averaged 70.54 days in 2009. This is up 3.5 days over the 2008 experience of 67 days. Cases in which there is more than one hearing include cases that have preliminary eligibility hearings or an additional hearing to address issues raised during a technical inspection of the vehicle. These cases now average 81.6 days, up from 79.5 days in 2008.

Cases have become more complex over the years, both in the information and evidence provided by both the consumer and the manufacturer. Eligibility hearings add several days to the process, as do cases where a technical inspection of the vehicle is ordered.

The CAMVAP standard was set 15 years ago at 70 days. The CAMVAP process has evolved since the 70 days standard was set. The program now includes eligibility and second hearings which can increase the number of days to complete some cases. As well, vehicles have become much more complex and the need for technical inspections has increased.. The 70 day case completion standard is now under review.

Hearing Locations

One of CAMVAP's significant achievements is that the program is available to consumers no matter where they live in Canada and, more importantly, the hearing will be held at or near the consumer's home community. The chart below sets out where hearings were held in 2009.

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

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:

- 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 2009. 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 fee to provide service to CAMVAP and an additional fee for each case handled.

Atlantic Canada

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Alberta & Northwest Territories

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